



THE APPLICATION OF RESTORATIVE JUSTICE IN RESOLVING MINOR ASSAULT CRIMES WITHIN THE JURISDICTION OF THE SUKOHARJO POLICE

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Abstract

The application of restorative justice in resolving minor assault offenses is a law enforcement effort that prioritizes peace, accountability, and the restoration of social relations in the community. This study aims to analyze the implementation of restorative justice in resolving minor assault offenses within the jurisdiction of the Sukoharjo Police and to examine the effectiveness of its practice. The research applies an empirical legal method with a sociological-juridical approach through statutory review, literature study, police statistical data, and field-oriented analysis. The findings show that restorative justice at the Sukoharjo Police has been implemented relatively effectively, as reflected in the tendency toward case settlement through peace mechanisms and the reduction of prolonged conflict between victims and offenders. Restorative settlement provides faster legal certainty, supports direct recovery for victims, and creates more harmonious relations between the parties. Nevertheless, implementation still faces several obstacles, including limited public understanding of restorative justice and the need to strengthen mediation skills among police officers. Therefore, broader public outreach, improved professionalism of investigators, and stronger supervision over peace agreements are required to ensure that restorative justice is carried out transparently, objectively, and fairly.

Keywords: Restorative Justice, Minor Assault, Case Settlement, Police

INTRODUCTION

The criminal justice system has an important position in maintaining social stability and providing legal protection for society (Muladi, 1995). One type of crime that frequently occurs in social life is minor assault. Although this offense is generally considered to have a more limited impact than serious assault, it may still cause physical and psychological harm to the victim and may disturb social relations within the community. The development of modern criminal law indicates a paradigm shift from a repressive punishment model toward a settlement model that is more oriented toward recovery. In this context, restorative justice is regarded as an approach capable of responding to the public need for case resolution that is fairer, faster, and more beneficial (Zehr, 2015; UNODC, 2020).

Restorative justice places the victim, offender, families, and community as active parties in the conflict resolution process (Zehr, 2015; UNODC, 2020). Through dialogue and deliberation, the parties are encouraged to reach an agreement that restores losses and repairs disrupted social relations (UNODC, 2020). This approach is consistent with the values of deliberation and kinship that have long existed in Indonesian legal culture (UNODC, 2020). In the police environment, the application of restorative justice has obtained a legal basis through Regulation of the Indonesian National Police Number 8 of 2021 (Perpol No. 8 of 2021; Zehr, 2015). This regulation provides guidance for investigators in handling certain criminal cases by prioritizing restorative justice. Therefore, this study is important in order to understand how the policy is implemented in minor assault cases within the jurisdiction of the Sukoharjo Police.

LITERATURE REVIEW

Restorative justice is a criminal case settlement approach that emphasizes the recovery of harm caused by crime (Zehr, 2015). Unlike the conventional criminal justice system, which tends to focus on punishing the offender, the restorative approach focuses on repairing relationships damaged by criminal conduct (Zehr, 2015; UNODC, 2020; Muladi, 1995). Within this concept, crime is not merely viewed as a violation of state law, but also as an act that harms social relations between individuals and the community. Consequently, the settlement process should involve all affected parties, including the victim, offender, families of both parties, and relevant community elements.

The main principle of restorative justice is the active participation of the parties in finding a solution to the conflict (Zehr, 2015). Through dialogue and deliberation, victims are given an opportunity to express the impact they have experienced, while offenders are encouraged to acknowledge their wrongdoing and take responsibility for their actions (UNODC, 2020). Thus, the settlement reached is not only formal-legal in nature, but also carries strong moral and social values. Restorative justice also aims to reduce revenge, prolonged conflict, and social stigma against offenders (Zehr, 2015; UNODC, 2020). A peace agreement made voluntarily has a greater opportunity to create harmonious social relations than a settlement that relies solely on punishment (Muladi, 1995).

METHOD

This research uses an empirical legal research method with a sociological-juridical approach (Amiruddin & Asikin, 2012). This approach was selected because the study does not merely examine applicable legal provisions, but also observes how legal norms are implemented in the practice of criminal case settlement in society, particularly in the handling of minor assault offenses through restorative justice within the jurisdiction of the Sukoharjo Police (Zehr, 2015; UNODC, 2020). The data sources in this research consist of primary legal materials, secondary legal materials, and tertiary legal materials (Amiruddin & Asikin, 2012). Primary legal materials include Pancasila as the philosophical foundation of the state, the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 2023 concerning the Criminal Code, Law Number 20 of 2025 concerning the Criminal Procedure Code, and Regulation of the Indonesian National Police Number 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice (Perpol No. 8 of 2021; Law No. 1 of 2023; Law No. 20 of 2025; 1945 Constitution of the Republic of Indonesia; Pancasila; Amiruddin & Asikin, 2012; Zehr, 2015). These legal instruments serve as the main basis for analyzing restorative justice in minor assault cases.

Secondary legal materials are obtained from scientific sources such as books, legal journals, previous research, academic articles, official documents, and statistical data related to criminal case handling and the implementation of restorative justice (Amiruddin & Asikin, 2012; Zehr, 2015; Sukoharjo Police Data, processed by the authors, 2026). Tertiary legal materials are used to clarify and complement primary and secondary legal materials, including legal dictionaries, encyclopedias, and other supporting references relevant to the object of study (Amiruddin & Asikin, 2012). Data collection was carried out through library research by examining laws and regulations, legal documents, academic literature, and information sources related to restorative justice (Sugiyono, 2019; Zehr, 2015). The research also uses statistical data from official sources to provide an empirical picture of the development of criminal case settlement within the jurisdiction of the Sukoharjo Police (Sukoharjo Police Data, processed by the authors, 2026).

The data were processed and arranged systematically according to the needs of the study (Sugiyono, 2019). The processing stage was conducted by grouping data based on themes, connecting empirical facts with normative provisions, and interpreting the data to produce a comprehensive understanding of the implementation of restorative justice (Sugiyono, 2019; Zehr, 2015). Data analysis was conducted using a descriptive qualitative method, in which the collected data were analyzed in depth to explain the legal phenomenon under study by comparing theory, legal provisions, and field practice (Sugiyono, 2019; Zehr, 2015).

RESULTS AND DISCUSSION

A. Regulation of Restorative Justice in the Indonesian Criminal Justice System

The enactment of the National Criminal Code reflects criminal law reform that places greater emphasis on restoration and conflict resolution (Law No. 1 of 2023). This principle is in line with restorative justice, which seeks to restore the balance of relationships among victims, offenders, and the community (Zehr, 2015; UNODC, 2020). National criminal law reform through Law Number 1 of 2023 concerning the Criminal Code has brought a significant paradigm shift in the Indonesian sentencing system (Law No. 1 of 2023; Muladi, 1995). Previously, criminal law tended to emphasize retributive justice. Currently, the orientation of criminal law policy is gradually moving toward an approach that prioritizes recovery and fair conflict resolution (Muladi, 1995).

This paradigm shift is reflected in legal provisions that position the purpose of sentencing not only as a means of punishment, but also as an effort to restore social balance disrupted by crime (Muladi, 1995). In this context, restorative justice receives considerable attention because it is considered capable of simultaneously bridging the interests of victims, offenders, and the community (Zehr, 2015; UNODC, 2020). Normatively, restorative justice has obtained legitimacy through various laws and regulations (Zehr, 2015). In the National Criminal Code, the spirit of restorative justice can be found in provisions concerning the purposes of punishment, which prioritize conflict resolution, restoration of social balance, and the creation of public security (Law No. 1 of 2023; Zehr, 2015; UNODC, 2020; Muladi, 1995). Judges are also required to consider aspects of victim recovery, apologies from offenders, and efforts to repair the harm caused by crime (UNODC, 2020).

More detailed regulation can be found in the National Criminal Procedure Code, which explicitly provides space for restorative justice as an alternative mechanism for criminal case settlement (Law No. 20 of 2025; Zehr, 2015). The regulation governs the concept, requirements, procedures, and limitations of cases that may be resolved through a restorative approach. Thus, restorative justice is no longer merely an administrative policy; it has become part of the national criminal justice system (Zehr, 2015). Within the Indonesian National Police, restorative justice is specifically regulated by Police Regulation Number 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice (Perpol No. 8 of 2021; Zehr, 2015). This regulation serves as a guideline for investigators in determining whether a case fulfills the requirements for settlement through restorative justice or must proceed through the formal criminal justice process (Zehr, 2015; Muladi, 1995).

B. Implementation of Restorative Justice within the Sukoharjo Police

The implementation of restorative justice within the jurisdiction of the Sukoharjo Police is carried out by referring to the provisions stipulated in Police Regulation Number 8 of 2021 (Perpol No. 8 of 2021; Zehr, 2015). In practice, case settlement through the restorative approach is conducted after investigators ensure that all formal and material requirements have been fulfilled (Zehr, 2015). Police Regulation Number 8 of 2021 regulates the material and formal requirements that must be fulfilled before a case can be resolved through a restorative approach (Perpol No. 8 of 2021; Zehr, 2015). These include the existence of a peace agreement, the case not causing widespread public unrest, the case not being categorized as a serious crime, and the offender not being a recidivist.

The first stage is the existence of a peace agreement between the victim and the offender. This agreement must be made voluntarily without pressure, threats, or coercion from any party. Investigators then verify the validity of the agreement to ensure that the reconciliation process truly reflects the will of the parties. The next stage is a special case conference involving investigators, supervisory investigators, internal supervisory elements, and other related parties (Soekanto, 2008). Through this mechanism, a decision is made as to whether the case is eligible for resolution through restorative justice or should continue through the formal criminal justice process (Zehr, 2015).

If all requirements have been fulfilled and the special case conference approves the use of restorative justice, investigators may issue a letter terminating the investigation or inquiry in accordance with applicable provisions (Zehr, 2015). This step provides legal certainty that the case has been resolved through a mechanism that is valid under the law.

C. Effectiveness of Restorative Justice in Resolving Minor Assault Cases

Available data show a tendency toward increased case settlement through non-litigation mechanisms (Muladi, 1995; Sukoharjo Police Data, processed by the authors, 2026). Within the jurisdiction of the Sukoharjo Police, several cases have been successfully resolved through restorative justice (Zehr, 2015; Sukoharjo Police Data, processed by the authors, 2026). These cases include minor assault, threats, theft with small losses, and other offenses that meet the requirements for restorative settlement (Zehr, 2015). Based on the available data, the application of restorative justice within the jurisdiction of the Sukoharjo Police shows a positive trend (Zehr, 2015; Sukoharjo Police Data, processed by the authors, 2026). Case settlement through peace mechanisms provides a faster and more efficient alternative compared with litigation, which often requires considerable time and cost (Muladi, 1995; UNODC, 2020).

The success of restorative justice is not only measured by the number of cases resolved, but also by the ability of the mechanism to prevent prolonged conflict (Zehr, 2015; Sukoharjo Police Data, processed by the authors, 2026). Victims are given the opportunity to obtain direct recovery, while offenders can take responsibility without always undergoing a lengthy judicial process (UNODC, 2020; Muladi, 1995). Several indicators demonstrate the effectiveness of restorative justice (Zehr, 2015). First, there is an increase in the number of cases successfully resolved through peace mechanisms (Sukoharjo Police Data, processed by the authors, 2026). Second, the potential

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for prolonged conflict between victims and offenders is reduced. Third, the satisfaction of the parties increases because the settlement achieved is more responsive to their respective needs. Restorative justice also provides positive impacts on the criminal justice system as a whole (Zehr, 2015; UNODC, 2020; Muladi, 1995). Out-of-court settlement helps reduce the workload of law enforcement officers, minimize case accumulation in courts, and reduce the risk of overcrowding in correctional institutions (Soekanto, 2008; UNODC, 2020). From the perspective of legal effectiveness, restorative justice shows relatively good results because it creates settlements that are faster, simpler, and less costly (Zehr, 2015; Soekanto, 2008; UNODC, 2020).

D. Obstacles and Strengthening Measures

Despite these positive developments, several obstacles remain (Soekanto, 2008). Some members of the public still do not understand the purpose of restorative justice and continue to assume that every criminal offense must end in punishment (Zehr, 2015; UNODC, 2020; Muladi, 1995). This lack of understanding may reduce public acceptance of peace-based settlement mechanisms (Muladi, 1995). Another obstacle is the limited mediation capacity of some law enforcement officers (Soekanto, 2008). The mediation process requires adequate communication, negotiation, and conflict resolution skills in order to produce agreements that are genuinely fair for all parties. In addition, supervision over the implementation of peace agreements needs to be strengthened to ensure that all victim rights are fulfilled and that offenders carry out their obligations in accordance with the agreement that has been made (Soekanto, 2008). Stronger supervision is also needed so that restorative justice is not misused as a merely formal settlement that ignores substantive justice.

CONCLUSION

The application of restorative justice in resolving minor assault offenses within the jurisdiction of the Sukoharjo Police has been carried out relatively effectively (Zehr, 2015). This approach provides a more humane alternative settlement by emphasizing restoration, peace, and offender accountability (UNODC, 2020). The existence of Police Regulation Number 8 of 2021 provides a strong legal basis for police officers to implement this mechanism (Perpol No. 8 of 2021; Soekanto, 2008).

Although several obstacles remain, such as low public understanding and limited mediation skills among some officers, restorative justice is generally able to provide broader benefits than formal judicial settlement for certain cases that meet the required conditions (Zehr, 2015; UNODC, 2020; Muladi, 1995; Soekanto, 2008). Through this mechanism, victims can obtain more direct recovery, offenders can take responsibility, and the community can avoid prolonged conflict.

The police should continue to expand public outreach programs concerning the concept and benefits of restorative justice (Zehr, 2015; UNODC, 2020). In addition, the competence of investigators should be improved through continuous training in mediation and conflict resolution. Supervision over the implementation of peace agreements must also be strengthened to ensure that the rights and obligations of all parties are properly fulfilled.

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