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Implementation of Restorative Justice in Handling Miscellaneous Crimes: An Empirical Study at the West Lombok Police Resort

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Abstract

This study aims to analyze the implementation of restorative justice in resolving minor criminal offenses at the West Lombok Resort Police (Polres Lombok Barat) and to identify the obstacles encountered in its application. The research employs an empirical juridical approach, utilizing data collection techniques such as interviews, observation, and documentary studies. The findings reveal that the implementation of restorative justice at the West Lombok Police has been carried out effectively, based on Regulation No. 8 of 2021 from the Chief of the Indonesian National Police, concerning the Handling of Criminal Acts Based on Restorative Justice. This approach reflects a paradigm shift in criminal law enforcement from a retributive orientation to one of restoration and social welfare. In practice, investigators act as facilitators emphasizing dialogue, moral responsibility, and the restoration of relationships between offenders and victims. However, the effectiveness of restorative justice still faces several structural, substantial, and cultural challenges as described in Lawrence M. Friedman's theory of the legal system. Structural constraints include the lack of human resources and facilities. Substantial obstacles relate to the lack of regulatory harmonization among law enforcement agencies. Cultural constraints concern the low level of public awareness and understanding of restorative justice values. The study concludes that the application of restorative justice at the West Lombok Police reflects a balance among legal certainty, justice, and utility as formulated in Gustav Radbruch's theory. It aligns with the local value of menyama braya (social harmony) that characterizes Lombok society. Therefore, it is necessary to strengthen the capacity of law enforcement officers, enhance inter-agency coordination, and foster a legal culture that supports the effective, humanistic, and sustainable implementation of restorative justice.

Keywords: Restorative Justice, Minor Criminal Offense, Law Enforcement, West Lombok Police

INTRODUCTION

The conventional criminal justice system in Indonesia still prioritizes a retributive approach, emphasizing the punishment of perpetrators. This approach is punitive, serving as a form of retribution for the criminal act committed by the suspect or defendant, without providing sufficient space for the victim's recovery or repairing the social relationships disrupted by the crime. In many cases, the primary focus of this system is on punishing the perpetrator, rather than resolving the problem comprehensively. This can be seen in various cases of minor crimes, such as petty theft, minor assault, or insults, where the ongoing legal process often provides no real benefit to either the victim, the perpetrator, or society in general (Rafli et al., 2024).

Minor crimes are unlawful acts that have a limited impact, both in terms of material losses and the resulting social consequences. However, because the current criminal justice system does not significantly differentiate between serious and minor crimes in terms of procedure, the resolution of minor crimes still requires a formal judicial process that is complex, lengthy, and consumes significant state resources. This is ironic when the outcome of this judicial process does not provide substantive justice, especially for victims who may only hope for an apology, compensation, or improved social relations. In response to this reality, an alternative approach to resolving criminal disputes has emerged through the Restorative Justice approach. Restorative justice is a paradigm in criminal law that aims to restore the losses caused by criminal acts, both to the victim, the perpetrator, and the affected community. This concept emphasizes dialogue and active participation between the perpetrator, the victim, and elements of society in finding a just, humane, and recovery-oriented solution, rather than retaliation (Wahyu et al., 2022).

In Indonesia, restorative justice is gaining legitimacy within the criminal justice system through several regulations and institutional policies. One such regulation is Indonesian National Police Regulation (Perpol) Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice. This regulation guides law enforcement officials, particularly police, in resolving certain instances through a non-litigious approach based on restorative justice principles. Furthermore, the Supreme Court has also provided space for this approach in various technical judicial policies.

The West Lombok Police, as a law enforcement institution, has also endorsed the implementation of Restorative Justice at the police level as a follow-up to Perpol Number 8 of 2021, concerning the Handling of Criminal Acts Based on Restorative Justice. Furthermore, several other police stations have also implemented Restorative Justice, such as the Mataram Police, which resolved 52 cases through the Restorative Justice mechanism in August 2023 (Pratama, 2025).

However, although restorative justice has been recognized and regulated normatively, its implementation in the field still faces several significant obstacles. One fundamental issue is how to formulate legal accountability for perpetrators within a restorative justice scheme, particularly in minor criminal cases. On the one hand, perpetrators must still be held accountable for their actions to prevent impunity. On the other hand, the process must not violate fundamental principles of criminal law, including legal certainty, equality before the law, and non-discrimination.

Furthermore, another challenge lies in ensuring that the rights and

interests of victims remain central to the restorative process. Victims' interests concern not only material recovery but also psychological, social, and dignity recovery. In some cases, resolutions using a restorative approach have actually created the perception that perpetrators are "off the hook" without commensurate consequences, ultimately leading to dissatisfaction among victims and the wider community.

Therefore, this issue deserves further in-depth scientific study. This study aims to normatively and conceptually examine how restorative justice schemes can be used in cases of minor crimes, particularly from the perspective of the perpetrator's legal accountability. Within this framework, the balance between protecting the victim's rights and guaranteeing legal certainty for the perpetrator is the primary focus of the study (Sitompul & Maysarah, 2021).

Furthermore, this thesis will examine the effectiveness of regulations governing restorative justice in providing adequate technical guidelines and legal guarantees. This is crucial because without clear and measurable operational standards, the restorative justice approach has the potential to be misused or exploited to circumvent due process. Therefore, an evaluation of the implementation of existing policies and an analysis of field practices are necessary. Given these dynamics and complexities, this thesis is expected to provide theoretical and practical contributions to the development of Indonesian criminal law, particularly in strengthening the restorative justice paradigm as an alternative solution for handling minor crimes. The results of this study are also expected to provide input for policymakers, law enforcement officials, and academics in developing guidelines and regulations that better support substantive justice for all parties involved (Prayogi & Setiadi, 2024).

METHODS

The research method used in this paper is an empirical legal research method. This approach focuses on the use of empirical data derived from human behavior, both expressed verbally through interviews and demonstrated through concrete actions directly observed in the field. In the context of this research, interviews and data collection were conducted directly at the West Lombok Police as the primary location to obtain the information necessary to support empirical legal analysis (Fajar & Achmad, 2010).

The research to be conducted employs a sociological approach to the study of law. In this view, law is formed and gains legitimacy from the collective behavior of society, which is organized, obedient, and consciously recognizes the validity of these norms in everyday life (Salim & Nurbani, 2014).

RESULTS AND DISCUSSION

A. IMPLEMENTATION OF RESTORATIVE JUSTICE IN MINOR CRIMES AT THE WEST LOMBOK POLICE

The application of restorative justice in resolving minor crimes at the West Lombok Police Department reflects a paradigm shift in criminal law enforcement from a retaliatory orientation to a restorative and beneficial orientation. This shift aligns with two key theories that underpin the research: Restorative Justice and Utilitarianism. Restorative Justice theory views criminal acts not merely as violations of the state, but rather as disruptions to social

relations that must be restored through dialogue, moral responsibility, and reconciliation. Meanwhile, Jeremy Bentham's Utilitarianism theory asserts that the purpose of law is to create the greatest happiness for the greatest number. In this context, restorative case resolution benefits not only victims and perpetrators but also the community and law enforcement institutions themselves.

Based on field research, the West Lombok Police Department has systematically implemented restorative justice principles, guided by National Police Chief Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice. The implementation of this regulation marks a transition from a retributive legal approach to a responsive and humanitarian-oriented one.

The category of minor crimes is not explicitly regulated in the law, but as a guide, it is contained in Article 205 paragraph (1) of the Criminal Procedure Code, which further reads:

“Those examined according to the examination procedure for minor crimes are cases which are threatened with imprisonment or detention of up to three months and/or a fine of up to seven thousand five hundred rupiah and minor insults except as specified in Paragraph 2 of this section.”

In addition, a Joint Memorandum of Understanding (MoU) has also been carried out by the Chief Justice of the Supreme Court, the Minister of Law and Human Rights, the Attorney General, and the Chief of the Indonesian National Police Number: 131/KMA/SKB/X/2012, M.HH-07.HM.03.02, KEP-06/E/EJP/10/2012, B/39/X/2012 of 2012 concerning the Implementation of Adjustments to the Limits of Minor Crimes and the Amount of Fines, Speedy Examination Procedures, and the Implementation of Restorative Justice. The Memorandum of Understanding states that Tipiring is a crime regulated in Articles 364, 373, 379, 384, 407, and 482 of the Criminal Code (KUHP), which is punishable with a maximum imprisonment of three months or a fine of ten thousand rupiah, in this study, the presenter only focuses on articles that regulate minor crimes, which are limitedly regulated in the Criminal Code, including the following articles:

Animal Abuse is regulated in Article 302 of the Criminal Code.

- 1) The following shall be punished by a maximum imprisonment of three months or a maximum fine of four thousand five hundred rupiah for committing minor animal abuse:
 - a. Anyone who, without a proper purpose or to an excessive extent, intentionally hurts or injures an animal or harms its health;
 - b. Anyone who, without a proper purpose or to an excessive extent, intentionally withholds the food necessary for life to an animal that is wholly or partially owned and under his supervision, or to an animal that he is obligated to care for.
- 2) If the act results in illness lasting more than a week, or disability or other serious injury, or death, the perpetrator shall be punished by a maximum imprisonment of nine months or a maximum fine of three hundred rupiah for animal abuse.”

Minor insults are regulated in Article 315 of the Criminal Code.

“Any intentional insult that does not constitute defamation or libel, committed against a person, whether in public, verbally or in writing, or in front of that person, verbally or in action, or by means of a letter sent or handed to him, shall be punished as minor insults with a maximum imprisonment of four months and two weeks or a maximum fine of four thousand five hundred rupiah.”

Minor assault is regulated in Article 352 of the Criminal Code.

Except as referred to in Articles 353 and 356, assault that does not result in illness or an obstacle to carrying out official or professional work, shall be punished as minor assault with a maximum imprisonment of three months or a maximum fine of four thousand five hundred rupiah. The penalty may be increased by one-third for anyone who commits the crime against someone who works for him or is his subordinate.”

Petty theft is regulated under Article 364 of the Criminal Code.

“The acts described in Article 362 and Article 363, point 4, as well as the acts described in Article 363, point 5, if not committed in a house or an enclosed yard where a house is located, and if the value of the stolen goods does not exceed twenty-five rupiah, shall be considered petty theft, with a maximum imprisonment of three months or a maximum fine of two hundred and fifty rupiah.”

Petty embezzlement is regulated under Article 373 of the Criminal Code.

“The acts defined in Article 372, if the embezzled goods are not livestock and the value does not exceed twenty-five rupiah, shall be considered petty embezzlement, with a maximum imprisonment of three months or a maximum fine of two hundred and fifty rupiah.”

Minor fraud is regulated under Article 379 of the Criminal Code.

“The acts defined in Article 378, if the goods handed over are not livestock and the value of the goods, debt, or receivable is not more than twenty-five rupiah, are punishable as minor fraud, with a maximum imprisonment of three months or a maximum fine of two hundred and fifty rupiah.”

Minor fraud is regulated under Article 482 of the Criminal Code.

“The acts defined in Article 480, as minor fraud, are punishable by a maximum imprisonment of three months or a maximum fine of nine hundred rupiah, if the crime from which the goods were obtained is one of the crimes defined in Articles 364, 373, and 379.”

Minor damage is regulated in Article 497 of the Criminal Code.

“The act as defined in Article 480, as light damage, is punishable by a maximum imprisonment of three months or a maximum fine of nine hundred rupiah, if the crime from which the object was obtained is one of the crimes defined in Articles 364, 373, and 379.”

The results of an interview with IPDA Dimas Prabowo, S.H., as Head of the General Crimes Unit of the West Lombok Police

Criminal Investigation Unit, confirmed that the policy related to the RJ scheme has become an institutional priority:

"The implementation of RJ at the West Lombok Police has become a priority policy and is implemented across all police sectors. The principle is to restore the relationship between the perpetrator and the victim, not to punish them. We prioritize peace based on genuine sincerity and responsibility, not coercion."

This statement demonstrates that restorative justice is no longer merely an administrative policy but has become a working paradigm for investigators in handling minor crimes. This approach reflects the spirit of restorative justice, as proposed by Howard Zehr, which emphasizes that criminal resolution must focus on encounter (face-to-face meetings), amends (recovery and responsibility), reintegration (social reintegration of the perpetrator), and inclusion (active involvement of all parties). In practice at the West Lombok Police, these principles are embodied in mediation mechanisms, written peace requests, fulfillment of victims' rights, and the implementation of restorative case reviews involving community members and internal officers.

Several requirements must be met for a case to be resolved through RJ, including both material and formal requirements. These requirements are stipulated in Articles 5 and 6 of the Indonesian National Police Regulation (Perpol) Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice, as follows:

Article 5

The material requirements as referred to in Article 4 letter a include: a. not causing unrest and/or rejection from the community; b. not impacting social conflict; c. does not have the potential to divide the nation; d. is not radical or separatist; e. is not a repeat offender of a criminal offense based on a court decision; and f. is not a terrorist offense, a crime against state security, a crime against corruption, or a crime against human life.

Article 6

- 1) The formal requirements as referred to in Article 4 letter b include: a. peace between both parties, except for drug crimes; and b. fulfillment of the victim's rights and the perpetrator's responsibilities, except for drug crimes.
- 2) The peace agreement as referred to in paragraph (1), letter a, is evidenced by a peace agreement signed by the parties.
- 3) Fulfillment of the victim's rights and the perpetrator's responsibilities as referred to in paragraph (1), letter b, may include: a. returning goods; b. compensating for losses; c. reimbursing costs incurred as a result of the crime; and/or d. compensating for damages incurred as a result of the crime.
- 4) A written statement proves fulfillment of the rights as referred to in paragraph (3) in accordance with the agreement signed by the victim.
- 5) The format of the peace agreement letter as referred to in paragraph (2) and the written statement as referred to in paragraph (4) are listed in the Attachment, which is an integral part of these Police Regulations.

Furthermore, according to Aipda I Wayan Budiana, the implementation of RJ at the West Lombok Police was carried out in an orderly and accountable manner. He explained:

"Every RJ case begins with a written peace request from both parties, then we ensure that the victim's losses have been paid. After that, a special case review is held, attended by the Police Chief or Head of Criminal Investigation, along with community leaders, to ensure the agreement is valid and there was no coercion."

This statement demonstrates that West Lombok Police investigators do not immediately dismiss cases, but rather uphold the precautionary principle as stipulated in Articles 5 and 6 of Police Regulation Number 8 of 2021. This procedure also aligns with Bentham's theory of utility, which requires the law to produce tangible social benefits, namely the resolution of cases quickly and efficiently, and provide balanced satisfaction for victims, perpetrators, and the broader community. By facilitating dialogue and promoting moral responsibility, the police not only enforce the law but also help rebuild the social balance disrupted by criminal acts.

The active involvement of investigators as mediation facilitators is also evident in an interview with Brigadier Joko Adi Saputro, who stated that RJ should not be understood as an abrogation of responsibility, but rather as a means of moral learning for perpetrators. He said:

"Every perpetrator we invite to RJ is required to apologize directly to the victim and sign a written statement not to repeat their actions. RJ does not mean absolving them of responsibility; rather, the perpetrator learns to bear the consequences of their actions directly."

This quote illustrates the moral substance at the heart of restorative justice: the perpetrator is not freed, but instead invited to take responsibility humanely. This aligns with Bentham's view that effective punishment prevents crime and reforms the perpetrator, not one that merely causes suffering. Thus, the implementation of RJ at the West Lombok Police has empirically reflected a balance between the goals of social recovery (Restorative Justice theory) and the goal of legal expediency (Utilitarianism theory).

Based on empirical data obtained from the West Lombok Police Criminal Investigation Unit, there has been a significant increase in the implementation of RJ in the past three years. In 2022, there were 11 cases of minor crimes, none of which were resolved through RJ. In 2023, there were 15 minor crimes, with seven resolved through restorative justice. In 2024, this increased to 31 cases, with 20 resolved through RJ. As of September 2025, 25 cases were recorded, with 18 successfully resolved through restorative means. This figure shows a significant increase in success from year to year, with the initial success rate in 2022 being 0%, followed by 46.67% in 2023, 64.52% in 2024, and 72% in 2025. The results, when calculated in a table, are as follows:

NO	Year	Number of cases	Number of RJ	Success percentage
1.	2022	11 case	Nothing	0%
2.	2023	15 case	7 case	46,67%
3.	2024	31 case	20 case	64,52%
4.	2025 (Jan-Sep)	25 case	18 case	72%

Meanwhile, if broken down further by type, the cases successfully resolved through the restorative justice mechanism are presented in the following table:

NO	Year	Number of RJ	Case Type
1.	2022	Nihil	Nothing
2.	2023	7 case	Three (3) cases of minor insult, two (2) cases of minor theft, one (1) case of minor assault, and one (1) case of minor fraud.
3.	2024	20 case	One (1) Case of Minor Extortion, One (1) Case of Minor Vandalism, Four (4) Cases of Minor Assault, Nine (9) Cases of Minor Insult, Three (3) Cases of Minor Theft, One (1) Case of Minor Embezzlement, and One (1) Case of Minor Fraud.
4.	2025 (Januari-September)	18 case	Six (6) cases of minor insult, four (4) cases of minor theft, four (4) cases of minor assault, two (2) cases of minor fraud, one (1) case of minor embezzlement, and one (1) case of minor extortion.

Some examples of cases resolved through the restorative justice mechanism process at the West Lombok Police are as follows:

1. The crime of minor insult as referred to in Article 315 of the Criminal Code which is suspected to have been committed by Z which was reported by P, where Z had committed minor insult by saying "SOA INA, PUPANG INA, NO TO DIRI, DIRI LOKA TA", which can be interpreted in Indonesian as "SETUBUHI IBUMU, VAGINA IBUMU, ORANG TUA INI DO not KNOW HIMSELF" while pointing at P, which was then resolved based on restorative justice with the result of a peace agreement that Z admitted his mistake and apologized to P and promised not to repeat his actions either to P or other people. Z provided restitution to P in the amount of Rp—20,000,000 (twenty million rupiah).
2. The crime of minor assault as referred to in Article 352 of the Criminal Code which is suspected to have been committed by AS which was reported by MR, in which AS assaulted MR by slapping MR's cheek 3 (three) times, which was then resolved based on restorative justice with the result of a peace agreement that AS admitted his mistake and apologized to MR and promised not to repeat his actions either to MR or other people, and AS provided restitution to MR in the amount of Rp. 2,500,000,- (two million five hundred thousand rupiah).
3. The crime of minor theft as referred to in Article 364 of the Criminal Code, which is suspected to have been committed by LS, who was reported by PS, in which LS took PS's property in the form of 2 (one) light bulbs installed at the PS gate without PS's permission, resulting

in a total loss of Rp. 100,000 (one hundred thousand rupiah), then a settlement was carried out based on restorative justice, resulting in a peace agreement in which LS admitted his mistake, apologized to PS, and promised not to repeat his actions either to PS or to other people. LS gave restitution to PS in the amount of Rp. 500,000,- (five hundred thousand rupiah).

This improvement demonstrates the police's success in building public trust in a more straightforward and fairer legal process. From a utility theory perspective, this illustrates systemic efficiency: law enforcement is faster, costs are reduced, and the caseload at the prosecutor's office and courts can be reduced without sacrificing the sense of justice.

The steps necessary to implement the RJ mechanism at the West Lombok Police, as explained, which is adjusted to Police Regulation Number 8 of 2021, are as follows:

"The mechanism for implementing restorative justice in cases of minor crimes at the West Lombok Police Criminal Investigation Unit, begins with a victim's report, then an investigation is carried out and if a criminal incident is found, it is escalated to the investigation stage, during the investigation or inquiry process if the victim and perpetrator submit a written application letter accompanied by a peace agreement letter between the victim and the perpetrator and the victim's rights and the perpetrator's responsibilities have been fulfilled, accompanied by documentation and receipts (if there is restitution from the perpetrator for the victim) and a statement letter from the victim and perpetrator to the West Lombok Police Chief, then the investigator/investigator presents the application letter accompanied by a peace letter along with documentation and receipts and a statement letter from the victim and perpetrator to the West Lombok Police Chief, then if the formal and material requirements (according to the provisions in Perpol No. 8 of 2021 concerning the handling of criminal acts based on restorative justice) have been met, then the investigator will conduct a completeness of the documents, clarification to the parties as stated in the minutes, then the investigator submits a request letter for approval to carry out a special case title to the West Lombok Police Chief, after being approved, then the investigator will schedule the implementation of a special case title for termination investigation/investigation based on restorative justice led directly by the West Lombok Police Chief/Head of Criminal Investigation Unit of the West Lombok Police and attended by the investigator in charge, investigator supervisor, internal supervisory function and legal function as well as victims and families, perpetrators and families, representatives of community leaders, religious leaders, traditional leaders or stakeholders, after the implementation of the special case title is completed and all participants in the title agree to carry out the termination of the investigation/investigation based on restorative justice, the investigator then prepares a report on the results of the special case title and issues a letter of order to stop the investigation/investigation and a letter of determination to stop the investigation/investigation for legal reasons, then

recorded in the restorative justice register book of termination of investigation/investigation and counted as the settlement of the case, specifically for cases that are already at the investigation stage, the investigator sends a letter of notification of termination of investigation to the public prosecutor by attaching a letter of determination to stop the investigation and entering the data into the electronic investigation management system. If at the investigation stage, in the event of coercive measures being taken, the investigator must immediately return the confiscated goods/objects to those entitled to them, release the suspect after the letter of determination to stop the investigation is issued."

1. Receiving reports or complaints from the public or victims of criminal acts is regulated in Article 11 of Police Regulation Number 8 of 2021. After that, an initial investigation and case assessment are conducted. This is done to examine the reporter or victim, witnesses, and gather other preliminary evidence to complete the administrative investigation and inquiry process.
2. Conducting a case review to advance to the investigation stage (although it is possible that most cases found in the field can be resolved during the investigation stage), and then determining the suspect after sufficient evidence is deemed necessary. Before proceeding further, if there is a peace agreement between the suspect and victim, evidenced by a written statement or peace agreement between the parties, which is also strengthened by re-examining the victim and suspect for a confrontation, and inquiring into the reasons for the peace agreement to ensure that both parties desire the peace agreement without any external coercion. This is regulated in Articles 13 and 14 of Police Regulation Number 8 of 2021.
3. After that, the investigator conducts a special case title for the purpose of terminating the investigation in the interest of restorative justice (RJ), as outlined in Articles 15, 16, 17, and 18 of Police Regulation Number 8 of 2021.

From a social perspective, the implementation of Restorative Justice (RJ) at the West Lombok Police Department has received strong community support because it aligns with local values, such as *menyama braya*, the Lombok community's philosophy of life that prioritizes harmony and brotherhood. This cultural support reinforces Satjipto Rahardjo's theory of living law, which states that effective law is law that lives within the community, not merely written on paper. In this context, restorative justice is a concrete manifestation of law that "lives" and "breathes" according to the social needs of the West Lombok community. The West Lombok Police Department can align positive legal norms with existing social values without compromising the substance of justice itself.

The implementation of RJ also demonstrates a balance between legal certainty, justice, and expediency, as formulated by Gustav Radbruch. Legal certainty is achieved because RJ's implementation is guided by legitimate formal procedures (Police Regulation No. 8 of 2021); justice is achieved because victims' rights are fulfilled and perpetrators are held accountable. Meanwhile, the benefits are realized because the achieved peace calms the community and restores social harmony. This settlement model is more effective

than lengthy, costly, and potentially damaging judicial processes.

Furthermore, the implementation of RJ in minor cases at the West Lombok Police Resort also supports modern criminal law policies that lead to depenalization, thereby reducing reliance on formal criminal sanctions and strengthening social approaches to conflict resolution. This is evident in the large number of first-time offenders who have been successfully brought to justice through dialogue, rather than imprisonment. Thus, RJ serves not only as a means of resolving cases but also as an instrument for moral education and more effective crime prevention. This aligns with Bentham's principle of legal utility, which places prevention and social improvement as the measure of legal success.

Overall, the implementation of restorative justice in minor crimes at the West Lombok Police Resort can be understood as a synergy between the values of legal utility and humanistic restorative justice. The process, which is carried out based on the principles of voluntariness, restoration, and moral responsibility, demonstrates that the law can work effectively without the need for imprisonment. The implementation of RJ at the West Lombok Police Department demonstrates that law enforcement that prioritizes dialogue, humanity, and social benefit can achieve substantive justice. Thus, the West Lombok Police Department serves as a concrete model for transforming Indonesian criminal law values toward a more efficient, humane, and truly community-focused justice system.

B. OBSTACLES IN THE IMPLEMENTATION OF RESTORATIVE JUSTICE IN MINOR CRIMES AT THE WEST LOMBOK POLICE

According to Lawrence M. Friedman, the effectiveness of law enforcement is primarily determined by three interrelated elements: legal structure, legal substance, and legal culture. When any one of these elements is not functioning optimally, the legal system as a whole cannot function effectively. Based on research at the West Lombok Police, obstacles to the implementation of Restorative Justice (RJ) in minor crimes reflect obstacles in all three elements. Structurally, there are limited human resources and facilities; substantially, there is still overlap and a lack of integration of regulations among law enforcement agencies; and culturally, there is still low public awareness and understanding of the values of RJ.

From a legal structural perspective, the main obstacle identified is the unequal understanding among law enforcement officers, particularly investigators, regarding the concept and mechanisms of implementing restorative justice. Soerjono Soekanto, in his theory of legal effectiveness, asserts that "law enforcement is a central factor in the successful implementation of a regulation." If law enforcement officers lack the ability or a uniform understanding of the regulations they implement, the law will remain at the normative level. This is the situation evident at the West Lombok Police, where some investigators still interpret RJ as a common form of peaceful resolution, rather than a legitimate and measured legal mechanism.

This was directly confirmed by the Head of the General Crimes Unit of the West Lombok Police Criminal Investigation Unit, who stated:

"The obstacle we frequently encounter is that not all investigators fully understand the concept and procedures of restorative justice. Some members think restorative justice is just a simple peace settlement, when in fact, there are formal mechanisms and legal

requirements that must be met before a case is dismissed. So, we still need to align our understanding internally."

This statement indicates that the issue of officer capacity remains a fundamental obstacle. Within the framework of the theory of legal effectiveness, this weak understanding can lead to inconsistent policy implementation, both administratively and substantively.

In addition to limited human resources, structural obstacles also arise from a lack of supporting facilities and infrastructure. Not all police stations under the West Lombok Police have dedicated rooms for restorative justice mediation. However, according to restorative justice principles, the mediation environment must be neutral, safe, and conducive to open dialogue between the parties. In an interview, he explained:

"We at the Police Resort already have a mediation room that can be used for mediation, but not all Polsek (sector police) have one. Sometimes, if the case is from a distant sub-district, we ask the victim and perpetrator to come to the Police Resort. But not everyone is willing, as distance and transportation costs are also obstacles."

This quote demonstrates that structural barriers stem not only from institutional factors but also from the geographic and economic aspects of the community. In the context of Satjipto Rahardjo's progressive law, this situation demonstrates that the law is still not entirely "on the side of the people" because it does not make it easier for the public to access justice mechanisms.

From a substantive legal perspective, obstacles arise from the lack of uniform technical guidelines and the lack of full synchronization between law enforcement agencies. Although the West Lombok Police Resort is guided by National Police Chief Regulation Number 8 of 2021, this regulation is internal and therefore not automatically binding on the prosecutor's office or the courts. This lack of integration of norms has resulted in differing interpretations among law enforcement agencies regarding the validity of terminating an investigation through a mediation room. In practice, investigators consider the peace agreement signed by the parties to be a sufficient legal basis for their actions. However, prosecutors sometimes request additional evidence in the form of documentation or statements from community leaders.

The statement reinforces this, an investigator with the West Lombok Police Criminal Investigation Unit, who said:

"Often, after we prepare a peace report and submit a SP3 (Removal of Cases), the prosecutor's office still requests additional evidence, such as a video recording of the mediation or a statement from a community leader. Even though all parties have agreed to a peace settlement, this sometimes lengthens the process."

This statement illustrates a gap in inter-agency coordination that can slow down the effectiveness of RJ. From the perspective of Friedman's legal system theory, this indicates an imbalance between the structural elements and the substance of the law. Structurally, the authorities are ready to implement RJ, but the legal substance has not been fully integrated into the national criminal justice system.

Furthermore, substantial obstacles arise from limited budget and administrative facilities. A dedicated fund allocation does not support the RJ process at the West Lombok Police. As a result, basic needs such as transportation for victims, food, and documentation are often met through self-funding by investigators

or assistance from village officials. In the context of Gustav Radbruch's theory of legal utility, this situation demonstrates that good law does not fully fulfill its utility value, because its implementation does not provide adequate practical support for law enforcement.

From a community legal culture perspective, this study found that social resistance to the concept of restorative justice persists. Some still view restorative justice as a form of "forgiveness" for the perpetrator, rather than restitution for the victim. This indicates that the prevailing legal culture remains oriented toward a retributive paradigm, where justice is equated with punishment. Low public legal awareness leads some victims to refuse reconciliation even when the perpetrator has admitted guilt and agreed to compensate.

This fact was acknowledged, who explicitly stated:

"There are also victims who refuse to reconcile because they believe that if it doesn't go to court, the perpetrator won't be truly punished. Sometimes we facilitate mediation, but it ultimately fails because the victim refuses or demands excessive compensation."

This quote demonstrates that the obstacle to public acceptance of RJ is not only a legal issue, but also a perception of justice. In Friedman's theory of legal culture, this phenomenon is referred to as the legal culture gap, which represents the disparity between formal legal values and societal values. The West Lombok Police operate in an area where the community has strong family values, but understanding of formal law is still limited. Therefore, the implementation of RJ is often influenced by emotional factors, social relationships, and pressure from the victim's environment.

In addition to the obstacle of public perception, psychological and emotional obstacles among the parties often hinder mediation. Investigators reported that in several cases, victims who initially agreed to reconcile suddenly withdrew their agreement after being influenced by family or other parties. This emphasizes that RJ requires not only legal accuracy, but also social sensitivity and communication skills from investigators. In the context of John Braithwaite's theory of restorative justice, successful reconciliation depends heavily on the mediator's ability to understand the parties' emotions and moral values, as well as their emotional engagement with the process.

This is as stated:

"The RJ mediation process is not as easy as it seems. Sometimes, along the way, parties change their minds. Therefore, investigators must truly maintain communication and ensure that all decisions are made voluntarily, not under pressure."

This statement demonstrates the importance of the human dimension in law enforcement. Investigators are not only tasked with enforcing regulations but also as facilitators of social justice, who must maintain emotional balance between parties.

Furthermore, the research also revealed that investigators' heavy workloads pose a challenge. The RJ process requires more time, coordination, and effort than conventional case resolution. Investigators must prepare for mediation, document the agreements reached, and report the entire process to the Chief of Police and the Prosecutor's Office. As caseloads increase, some investigators prefer formal resolution because it is perceived as faster and less time-consuming. This suggests that the police case management system needs to be regulated to reduce the burden on officers who want to implement RJ effectively.

These obstacles, when viewed from the perspective of Satjipto Rahardjo's progressive legal theory, demonstrate that positive law has not yet fully adapted to social needs in the field. The legal process should not be a burden on society, but rather a means to restore social relationships that have been damaged by crime. The West Lombok Police have attempted to implement humanistic legal principles by creating space for mediation and peacemaking, but challenges in resources, institutional structure, and public understanding remain significant obstacles.

Thus, the research findings indicate that the obstacles to implementing restorative justice at the West Lombok Police are complex and multidimensional. Structural barriers, such as limited human resources and facilities, substantial obstacles including overlapping regulations and minimal budget support, and cultural barriers like low public legal awareness and resistance to the concept of restorative justice, are key factors influencing the effectiveness of restorative justice. These obstacles demonstrate that the success of restorative justice cannot be measured solely by the existence of regulations, but also by the extent to which the law interacts with the people and local culture in which it is implemented.

CONCLUSION

1. The Implementation of Restorative Justice in the Resolution of Minor Crimes at the West Lombok Police Department. Through the implementation of the National Police Chief Regulation Number 8 of 2021, the West Lombok Police Department has successfully implemented a case resolution mechanism that prioritizes dialogue, moral responsibility, and the restoration of social relations between perpetrators and victims. The West Lombok Police Department, through its Criminal Investigation Unit, has successfully implemented Restorative Justice, achieving significant improvements over the last three years. In 2022, there were 11 cases of minor crimes, and none were successfully resolved through Restorative Justice. In 2023, there were 15 cases of minor crimes, with seven resolved through restorative justice. In 2024, this number increased to 31 cases, with 20 resolved through Restorative Justice. As of September 2025, 25 cases had been recorded, with 18 successfully resolved through restorative means. This figure illustrates a significant year-over-year increase in success, with rates of 0% in 2022, 46.67% in 2023, 64.52% in 2024, and 72% in 2025.
2. The obstacles faced in resolving minor crimes at the West Lombok Police Department are three elements of the legal system, as outlined by Lawrence M. Friedman: legal structure, legal substance, and legal culture.
 - a. From a structural perspective, limited human resources and supporting facilities, as well as investigators' unequal understanding of the RJ mechanism, have resulted in inconsistent implementation of this policy.
 - b. From a substantive perspective, the lack of synchronization of regulations between law enforcement agencies and the lack of integrated technical guidelines have led to differing interpretations and hampered the effectiveness of case resolution.
 - c. From a legal culture perspective, low public awareness and understanding of the values of restorative justice

continue to fuel resistance to the concept of restoration and peace.

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