

The Application of Restorative Justice in Criminal Assault Cases at Sidoarjo Police Resort

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ABSTRACT

This research examine the application of the restorative justice approach in cases of assault within the jurisdiction of the Sidoarjo City Police. Assault not only causes physical harm but also significant psychological trauma for victims. However, the Indonesian criminal justice system tends to focus on punishing perpetrators and does not sufficiently prioritize victim recovery and social reconciliation. This study aims to analyze the role of the police in promoting the application of restorative justice and its impact on the restoration of the rights of assault victims. The research method used is an empirical legal approach with qualitative methods through literature review and interviews with Sidoarjo City Police investigators, victims, and offenders. The results of the study indicate that the Sidoarjo City Police implement restorative justice in cases of minor assault through a mediation process facilitated by investigators to reach a peaceful settlement. This approach has a positive impact on the psychological recovery of victims because victims are given a space to be heard and to be actively involved in the case resolution process. This study concludes that restorative justice is an important innovation in criminal justice system reform that requires support from stronger regulations as well as capacity building for law enforcement officials.

Keywords: Restorative Justice, Mediation, Recovery of Victims, Criminal assault

Restorative Justice dalam Perkara Pidana Penganiayaan di Kepolisian Resor Kota Sidoarjo

ABSTRAK

Penelitian ini bertujuan untuk menganalisis penerapan pendekatan restorative justice dalam perkara tindak pidana penganiayaan di wilayah hukum Polresta Sidoarjo. Tindak pidana penganiayaan tidak hanya menimbulkan dampak fisik, tetapi juga dampak psikologis yang signifikan bagi korban. Namun, sistem peradilan pidana Indonesia cenderung berfokus pada pemidanaan pelaku dan kurang memberikan ruang bagi pemulihan korban serta rekonsiliasi sosial. Penelitian ini bertujuan untuk menganalisis peran kepolisian dalam mengupayakan penerapan restorative justice serta dampaknya terhadap pemulihan hak korban penganiayaan. Metode penelitian yang digunakan adalah pendekatan yuridis empiris dengan metode kualitatif melalui studi kepustakaan dan wawancara terhadap penyidik Polresta Sidoarjo, korban, dan pelaku tindak pidana. Hasil penelitian menunjukkan bahwa Polresta Sidoarjo menerapkan restorative justice dalam perkara penganiayaan ringan melalui proses mediasi yang difasilitasi oleh penyidik untuk mencapai kesepakatan damai. Pendekatan ini memberikan dampak positif terhadap pemulihan psikologis korban karena korban memperoleh ruang untuk didengar dan terlibat secara aktif dalam proses penyelesaian perkara. Penelitian ini menyimpulkan bahwa restorative justice merupakan inovasi penting dalam reformasi sistem peradilan pidana yang perlu didukung oleh regulasi yang lebih kuat serta peningkatan kapasitas aparat penegak hukum.

Kata kunci: *Restorative Justice, Mediasi, Pemulihan Korban, Penganiayaan.*

INTRODUCTION

The criminal assault is a form of legal violation that causes severe psychological and physical impacts on victims. Indonesia's criminal justice system, which is still dominated by a retributive approach, tends to focus on punishing offenders without considering the interests of victim recovery and social reconciliation. This condition often makes victims feel marginalized in the judicial process because the system is more focused on the perpetrators of crime.¹ Restorative justice offers an alternative paradigm by emphasizing the restoration of relationships between the offender, the victim, and the community through dialogue and mediation. This approach involves the active participation of all parties in resolving the conflict, with the main principle being the involvement of the victim, the offender, and the community as facilitators.²

In Indonesian, restorative justice is regulated by Attorney General's Regulation No. 15 of 2020 and a decision of the Directorate General of the General Judicial Body of the Supreme Court. However, these regulations have not yet been comprehensively integrated into the Criminal Code and the Criminal Procedure Code (KUHP), so their implementation still depends on the policies of individual institutions.³ As the frontline of the criminal justice system, the police play a strategic role in promoting restorative justice during the investigation stage. However, its implementation still faces challenges related to legal aspects, the legal culture of law enforcement officials, and public understanding, including resistance from the retributive paradigm that remains dominant.⁴

Previous studies on restorative justice within the criminal justice system have drawn the attention of several researchers. In their study titled "The Application of Restorative Justice in the Investigation of Assault Cases," Asriadi et al. analyzed the implementation of restorative justice during the investigation phase of assault cases at

¹ I. Irbah, B. Suswanto, and M Mafing, "PENERAPAN RESTORATIVE JUSTICE PADA TINGKAT PENUNTUTAN (STUDI KASUS DI KEJAKSAAN NEGERI KOTAMOBAGU)," *Perspektif* 27, no. 2 (2022), <https://doi.org/https://doi.org/10.30742/perspektif.v27i2.828>.

² T. Amir and A Fithry, "PENYELESAIAN PERKARA TINDAK PIDANA KEKERASAN FISIK YANG DILAKUKAN SECARA BERSAMA-BERSAMA MELALUI ASAS KEADILAN RESTORATIF (RESTORATIVE JUSTICE) DI TINGKAT KEPOLISIAN RESORT SUMENEP," *Jurnal Jendela Hukum* 11, no. 1 (2024), <https://doi.org/https://doi.org/10.24929/jjh.v11i1.3499>.

³ M. Nashir, N. Maharani, and A Zafira, "Urgensi Pembentukan Undang-Undang Restorative Justice Dalam Rangka Reformasi Keadilan Dan Kepastian Hukum Di Indonesia," *SAPIENTIA ET VIRTUS* 9, no. 1 (2024), <https://doi.org/https://doi.org/10.37477/sev.v9i1.501>.

⁴ A. Rahman, R. Renggong, and A. Hamid, "PENEGAKAN HUKUM MELALUI RESTORATIF JUSTICE DALAM PENYELESAIAN TINDAK PIDANA PENGANIAYAAN DI KEPOLISIAN RESOR MAMASA," *Indonesian Journal of Legality of Law* 6, no. 1 (2023), <https://doi.org/https://doi.org/10.35965/ijlf.v6i1.3816>.

the Barru Police Station.⁵ The study found that the failure to apply restorative justice was primarily due to a lack of agreement between the victim and the perpetrator, with the victim preferring the formal judicial process.⁶

Furthermore, in another journal research titled “The Implementation of the Restorative Justice System to Resolve Acts of Domestic Violence,” Hardianto et al. examined the implementation of restorative justice in addressing domestic violence but did not conduct a depth analysis of its impact on the restoration of victims’ rights. Based on previous research, there is a research gap regarding the concrete impact of the application of restorative justice on the restoration of victims’ rights, particularly in cases of assault handled by the police. Therefore, this study aims to analyze the role of the Sidoarjo City Police in pursuing restorative justice in criminal cases of assault and to examine the impact of applying this approach on the restoration of the rights of victims of criminal assault.⁷

LITERATURE REVIEW

Restorative justice refers to an approach to addressing criminal offenses that moves away from the conventional legal paradigm. This approach places the victim at the center, prioritizing sincere dialogue between the victim and the offender while involving the community in the process of restoring the victim’s rights. In Indonesia, the concept of restorative justice is familiar. In indigenous communities, when resolving conflicts, customary practices emphasize family dialogue, compensation, and the restoration of the victim’s honor. Restorative justice is a model for resolving criminal offenses that emphasizes direct involvement between the offender, the victim, and the community.⁸

Restorative justice aims to make amends for harm, repair relationships, and prevent reoffending. This approach has been implemented through both traditional and contemporary means in various countries. Restorative justice not only provides opportunities for victims to participate but also helps offenders avoid social stigma through reintegration. In Indonesia, this approach has begun to be formalized in several

⁵ A. Asriadi, M. Natsir, and P Phireri, “Penerapan Restorative Justice Dalam Proses Penyidikan Tindak Pidana Penganiayaan,” *Jurnal Litigasi Amsir* 12, no. 1 (2024), <https://doi.org/https://journalstih.amsir.ac.id/index.php/julia/article/view/368>.

⁶ Fiesta Aulia Rizka, “Implementation of Restorative Justice in the Police in Realizing a Just Legal State,” *Law Research Review Quarterly* 10, no. 1 (2025).

⁷ Y. Hardianto et al., “THE IMPLEMENTATION OF RESTORATIVE JUSTICE SYSTEM TO RESOLVE DOMESTIC VIOLENCE ACTS,” *YURIS: Journal of Court and Justice* 2, no. 3 (2023).

⁸ Rif’an Baihaky and Muridah Isnawati, “Restorative Justice: Pemaknaan, Problematika, Dan Penerapan Yang Seyogianya,” *Swara Justisia* 8, no. 2 (2024), <https://doi.org/10.31933/4mqgaj17>.

regulations, including Law No. 11 of 2012 and Police Regulation No. 8 of 2021.⁹ The criminal offense of assault is a type of crime against a person's body or physical integrity. In Indonesian criminal law, assault is explicitly regulated in Article 351 of the Criminal Code (KUHP) and related articles, such as Articles 352 through 358 of the Criminal Code. The characteristics of this criminal offense can be seen in its legal elements, the intensity of the perpetrator's actions, the impact of the offense on the victim, and the very purpose of legal protection itself.¹⁰

The criminal offense of assault may result in varying degrees of suffering experienced by a victim. This refers to the provisions in the Criminal Code, which specifically categorizes the consequences, including:

1. Simple assault, as defined in Article 351 of the Criminal Code.¹¹
2. Minor assault, as defined in Article 352 of the Criminal Code.
3. Serious assault, as defined in Article 354 of the Criminal Code.
4. Serious assault resulting in death, as defined in Article 354 of the Criminal Code.
5. Assault against a child or under certain conditions as provided for in Article 356 of the Criminal Code.

RESEARCH METHODOLOGY

This study employs an empirical legal methodology with a qualitative approach, which not only examines normative provisions but also analyzes the implementation of restorative justice in the handling of assault cases at the Sidoarjo City Police Department directly in the field.¹² Primary data was obtained through in-depth interviews with Sidoarjo City Police investigators handling assault cases, as well as victims and perpetrators whose cases were resolved through restorative justice, supplemented by direct observation of the case handling process.¹³ Secondary data was obtained from a literature review, including Law No. 8 of 1981 on the Criminal Procedure Code, Law No. 2 of 2002 on the Police, Police Regulation No. 8 of 2021 on the Handling of Criminal Offenses Based on Restorative Justice, as well as relevant

⁹ Tony Marshall, *Restorative Justice: An Overview* (London: Home Office Research Development and Statistics Directorate, 1999).

¹⁰ I. Setyawan, I. Arjaya, and D Sudibya, "Pembuktian Dan Penjatuhan Putusan Pidana Terhadap Terdakwa Tindak Pidana Penganiayaan (Studi Kasus Putusan Nomor 26/Pid.B/2016/Pn.Tab.)," *Jurnal Analogi Hukum* 2, no. 3 (2020), <https://doi.org/https://doi.org/10.22225/ah.2.3.2504.310-314>.

¹¹ Maidin Gultom, *Perlindungan Hukum Terhadap Anak Dalam Sistem Peradilan Pidana Anak Di Indonesia* (Bandung: Refika Aditama, 2008).

¹² Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 1986).

¹³ J. W. Creswell and C. N Poth, *Qualitative Inquiry and Research Design: Choosing among Five Approaches (4th Ed.)* (SAGE Publications, 2018).

academic literature. The collected data was analyzed using qualitative-descriptive methods to identify the alignment between legal norms and field practices.¹⁴

RESULT AND DISCUSSION

Police Role in Restorative Justice Investigations

Based on interviews with investigators from the Sidoarjo City Police, the police play the role of investigators in determining the suitability of applying restorative justice. This approach is based on Indonesian National Police Regulation No. 8 of 2021 on the handling of criminal offenses through restorative justice. The investigator explained that there are five categories of minor assault as stipulated in Article 352 of the Criminal Code: the offense does not cause unrest or conflict; the perpetrator is not a repeat offender; there is an agreement between the victim and the perpetrator to pursue a peaceful resolution through mediation; the amount of damages is not significant; and the damages can be compensated by the perpetrator.

According to data from interviews conducted by the Sidoarjo City Police, in 2025, out of 25 reported cases of minor assault, 10 were successfully resolved through a restorative justice approach. The mediation process was facilitated by investigators through four stages: the initial stage to ensure the case met the eligibility criteria. The meeting stage was conducted separately between the perpetrator and the victim to hear the perspectives of each party. The joint mediation stage brought both parties together in an open dialogue, followed by the peace agreement stage, which included compensation, an apology, and a commitment not to repeat the offense.

Police officers serve as investigators in criminal assault cases at the Sidoarjo Police Station in accordance with Indonesian National Police Regulation No. 8 of 2021 on the Processing of Criminal Offenses Based on Restorative Justice. As law enforcement officers, they have the authority to make court decisions through restorative justice. Mulyadi stated that the Sidoarjo Police Station has implemented a restorative justice approach for resolving minor cases, such as assaults occurring within the Sidoarjo. Research indicates that 10 cases of assault were resolved through restorative justice approach.

This regulation provides a legal basis for the police to implement a restorative justice approach. A police investigator from the Sidoarjo Police Department explained that there are several criteria that must be fulfilled, including:

1. The offense falls under the category of minor assault as defined in Article 352 of the Criminal Code.
2. It does not cause public unrest or lead to further conflict.

¹⁴ Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: PT Remaja Rosdakarya, 2018).

3. The perpetrator is not a recidivist or repeat offender.
4. There is an agreement between the victim and the perpetrator to pursue a peaceful resolution or mediation.
5. The amount of damages is not excessive and can be compensated by the perpetrator.

According to interviews with police officials, the decision-making process depends on the investigator's role in making decisions based on the criteria outlined above. The research findings indicate that the Sidoarjo City Police have developed a systematic mechanism for implementing restorative justice based on observations, interviews, and procedures encompassing four main stages. This study indicates that the police's role in implementing restorative justice represents an alternative approach within the criminal justice system that prioritizes the restoration of relationships between the offender, the victim, and the community, rather than merely punishing the offender. In the context of criminal acts of assault, this approach is relevant because it not only considers the state's interest in enforcing the law but also provides space for victims to achieve full recovery physically, psychologically, and socially. This approach offers victims the opportunity to voice their suffering and needs directly to the perpetrator and to actively participate in a fair and humane resolution process.

The Impact of Restorative Justice on Victim Recovery

Research has shown that restorative justice has a positive impact on the restoration of victims' rights, demonstrating that this approach gives victims the opportunity to reclaim their rights and achieve healing. The restorative justice approach enables victims and offenders to resolve criminal matters peacefully. This provides victims with an opportunity for mediation. Many victims often feel cornered by a case.¹⁵

Restorative justice has a significant impact on the recovery of victims of assault. One of the most significant impacts of applying restorative justice to victims of assault is psychological recovery. In the traditional criminal justice system, victims tend to be positioned as witnesses, not as parties in need of healing. This leads many victims to feel unheard or marginalized in the legal process. Restorative justice, on the other hand, places the victim at the center of the dialogue, allowing them to express their feelings, needs, and suffering directly to the perpetrator.¹⁶

¹⁵ Arpandi Karjono Parningotan Malau Ciptono Ciptono, "Penerapan Keadilan Restorative Justice Dalam Hukum Pidana Berbasis Kearifan Lokal," *Jurnal USM Law Review* 7 No 2 (2024).

¹⁶ *Ibid* (n.d.).

The Sidoarjo City Regional Police is one of the jurisdictions implementing a restorative justice approach in handling cases of minor assault.¹⁷ In practice, investigators facilitate mediation between the victim and the perpetrator. The settlement reached includes compensation for damages and a written apology.¹⁸ Restorative justice is applied to cases that do not have a widespread impact, do not cause horizontal conflict, and where the perpetrator is not a repeat offender. This approach has proven to reduce the caseload in court and provide a resolution that satisfies both parties.

Obstacles in the Implementation of Restorative Justice

Based on interviews with investigators from the Sidoarjo City Police, there are four main obstacles to the implementation of restorative justice. First, resistance from the community, which still views the conventional criminal justice system as more effective because it focuses on punishing the perpetrator, as well as the difficulty victims face in forgiving the perpetrator. Second, the lack of agreement between the victim and the perpetrator is the most common obstacle preventing the restorative justice process from proceeding, given that the voluntary participation of both parties is an absolute requirement. Third, third-party intervention from the families of both the victim and the perpetrator often negatively influences the mediation process and hinders the achievement of an agreement. Fourth, the public's limited understanding of the concept of restorative justice, as well as communication barriers between the perpetrator and the victim during the mediation process. This is supported by the findings of several studies stating that a lack of public legal awareness and the capacity of law enforcement officials also pose significant challenges in the implementation of restorative justice in Indonesia. To overcome these obstacles, massive public outreach is needed, as well as ongoing training for investigators so that the implementation of restorative justice can proceed more effectively and equitably.

CONCLUSION

The research findings indicate that the Regional Police of Sidoarjo has implemented restorative justice systems in criminal cases involving minor assault in accordance with Police Regulation No. 8 of 2021. 25 cases of minor assault filed in 2025, 10 were successfully resolved through a four stage mediation process facilitated by investigators. This approach has proven to have a positive impact on victims' psychological and material recovery, while also reducing the caseload in court. Victims

¹⁷ Howard Zehr, *The Little Book of Restorative Justice* (Intercourse: Good Books, 2022).

¹⁸ Lili Rasjidi and I.B. Wyasa Putra, *Hukum Dan Pendekatan Restoratif* (Bandung: Citra Aditya Bakti, 2013).

are given a platform to be heard, receive compensation, and actively participate in a fair and humane resolution process. Second, there are four structural barriers that still need to be addressed: public resistance to non-litigation approaches, the difficulty of reaching an agreement among the parties, third-party intervention, and limitations in public understanding and the capacity of law enforcement officials. Therefore, strengthening restorative justice as a model for resolving minor criminal offenses in Indonesia requires more extensive public outreach, ongoing training for investigators, and more comprehensive regulatory support that is fully integrated into the national criminal procedure system.

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