

# Implementation of Restorative Justice by the Semarang Police Criminal Investigation Unit to Criminal Perpetrators during the Investigation and Prosecution Stages

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## ABSTRACT

This study examines the application of restorative justice by the Semarang City Police Criminal Investigation Unit (Satreskrim) in handling perpetrators of criminal acts during the stages of investigation and inquiry. The study arises from the need for alternative solutions to criminal cases that prioritize not only punishment but also the restoration of conditions for victims, offenders, and the wider community. The research is directed toward two central problems: first, how restorative justice is applied by the Semarang City Police, and second, what factors support or hinder its implementation. Using a juridical-sociological approach with descriptive analytical methods, this study relies on both primary and secondary data. Primary data were collected through interviews with police officers, victims, perpetrators, and community leaders involved in the settlement process. Secondary data were obtained from laws, regulations, literature, and previous studies. Data were analyzed qualitatively through reduction, presentation, and conclusion, guided by Howard Zehr and John Braithwaite's restorative justice theory as well as Soerjono Soekanto's theory of legal effectiveness. Findings reveal that restorative justice is implemented primarily through mediation, where perpetrators, victims, families, and community representatives meet to achieve peaceful agreements. These agreements generally consist of apologies, compensation, and case dismissal as regulated in Police Regulation Number 8 of 2021. Supporting factors include a clear legal foundation, institutional support, adequate facilities, and strong traditions of deliberation in society. Nevertheless, challenges remain, such as limited officer comprehension, differing views with prosecutors, weak regulatory enforcement, and public preference for retributive justice. The study concludes that restorative justice has shown positive results but requires stronger regulations, capacity building, and wider public education for consistent application.

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## INTRODUCTION

Criminal law enforcement in Indonesia is still dominated by a retributive paradigm that emphasizes punishment for perpetrators. The retributive model tends to place the perpetrator at the center of attention, while the needs of victims and the community receive little space in the criminal justice process. This approach often fails to fulfill a sense of substantive justice because it is unable to repair victims' losses or repair disrupted social relationships. With the development of modern legal thought, the need has emerged for alternative mechanisms that emphasize restoration rather than punishment alone. One such mechanism is restorative justice, which is seen as more humane and adaptive to the social context of Indonesian society (Zehr, 2002). Therefore, the concept of restorative justice has begun to be widely applied in various criminal justice systems in Indonesia.

Restorative justice is an approach that prioritizes the involvement of the perpetrator, victim, family, and community in collectively resolving the impact of the crime. This approach shifts the focus from mere punishment to restoration for both the victim and the perpetrator, emphasizing dialogue and peaceful settlements (Braithwaite, 1989). Through this mechanism, the perpetrator is given the opportunity to take responsibility, apologize, and compensate for losses, while the victim receives more concrete reparations. At the same time, the community is involved in maintaining social harmony that has been disrupted by the crime. Thus, restorative justice provides a middle ground that balances legal interests, justice for the victim, and the opportunity for the perpetrator to socially reintegrate. This principle aligns with Indonesian cultural values, which uphold deliberation and peaceful resolution.

The development of the restorative justice concept in Indonesia has received formal recognition through the issuance of various regulations. One such regulation is Indonesian National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice. This regulation provides the legal basis for the police to exercise discretion in resolving certain cases outside of formal judicial channels. This regulation strengthens the police's position as the vanguard in implementing restorative justice, particularly during the investigation and inquiry stages (Sadjijono, 2005). Furthermore, the National Police Chief's Circular Letter Number SE/8/VII/2018 also emphasizes the mechanism for resolving criminal cases through non-litigation channels based on the principles of restorative justice. This regulatory framework demonstrates a paradigm shift in criminal law in Indonesia toward a model that is more responsive to community needs.

The police, particularly the Criminal Investigation Unit (Satreskrim), play a strategic role in implementing the concept of restorative justice. This is because the Satreskrim is the first unit to handle public reports of criminal acts and is also authorized to conduct inquiries and investigations. At this stage, the decision to continue or discontinue the case process can be considered through police discretion. This discretionary practice allows the police to choose non-litigation solutions that take into account the interests of victims, perpetrators, and the community (Indarti, 2000). However, the use of discretion must be exercised carefully to avoid arbitrariness, but rather to prioritize the principles of justice and proportionality. Thus, the implementation of restorative justice by the Satreskrim is a concrete manifestation of the

police's role in maintaining legal order and social harmony.

Semarang, as one of Indonesia's metropolitan areas, has complex social dynamics and a relatively high crime rate. This means the Semarang Police frequently handles various criminal cases involving diverse backgrounds of perpetrators and victims. In this context, the application of restorative justice is relevant because it can reduce the caseload while resolving conflicts more quickly and fairly. The Semarang Police have implemented this mechanism in a number of cases, particularly minor crimes, with quite positive results. This implementation not only reduces the backlog of cases in court but also increases public trust in the police institution. However, its effectiveness depends heavily on regulatory support, the quality of officers, and public acceptance of peaceful resolution mechanisms.

Although restorative justice brings many benefits, its implementation is not without challenges. One is the limited availability of regulations, which are not yet fully binding and comprehensive, as some regulations are still in the form of internal circulars. Another obstacle is the differing perceptions among law enforcement officials, particularly the police and prosecutors, regarding the implementation of restorative justice (Hariyanto, 2023). Furthermore, societal factors also influence this, as not all parties, especially victims, are willing to resolve cases through peaceful mechanisms. A legal culture that still tends to be retributive leads some to believe that justice can only be achieved through formal punishment. These obstacles highlight the need for a more in-depth evaluation of the implementation of restorative justice in the field.

The factors influencing the effectiveness of the law in implementing restorative justice can be explained through Soerjono Soekanto's theory. This theory emphasizes that legal effectiveness is determined by five factors: legal substance, law enforcement officers, facilities, society, and legal culture (Soekanto, 2008). In the context of the Semarang Police, these five factors play a crucial role, both supporting and hindering the implementation of restorative justice. For example, clear regulations are a supporting factor, while limited facilities and officer workload are obstacles. By analyzing these factors, a more comprehensive picture can be obtained regarding the actual conditions of restorative justice implementation at the investigation and inquiry levels.

In addition to the theory of legal effectiveness, this study also utilizes the restorative justice theory developed by Howard Zehr and John Braithwaite. Zehr (2002) emphasized the need for a paradigm shift from punishment to restoration, while Braithwaite (1989) highlighted the importance of social reintegration in the criminal justice process. Both theories are relevant to assessing the extent to which the implementation of restorative justice at the Semarang Police Headquarters (Polrestabes) achieves the goals of victim recovery, perpetrator accountability, and social harmony. By combining these two theories, this study highlights not only normative aspects but also empirical aspects that occur in the field. This analysis is expected to provide academic contributions as well as practical input for the development of restorative justice policies in Indonesia.

Based on the above description, it is important to examine how the Semarang City Police Criminal Investigation Unit (Satreskrim Polrestabes) applies restorative justice to

perpetrators of crimes during the investigation and inquiry stages. Furthermore, it is also necessary to examine the supporting and inhibiting factors that influence the effectiveness of its application. This study is expected to provide a comprehensive understanding of restorative justice practices at the police level, while also formulating recommendations for more effective implementation. Therefore, the objectives of this study are: first, to determine and analyze the application of restorative justice by the Semarang City Police Criminal Investigation Unit (Satreskrim Polrestabes) towards perpetrators of crimes during the investigation and inquiry stages. Second, to identify and evaluate the supporting and inhibiting factors in the application of restorative justice during the investigation and inquiry stages. These objectives are expected to provide both theoretical and practical contributions to the development of the concept of restorative justice in the criminal justice system in Indonesia.

## METHOD

This study uses a qualitative approach with a sociological juridical method. Through this approach, data analysis not only focuses on applicable legal norms but also on the reality of restorative justice implementation in the field by the Semarang City Police Criminal Investigation Unit (Adireja & Adillah, 2019). The research location was conducted within the jurisdiction of the Semarang City Police. Data sources in this study consist of primary data, secondary data, and tertiary data. Primary data were obtained directly from in-depth interviews with police officers from the Semarang City Police Criminal Investigation Unit, including the Head of the Criminal Investigation Unit, investigators, and officers involved in the implementation of restorative justice. In addition, primary data were also obtained from perpetrators of criminal acts, victims, and community leaders involved in the restorative justice-based case resolution process. Secondary data were obtained through a literature review that included laws and regulations, official documents, previous research results, and relevant journal articles. Meanwhile, tertiary data is obtained from legal literature, books and other scientific references which provide additional explanations to primary and secondary data (Amirudin & Asikin, 2012).

Data collection techniques used interviews, observation, and documentation. Interviews were conducted in both structured and semi-structured ways to gather in-depth information from police officers and related parties. Observations were conducted by observing the implementation of restorative justice at the Semarang City Police Headquarters to directly observe the dynamics that occurred. Documentation was obtained through the collection of official archives, minutes, investigative reports, and other supporting documents related to cases resolved through restorative justice mechanisms (Siyoto, 2015). To ensure data validity, this study employed triangulation techniques. Triangulation was conducted through three aspects: source triangulation by comparing statements from police officers, victims, perpetrators, and community leaders; technical triangulation by combining interviews, observation, and documentation; and time triangulation by collecting data on different occasions to test the consistency of informants' answers. The collected data were then

analyzed using descriptive qualitative analysis techniques. This analysis was conducted inductively, starting from empirical facts in the field and then drawing generalizations and interpretations in accordance with applicable legal theories and norms. With this method, it is hoped that the research can provide a comprehensive picture of the effectiveness of the application of restorative justice by the Semarang Police Criminal Investigation Unit in handling criminal acts at the investigation and inquiry stages.

## RESULTS AND DISCUSSION

### **Implementation of Restorative Justice by the Semarang Police Criminal Investigation Unit Against Criminal Perpetrators During the Investigation and Prosecution Stages**

In the Indonesian legal system, criminal cases are generally resolved through court proceedings led by a panel of judges. This mechanism is considered a formal way to enforce the law and impose sanctions on perpetrators of criminal acts. However, the judicial process is often considered protracted, expensive, and provides little direct benefit to victims (Soekanto, 2008). Article 2 paragraph (4) of Law Number 48 of 2009 concerning Judicial Power actually emphasizes the importance of the principles of simplicity, speed, and low cost. However, practice in the field often does not align with these principles. This has led to the emergence of alternative criminal case resolutions outside the courts. One model that is currently growing is the application of restorative justice (Zehr, 2002).

Restorative justice is an approach oriented toward restoring the situation, rather than simply punishing the perpetrator of a crime. This model emphasizes the active involvement of the perpetrator, victim, family, and community in resolving cases peacefully (Zehr, 2002). The Semarang Police Criminal Investigation Unit has adopted this approach in accordance with Police Regulation Number 8 of 2021 concerning Handling Criminal Acts Based on Restorative Justice. With this legal basis, investigators have discretion to discontinue cases if formal and material requirements are met. This demonstrates a paradigm shift from a retributive system to a more humane one. Furthermore, the application of restorative justice is also considered relevant to the basic values of law, namely justice, certainty, and expediency (Soekanto, 2008). Thus, this model addresses the needs of the community who desire faster and more effective case resolution.

Normatively, the legal basis for the application of restorative justice is also reinforced by several other regulations. Articles 205 and 310 of the Criminal Code serve as the primary references for resolving minor crimes. Furthermore, Supreme Court Regulation No. 2 of 2012 concerning Adjustment of the Limits for Minor Crimes and Attorney General Regulation No. 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice are also included. These regulations further emphasize the formal recognition of restorative justice within Indonesia's positive legal system. With this legal basis, the application of mediation and reconciliation is no longer considered merely a customary practice but rather an official part of the case resolution mechanism (Indarti, 2000). This provides legal certainty for investigators when terminating a case based on a peace agreement. Therefore, these regulations strengthen the position of restorative justice in the modern criminal justice system.

However, not all criminal cases can be resolved through restorative justice mechanisms. Articles 364, 373, 379, 384, 407, and 483 of the Criminal Code stipulate that only minor crimes with a maximum penalty of three months' imprisonment or a maximum fine of Rp2,500,000 can be resolved peacefully (KUHP, 2019). This limitation is intended to prevent abuse of discretionary authority by police officers. Furthermore, this provision also ensures that restorative justice is not used in serious crimes that have a significant impact on society. Therefore, restorative justice functions as a restorative instrument in certain, simple cases. Applying this model to less serious cases actually allows for the achievement of more substantial justice (Zehr, 2002). Within this framework, the Semarang Police Criminal Investigation Unit applies the principle of prudence at every stage.

The practice of restorative justice is not entirely new in the history of civilization. According to Andi Hamzah, resolving cases through peace mechanisms has long been practiced in various parts of the world, from Europe and the Middle East to Indonesia (Hamzah, 2001). The concept of restoration was first recognized in customary law systems, before being adopted by formal law, which tends to be retributive. The implementation of restorative justice in Indonesia is essentially a reaffirmation of the values of peaceful resolution that are deeply rooted in the community's culture. Therefore, its implementation at the Semarang Police Headquarters can be seen as a continuation of a more participatory legal tradition. In this way, the law not only regulates but also adapts to social needs. Restorative justice is thus closer to the community's sense of justice.

In the context of modern criminal law enforcement, restorative justice is seen as a new paradigm. This paradigm focuses not only on the perpetrator and punishment, but also on the victim and the community. Its primary goal is to empower all parties to repair the consequences of a crime. In this case, investigators act as facilitators, not simply as rigid law enforcers. The implementation of this model at the Semarang Police Headquarters allows for a peace agreement outlined in a formal contract. This agreement then serves as the legal basis for investigators to dismiss the case. Thus, restorative justice not only provides practical benefits but also strengthens public trust in the police.

From a theoretical perspective, the implementation of restorative justice at the Semarang Police Headquarters aligns with Howard Zehr's perspective. According to Zehr, crime is not merely a violation of the law but also a violation of human relationships. Therefore, the resolution must involve the victim, the perpetrator, and the community to restore disturbed relationships (Zehr, 2002). This approach is further reinforced by John Braithwaite's theory of reintegrative shaming. Braithwaite emphasizes the need to constructively shame the perpetrator so that they recognize their mistakes while still being given the opportunity to be accepted back into society. This concept appears to be applied in several cases in Semarang, where perpetrators are given the opportunity to apologize and compensate the victim. In this way, the legal process functions transformatively, not merely repressively (Braithwaite, 1989).

The implementation of restorative justice by the Semarang Police Criminal Investigation Unit is also inseparable from the concept of police discretion. Jerome Hall emphasized that

discretion is the inherent authority of law enforcement officers to choose the most appropriate action based on the specific circumstances. Sadjijono also stated that discretion is a legitimate authority as long as it is exercised according to the principles of legality, proportionality, and accountability. In the Semarang context, this discretion allows investigators to discontinue cases once a peace agreement has been reached. In other words, restorative justice cannot be implemented without investigator discretion. However, the use of this discretion must also be monitored to prevent abuse. Therefore, formal and material requirements are established as clear legal guidelines.

In practice, the Semarang police employ three approaches to implementing restorative justice. First, a normative approach, which views officers as enforcers of the law and part of the formal law enforcement system. Second, an administrative approach, which emphasizes structural relationships, both horizontal and vertical, within the police organization. Third, a social approach, which views restorative justice as part of the community's social system. With these three approaches, the implementation of restorative justice is understood not only as a legal obligation but also as a social necessity. Investigators must therefore be able to play a dual role, as law enforcers and mediators. This makes the implementation of restorative justice more complex, yet also more relevant.

The requirements for implementing restorative justice at the Semarang Police Headquarters are divided into material and formal requirements. Material requirements include:

1. Does not cause public unrest or rejection.
2. There are no social conflicts that have the potential to cause division.
3. Not related to radicalism, separatism, or serious crimes.
4. The perpetrator is not a repeat offender.
5. The case falls into the category of minor crimes.

With these conditions, the application of restorative justice remains selective and proportional.

Meanwhile, the formal requirements include:

1. There is a peace agreement between the perpetrator and the victim.
2. There is a written agreement signed by both parties.
3. There is fulfillment of victims' rights, including compensation and damages.
4. There is an active role for investigators in facilitating mediation.
5. There is formal supervision through a case title mechanism.

These formal requirements ensure that the peace agreement is truly legally valid and not the result of coercion. Thus, the application of restorative justice remains within clear legal boundaries.

The restorative justice implementation mechanism at the Semarang Police Criminal Investigation Unit (Satreskrim Polrestabes) involves several stages. Beginning with case identification, investigators assess whether the case meets formal and material requirements. They then invite the perpetrator, victim, family, and community leaders to mediate. The dialogue process is conducted on a voluntary and transparent basis. If an agreement is

reached, a written agreement is drawn up, which serves as the legal basis for the case termination. The investigators then issue an Investigation Termination Order (SP3). With this mechanism, restorative justice is not merely a concept but also has clear procedures (Polri, 2021).

**Table 1.** Restorative Justice Implementation Mechanism at the Semarang Police Criminal Investigation Unit

No.	Stage	Main Activities	Parties Involved	Expected results
1.	Case Identification	Investigators assess whether the case meets the requirements for restorative justice (light case, small loss, non-recurring).	Criminal Investigation Unit Investigator	Initial selection of cases worthy of RJ.
2.	Agreement of the Parties	The perpetrator and victim were given an explanation regarding peaceful resolution options.	Investigators, perpetrators, victims, families	Willingness to take the RJ path.
3.	Mediation	The dialogue was facilitated by investigators involving community/religious leaders.	Investigators, perpetrators, victims, families, community/religious leaders	Peace agreement between the perpetrator and the victim.
4.	Written Agreement	The agreement is set out in an official agreement signed by the parties.	Investigator, perpetrator, victim	Official document of RJ agreement.
5.	Termination of Case	Investigators issued SP3 based on the results of the peace agreement.	Investigator, Semarang Police	The case was legally terminated according to the law.
6.	Follow-up	Monitoring the implementation of agreements and evaluating the results.	Investigators, community, related figures	Certainty of implementation of the results of the agreement and restoration of social relations.

The mediation process in restorative justice places a strong emphasis on the principle of voluntary consent from all parties. There should be no pressure, coercion, or unilateral intervention that harms either party. To maintain moral legitimacy, religious and community leaders are usually involved in the dialogue process. Their presence strengthens the social

legitimacy of the resulting peace agreement. Furthermore, mediation is conducted with the interests of all parties, especially the victim, in mind. If an agreement is reached, an official document is drawn up, serving as the legal basis for dismissal. In this way, mediation is not merely a formality but truly achieves perceived justice.

Restorative justice at the Semarang Police Headquarters also adheres to the principle of substantive justice. Victims receive both material and immaterial compensation as agreed upon. Meanwhile, perpetrators are given the opportunity to correct their mistakes and avoid social stigma. Investigators play a role in balancing the interests of all parties to achieve a win-win solution. This approach is more humane than the retributive system, which emphasizes punishment alone. In practice, this model also prevents the emergence of new conflicts or prolonged resentment. Therefore, restorative justice not only resolves cases but also maintains social harmony. Thus, its benefits can be felt more widely by the community.

Although restorative justice has many advantages, its mechanism remains selective. Cases that result in loss of life, significant losses, or repeated incidents are generally not directed to this route. Investigators must also consider the potential social impacts of forcing a peaceful resolution. Therefore, restorative justice is only applied to cases that meet the requirements. This selectivity is crucial for maintaining police credibility in the eyes of the public. Therefore, the application of restorative justice does not create the impression that the law can be bought or bargained with. This principle of prudence is what ensures this mechanism operates consistently.

The research findings indicate that the implementation of restorative justice at the Semarang City Police Headquarters aligns with modern legal theories. Zehr emphasizes the importance of restoring social relations (Zehr, 2002), while Braithwaite emphasizes the reintegration of offenders (Braithwaite, 1989). These two theories serve as the philosophical foundation for restorative justice practices in Semarang. According to Hall and Sadjijono, police discretion also serves as a legal foundation that allows investigators to take alternative steps outside of formal channels. This integration of restorative theory and police discretion makes the mechanism in Semarang more humane and adaptive. This model demonstrates how theory can be implemented in legal practice (Sadjijono, 2005). Therefore, the implementation of restorative justice in Semarang can serve as a reference for developing a more responsive criminal law.

Based on this description, it can be concluded that the implementation of restorative justice by the Semarang Police Criminal Investigation Unit represents a significant innovation in criminal law enforcement. This approach focuses on victim recovery and perpetrator reintegration, rather than solely on punishment. The mechanism is implemented through strict formal and material requirements, as well as clear mediation procedures. Investigators utilize discretion as legal space to dismiss cases based on amicable agreements. With a strong legal basis, this implementation is not only normatively valid but also socially relevant. Ultimately, the restorative justice model in Semarang demonstrates that the law can function as a means of reconciliation and peace. Thus, restorative justice is a new paradigm worthy of expanded application in the Indonesian criminal justice system.

## **Supporting and Inhibiting Factors in the Implementation of Restorative Justice by the Semarang Police Criminal Investigation Unit at the Investigation and Prosecution Stage**

The implementation of restorative justice by the Semarang City Police Criminal Investigation Unit cannot be separated from the factors that influence legal effectiveness, as explained by Soerjono Soekanto. According to him, there are five main factors that determine the effectiveness of law in society: legal substance, law enforcement officers, means or facilities, society, and legal culture (Soekanto, 2007). These five factors work simultaneously and influence each other in law enforcement practices. In the context of restorative justice, these factors provide a comprehensive picture of how the law can be implemented not only from a normative perspective but also at the level of actual implementation. Thus, the effectiveness of restorative justice depends not only on existing regulations but also on the involvement of actors, community support, and developing cultural values. The interaction between these factors determines whether restorative justice can run smoothly or encounter obstacles. The following are the supporting and inhibiting factors in the implementation of restorative justice at the Semarang City Police Criminal Investigation Unit, using Soerjono Soekanto's legal effectiveness theoretical framework:

### **Legal Substantive Factors**

Legal substance is a key supporting factor in the implementation of restorative justice at the Semarang Police Headquarters. The enactment of Indonesian National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice provides a clear normative basis for officers. This regulation provides more detailed guidelines regarding the formal and material requirements for terminating an investigation based on a peace settlement. Furthermore, Circular Letter of the Chief of Police Number 8 of 2018 also serves as a reference in handling certain cases not specifically regulated in other regulations. With these legal guidelines, investigators gain greater confidence in taking legitimate discretionary action. The legal certainty provided by this regulation also serves as a means to convince victims and perpetrators that amicable settlements are legally binding. This demonstrates that legal substance has made a significant contribution to supporting the implementation of restorative justice.

However, legal substance also presents obstacles to the practice of restorative justice in Semarang. The Criminal Code (KUHP) and the Criminal Procedure Code (KUHAP), the primary legal frameworks for the Indonesian criminal justice system, have not fully accommodated the restorative approach. The KUHAP still places greater emphasis on resolving cases through formal judicial channels, leading investigators to sometimes hesitate when making peace decisions. This situation requires authorities to be careful in ensuring that termination of investigations does not conflict with criminal procedural law. This inconsistency also impacts the doubts of victims, who feel their rights are not fully guaranteed by a peace agreement alone. This obstacle poses a serious challenge to the implementation of restorative justice because it affects the legitimacy of the case resolution process.

Furthermore, the lack of uniform legal substance impacts the consistency of restorative justice implementation at the Semarang Police Headquarters. Although Police Regulation No.

8 of 2021 is in effect, not all officers share the same interpretation of the application of certain articles. Some investigators understand the rules progressively and are open to peaceful resolution, while others tend to be conservative. These differing interpretations often lead to disparate treatment of similar cases, creating a sense of legal uncertainty. This situation can undermine public trust in restorative justice mechanisms. Therefore, synchronized understanding is necessary to ensure that the legal substance truly functions as a supporting factor, not a detriment.

Another obstacle to the legal substance aspect arises from the lack of technical derivative regulations. For example, there are no regulations that specifically address standard operating procedures (SOPs) for conducting mediation or recording peace agreements. This forces officers in the field to sometimes rely on internal policies that are not uniform. As a result, the application of restorative justice can vary between units and even between cases within the Semarang Police Department. This lack of clarity also creates potential legal loopholes that could be challenged by certain parties. Thus, while legal substance is indeed a crucial factor, it still presents technical obstacles that need to be addressed immediately.

#### **Law Enforcement Factors**

Law enforcement officers are a crucial factor in the successful implementation of restorative justice at the Semarang City Police Headquarters. One prominent supporting factor is the strong commitment of some investigators to resolve minor criminal cases peacefully. Many investigators have participated in outreach programs regarding National Police Chief Regulation Number 8 of 2021, enhancing their understanding of restorative justice mechanisms. This improved understanding encourages officers to be more confident in using their discretionary authority in the field. Furthermore, support from the City Police leadership strengthens their motivation to ensure the optimal implementation of restorative justice policies. This structural direction serves as a crucial foundation for consistent implementation. With this combination of understanding and encouragement from the leadership, officers become the primary driving force behind implementing this policy. Therefore, law enforcement officers are a key supporting factor in the practice of restorative justice in Semarang City.

However, obstacles stemming from law enforcement officials themselves in implementing restorative justice remain. Not all investigators share a thorough understanding of the concept, resulting in variations in its implementation in the field. Some investigators still prefer formal justice channels, perceived as more legally secure. Hesitation stems from concerns about violating the Criminal Procedure Code (KUHAP) if cases are dismissed through mediation. The high workload also leads some officials to consider mediation more time-consuming than pursuing cases in court. This leads to inconsistencies among investigators in the application of restorative justice. This situation indicates the continued need for ongoing development. Thus, law enforcement officials also act as an inhibiting factor in the practice of restorative justice.

Besides the issue of understanding, another obstacle that arises stems from the

perception of officers regarding the effectiveness of restorative justice. Some officers still believe that peaceful resolution does not have a deterrent effect on perpetrators of crimes. This view leads them to prefer formal justice channels that are oriented towards punishment. However, the essence of restorative justice is the restoration of social relationships, not solely the imposition of punishment. The lack of an internal evaluation mechanism prevents these differing perceptions from being addressed promptly. As a result, the public perceives the implementation of restorative justice as inconsistent across all police units. This inconsistency can lead to a decline in public trust in the police institution. This highlights the need for evaluation and supervision to ensure more uniform implementation. This way, officers can optimize their role as mediation facilitators.

The interaction between officers and the community also significantly influences the success of restorative justice mediation. In some cases, investigators who are able to build good communication have successfully reached amicable agreements with the parties. However, a rigid attitude or lack of empathy from officers can discourage victims or perpetrators from engaging in mediation. Communication skills, empathy, and professionalism are key factors in this process. If officers demonstrate a humane attitude, the community is more receptive to a peaceful resolution. Conversely, if officers are perceived as biased, the restorative justice process often fails. This factor demonstrates that the role of officers is not limited to legal understanding but also social skills. Therefore, capacity building for officers must be directed at both technical and social aspects. In this way, officers are truly capable of carrying out their facilitative function fairly and effectively.

#### **Facilities and Infrastructure Factors**

The facilities and equipment of the Semarang Police Department have become a supporting factor in the implementation of restorative justice. The availability of a dedicated mediation room helps create a conducive atmosphere for both perpetrators and victims. This room provides a neutral atmosphere, making both parties feel more comfortable during discussions. Furthermore, the availability of standard documents such as settlement forms and minutes simplifies administration. The use of an information system has also begun to be implemented to neatly and orderly record mediation results. Modern communication devices facilitate faster coordination between investigators and relevant parties. All of these facilities demonstrate that the Semarang Police Department has prepared adequate facilities to support restorative justice. Therefore, facilities are a crucial supporting factor in the implementation of this policy.

However, limited resources remain a significant obstacle to the implementation of restorative justice in some police units. Not all units have dedicated, representative mediation rooms, so meetings are often held in investigators' offices, which lack neutrality. This situation can create awkwardness for both victims and perpetrators seeking reconciliation. Furthermore, limited technological devices and internet access often hinder case documentation. Another obstacle is the lack of a dedicated budget explicitly supporting restorative justice activities. As a result, some technical needs must be covered through the police's own initiative. This has the potential to reduce the quality of mediation

implementation. Thus, limited resources are a significant inhibiting factor in the practice of restorative justice in the field.

Another obstacle is the lack of national standards regarding the mediation facilities that must be provided in every police department. Although the city police (Polrestabes) strive to provide adequate facilities, the quality varies across units. Some units have well-equipped mediation rooms, while others use makeshift rooms. This difference in facilities creates a sense of inconsistency in the application of restorative justice. Furthermore, the lack of documentation tools such as cameras and voice recorders reduces transparency in the mediation process. Documentation is crucial for ensuring accountability for mediation outcomes. Without uniform standards, the implementation of restorative justice is difficult to implement consistently across all units. Therefore, establishing facility standards is an urgent need.

Despite various limitations, Semarang City Police officers often demonstrate creativity in overcoming infrastructure challenges. Investigators typically rearrange the room to make it more comfortable before the mediation process begins. Furthermore, meeting times are often adjusted to accommodate the parties' circumstances. These improvisational efforts demonstrate the officers' commitment to implementing restorative justice despite limited facilities. However, relying solely on officer creativity cannot be a long-term solution. Clear policies and budgetary support are needed to provide standardized facilities. With such support, mediation can be conducted more professionally and consistently across all units. This will enhance the legitimacy of restorative justice in the eyes of the public. Thus, facilities and infrastructure can truly become optimal supporting factors.

### **Community Factors**

The community is a crucial supporting factor in the implementation of restorative justice at the Semarang Police Headquarters. The willingness of victims and perpetrators to resolve cases through mediation demonstrates a high level of legal awareness. Many people believe that peaceful resolution is quicker and less expensive, making it more practical than court proceedings. The support of community and religious leaders also helps create a conducive atmosphere during mediation. Their presence lends moral legitimacy to the agreements reached. Furthermore, active community participation makes the mediation process more humane and in line with prevailing social values. This involvement demonstrates that the community can act as both a facilitator and an informal monitor. Thus, the community is a factor strengthening the success of restorative justice.

On the other hand, societal factors often hinder the implementation of restorative justice. Not all victims or their families are willing to accept a peaceful settlement because they believe the perpetrator should be sentenced to prison. Public perceptions that remain strongly rooted in the punishment paradigm make the mediation process less than smooth. Victims sometimes feel that reconciliation means giving up their right to justice. This is exacerbated by the influence of their environment, which pressures victims to pursue their cases in court. This situation makes it difficult for authorities to reach an ideal peace agreement. Differences in perception between authorities and the community often lead to

deadlock. Therefore, the community also has the potential to become an inhibiting factor in the implementation of restorative justice.

Furthermore, the community's level of education and legal understanding significantly influence the success of mediation. People with low legal knowledge tend to be passive and reluctant to express their opinions during the mediation process. This results in agreements that sometimes do not reflect the victims' real needs. Conversely, people with more legal literacy can actively negotiate and understand their rights and obligations. This imbalance in understanding leads to unequal implementation of restorative justice in various cases. This situation indicates the urgent need for more intensive legal outreach. Without adequate legal understanding, the community will find it difficult to accept restorative justice as an alternative method of resolving cases. Therefore, improving legal literacy is crucial.

Community factors are also influenced by local social and cultural dynamics. In Semarang City, there are still cases where social pressure makes victims reluctant to reconcile with their perpetrators. In some situations, victims fear being perceived as weak by their community if they accept a peaceful resolution. Conversely, there are also cases where the community fully supports mediation efforts because they are considered more in line with family values. This variation in dynamics reflects that community support is not always uniform. Officials must be able to assess the social situation before offering restorative justice options. A sensitive approach to community conditions is key to successful mediation. Therefore, community factors simultaneously play a role in supporting and hindering the implementation of restorative justice.

### **Legal Culture Factors**

The legal culture of the Semarang community is quite influential in supporting the implementation of restorative justice. The strong values of family and deliberation in most communities serve as a foundation for accepting mediation. Many people prefer to resolve conflicts peacefully, as they are considered more in line with local norms. This culture of mutual forgiveness accelerates the achievement of agreements between perpetrators and victims. Furthermore, the tradition of conflict resolution through traditional or religious leaders supports the concept of restorative justice. The police also benefit by being more easily guided toward peaceful resolutions. A legal culture that prioritizes social harmony is a crucial factor in the success of restorative justice. Thus, local values serve as social capital in the implementation of this policy.

However, a legal culture that remains strongly entrenched in the retributive paradigm also hinders the implementation of restorative justice. Some people still believe that justice can only be achieved through imprisonment. This perspective leads victims or their families to reject mediation efforts. They believe a peaceful resolution will only benefit the perpetrator and ignore the victim's suffering. This situation demonstrates a clash between modern restorative justice values and a deeply rooted culture of punishment. In some cases, authorities struggle to change the public's strong stance on punishment. This situation makes restorative justice ineffective. Therefore, legal culture can also be a hindering factor.

Furthermore, the legal culture of the police force itself also influences the

implementation of restorative justice. Some officers are still accustomed to a formalistic mindset oriented towards strict enforcement of regulations. This makes them less flexible in accommodating peaceful resolutions. A rigid bureaucratic culture also slows down the mediation process. Overly cautious officers are often reluctant to use discretionary powers for fear of being perceived as deviant. Discretion, however, is a crucial component of restorative justice. Without a change in the legal culture of the police force, this concept will be difficult to implement consistently. Therefore, a change in the mindset of the police force is urgently needed.

The legal culture that develops in society is also influenced by the mass media and public opinion. In some cases that receive widespread attention, the public tends to reject restorative justice for fear of being perceived as unfair. Public pressure often influences victims to pursue cases in court. Officials also become more cautious for fear of criticism of their decisions. Conversely, cases that receive less media attention are more easily resolved peacefully. This demonstrates that legal culture is shaped not only by local values but also by external influences. Therefore, an appropriate public communication strategy is essential to strengthening the acceptance of restorative justice. Thus, legal culture can be both a supporting and inhibiting factor.

**Table 2.** Supporting and Inhibiting Factors in the Implementation of Restorative Justice by the Semarang Police Criminal Investigation Unit

No.	Factor	Supporting Factors	Inhibiting Factors
1	Legal Substance	The existence of National Police Chief Regulation No. 8 of 2021 provides the legal basis for the implementation of restorative justice, with clear regulations for minor criminal cases.	The scope of the regulation is limited because it only applies to certain crimes; there is still overlap with the Criminal Procedure Code and other regulations.
2	Law Enforcement Officers	Criminal Investigation Unit investigators have been trained in mediation facilitation; most officers are beginning to understand the concept of restorative justice and are willing to use discretion.	Not all officers fully understand the concept of restorative justice; some officers still tend to be formalistic and afraid of making mistakes in their discretion.
3	Facilities and infrastructure	The existence of a special mediation room at the Semarang Police Headquarters; administrative support for the preparation of peace minutes; and the use of documentation technology.	Budget and resource limitations; not all units have adequate facilities to support an ideal mediation process.
4	Public	Active participation of	Some victims/families refuse

No.	Factor	Supporting Factors	Inhibiting Factors
		community leaders, religious leaders, and traditional leaders; some communities support peace because it is faster, cheaper, and in line with local values.	mediation because they still believe prison sentences are fairer; in some cases, legal literacy is low.
5	Legal Culture	The values of family and deliberation remain strong in Semarang; people are accustomed to resolving problems peacefully through traditional or religious leaders.	Retributive legal culture still dominates; pressure from public opinion/media makes restorative justice difficult to accept; officials are still bound by a rigid bureaucratic culture.

Source: Adapted from Soerjono Soekanto's (1983) theory of legal effectiveness, Factors Influencing Law Enforcement.

## CONCLUSION

The implementation of restorative justice by the Semarang Police Criminal Investigation Unit during the investigation and inquiry phase has prioritized the principle of restoration, not retaliation. The settlement process is carried out through mediation between the perpetrator, victim, family, and community leaders, which is then formalized in an official peace agreement. The primary legal basis is National Police Chief Regulation Number 8 of 2021, which grants investigators discretionary authority to discontinue cases if material and formal requirements are met. This approach is considered more humane because it allows perpetrators to correct their mistakes while simultaneously redressing the victims' losses, thereby achieving the values of justice, benefit, and legal certainty. On the other hand, the implementation of restorative justice also faces various supporting and inhibiting factors, as explained by Soerjono Soekanto's theory of legal effectiveness. Supporting factors include clear regulations, police commitment, adequate mediation facilities, and support from the community and traditional leaders. However, obstacles remain, such as limited numbers and quality of officers, a lack of public understanding of the concept of restorative justice, and a legal culture that still emphasizes retaliation over restoration. These obstacles are further complicated by the fact that national regulations have not fully integrated restorative justice principles into the criminal justice system. Nevertheless, the increasingly open public support for peaceful resolution provides a great opportunity to strengthen the effectiveness of the implementation of restorative justice at the Semarang Police Headquarters.

## REFERENCE

Abdussamad, Z. (2021). *Qualitative research methods*. Central Jakarta: Syakir Media Press.  
Amin, R., Efrianto, G., Iskandar, O., & Tama, AP (2023). *Legal counseling regarding National Police Regulation Number 8 of 2021 concerning the handling of criminal acts based on*

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- restorative justice. Abdi Bhara: Journal of Community Service, 2(1).
- Apriyanto, E. (2016). The application of restorative justice as a form of police discretion in resolving fraud cases at the Semarang Police Headquarters. *Jurnal Spektrum Hukum*, 13(1).
- Arief, BN (2011). Anthology of criminal law policies. Bandung: Citra Aditya Bakti.
- Aryadi, D. (2020). Implementation of restorative justice in the criminal justice system as a manifestation of Pancasila-based values. *Al-Adalah*, 9(2).
- Bonic, R., Syahrin, A., Marlina, & Leviza, J. (2016). The role of the Indonesian National Police in implementing restorative justice in handling criminal cases (Study at the Binjai Police). *USU Law Journal*, 4(4).
- Braithwaite, J. (1989). *Crime, shame and reintegration*. Cambridge: Cambridge University Press.
- Budiarta, GP, & Suheflihusnaini. (2023). Restorative justice efforts carried out by the Pekutatan Police Sector in the crime of gamelan instrument theft. *Cermin: Jurnal Penelitian*, 7(2).
- Cotterrell, R. (1984). *The sociology of law*. London: Butterworths.
- Creswell, J. W. (2016). *Research design: Qualitative, quantitative, and mixed methods approaches* (4th ed.). Thousand Oaks, CA: SAGE Publications.
- Gemilang, MF (2019). Restorative justice as progressive law by Indonesian National Police investigators. *Journal of Police Science*, 13(3).
- Goldstein, H. (1990). *Problem-oriented policing*. New York: McGraw-Hill.
- Hall, J. (1960). *General principles of criminal law*. Indianapolis: Bobbs-Merrill.
- Harahap, MY (2012). *Discussion of problems and application of the Criminal Procedure Code*. Jakarta: Sinar Grafika.
- Hariyanto, D. (2023). Application of restorative justice in resolving criminal cases at the investigation level at the Banyuwangi City Police Criminal Investigation Unit. *Janaloka*, 2(1).
- Hart, H.L.A. (1961). *The concept of law*. Oxford: Oxford University Press.
- Hartono, S. (2023). *Returning to legal research methods*. Bandung: Padjajaran University.
- Hehanussa, DJA, & Sopacua, MG (2023). *Legal research methods*. Bandung: Widina Bhakti Persada.
- Helmi, H. (2023). *Police law in Indonesia*. Jakarta: Rajawali Pers.
- Hutahaean, A. (2022). Implementation of restorative justice by the Indonesian National Police to realize legal objectives. *Journal*, 8(2).
- Indarti, E. (2000). *Police Discretion*. Jakarta: PTIK Press.
- Criminal Procedure Code (KUHP)*.
- Criminal Code (KUHP)*.
- Kuspranigrum, E., & Susmiyati, HR (2007). *Police law: The function, role, and position of the Indonesian National Police in the Indonesian constitutional system*. Jakarta: Gramedia.
- Kusumaatmadja, M., & Sidharta, BA (2010). *Introduction to legal science: A first introduction to the scope of legal science*. Bandung: Alumni.

- Manullang, EFM (2007). *Replacing the law with justice: A review of natural law and antinomy*. Jakarta: Kompas Media Nusantara.
- Marzuki, PM (2014). *Legal research*. Jakarta: Kencana.
- Miles, M. B., & Huberman, A. M. (1992). *Qualitative data analysis: An expanded sourcebook* (2nd ed.). Thousand Oaks, CA: SAGE Publications.
- Moeljatno. (2008). *Principles of criminal law*. Jakarta: Rineka Cipta.
- Moleong, LJ (2017). *Qualitative research methodology*. Bandung: Remaja Rosdakarya.
- Muhammad, HD (2005). *Social research methodology*. Jakarta: PT RajaGrafindo Persada.
- Muladi, & Priyatno, D. (2010). *Corporate criminal liability*. Bandung: Alumni.
- Mustafa, B. (2001). *The Indonesian state administrative legal system*. Bandung: Citra Aditya Bakti.
- ND, MF, & Achmad, Y. (2013). *Dualism of normative and empirical legal research*. Yogyakarta: Pustaka Pelajar.
- Nugraha, R. (2018). Restorative justice in the Indonesian criminal justice system. *Journal of Law and Development*, 48(3), 543–560.
- Nugroho, S. (2019). Professionalism of investigators in the criminal justice system. *Journal of Law Enforcement*, 6(2), 112–128.
- Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice.
- Pound, R. (1910). Law in books and law in action. *American Law Review*, 44(1), 12–36.
- Prodjodikoro, W. (2003). *Certain criminal acts in Indonesia*. Bandung: Refika Aditama.
- Rahardjo, S. (2009). *Progressive law: A synthesis of Indonesian law*. Yogyakarta: Genta Publishing.
- Rahmawati, L., & Faozi, S. (2023). Application of restorative justice to perpetrators of minor assault crimes at the Semarang District Attorney's Office. *Unes Law Review*, 6(1).
- Rumajar, JO (2014). Reasons for terminating an investigation into a corruption crime. *Lex Crimen*, 3(4).
- Sadjijono. (2005). *The function of the police in implementing good governance*. Yogyakarta: LaksBang Persindo.
- Saltsabillah, GM, & Pusvitasari, P. (2021). Psychological perspectives on criminals for criminology. *KPIN Bulletin*.
- Santoso, ESB, & Surono, A. (2022). The application of restorative justice in resolving criminal cases by Bhabinkamtibmas Polri in Lampung Province. *Halu Oleo*, 4(3).
- Simons, J. (2012). *Het Nederlandsche strafrecht*. Leiden: Universitaire Press.
- Soekanto, S. (2008). *Factors influencing law enforcement*. Jakarta: Raja Grafindo Persada.
- Soekanto, S. (2008). *Sociology of law in society*. Jakarta: Rajawali Press.
- Soemitro, RH (2021). *Lecture materials on legal research methodology*. Semarang: Faculty of Law, Diponegoro University.
- Sudarsono, T. (2009). *Construction of problem and dispute resolution through restorative processes*. Semarang: Diponegoro University.
- Sukardi. (2020). *Restorative justice in Indonesian criminal law enforcement*. Depok: Rajawali

Pers.

- Sulung, CN, Paliling, TN, & Rompas, DD (2023). Implementation of restorative justice mechanisms in the investigation stage by the North Sulawesi Regional Police. *Lex Administratum*, 13(1).
- Circular Letter of the Chief of Police Number SE/8/VII/2018 concerning the Implementation of Restorative Justice in the Settlement of Criminal Cases.
- Law Number 2 of 2002 concerning the Republic of Indonesia National Police.
- Vos, A. (2010). *Inleiding tot de studie van het Nederlands strafrecht*. Utrecht: Kluwer.
- Waluyo, B. (2020). *Criminal case resolution: Application of restorative and transformative justice*. East Jakarta: Sinar Grafika.
- Yamin, M. (2005). *Formation of law through court decisions in criminal cases*. Bandung: Alumni.
- Yulia, R. (2012). *The application of restorative justice in judges' decisions: Efforts to resolve conflicts through the criminal justice system*. Jakarta: Center for Research and Development of Law and Justice, Supreme Court of the Republic of Indonesia.
- Yusriando. (2015). Implementation of penal mediation as a manifestation of Pancasila values to support the supremacy of law in the context of national development. *Journal of Legal Reform*, 2(1).
- Zehr, H. (2002). *The little book of restorative justice*. Intercourse, PA: Good Books.