



IMPLEMENTATION OF RESTORATIVE JUSTICE IN RESOLUTION OF VIOLENT CONFLICT BETWEEN DEMONSTRATORS AND POLICE PERSONNEL AT KENDARI POLICE REGENCY.

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Abstract

The violent conflict that occurred between demonstrators and police personnel during the demonstration is an issue that can disrupt public order and give rise to legal issues for the parties. The resolution of this conflict is not only oriented towards repressive law enforcement, but also requires an approach that can restore relationships, resolve losses, and prevent recurrence of conflict. This study aims to analyze the application of restorative justice in resolving violent conflicts between demonstrators and police personnel at the Kendari Police Headquarters and identify the obstacles faced in its implementation. This study uses an empirical legal research method with a qualitative descriptive approach. Research data were obtained through interviews, observations, and documentation related to the conflict resolution process between demonstrators and police personnel. The results of the study indicate that the application of restorative justice can be an alternative resolution of violent conflicts through a process of dialogue and deliberation involving the conflicting parties, prioritizing recovery, accountability, and the creation of mutual agreements. The application of this approach can also help reduce conflict escalation and provide space for the parties to resolve the problem more constructively. However, its implementation still faces several obstacles, including differing interests and perceptions between demonstrators and the police, the parties' willingness to reconcile, the complexity of violent incidents, and limited understanding of restorative justice mechanisms. Therefore, improved communication, transparency, and professionalism of police personnel are needed, as well as coordination with relevant parties to ensure the effective implementation of restorative justice in resolving conflicts between demonstrators and police personnel while ensuring legal certainty and justice.

Keywords: Restorative Justice, Demonstration, Violence, Police, Conflict Resolution.

INTRODUCTION

Indonesia is a state based on law as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that "Indonesia is a state based on law."¹ This provision implies that all state administration activities, including the actions of law enforcement officers and the public, must be carried out based on the law and uphold the principles of human rights. In the context of modern democratic life, the state provides ample space for the public to express opinions in public as part of the constitutional rights of citizens. This freedom of expression is expressly guaranteed in Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that everyone has the right to freedom of association, assembly, and expression of opinion.² In addition, guarantees for the right to express opinions are also regulated in Law Number 9 of 1998 concerning Freedom of Expression in Public, which provides legal legitimacy for demonstration activities as a form of public participation in the democratic system. Demonstrations are essentially a means of social control over government policies, so their existence cannot be separated from the principles of a democratic state and the rule of law. However, in practice,

¹Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia

²Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia

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demonstration activities often develop into social conflicts involving violence between demonstrators and police officers due to differences of interest, repressive actions, or provocations in the field.³

The conflict between demonstrators and police officers is a complex legal issue because it involves aspects of law enforcement, human rights protection, and the stability of public security and order. The Indonesian National Police, as a state law enforcement agency, has duties as stipulated in Article 13 of Law Number 2 of 2002 concerning the Indonesian National Police, namely maintaining public security and order, enforcing the law, and providing protection, assistance, and services to the community.⁴ In carrying out their duties to secure demonstrations, police officers are required to act professionally, proportionally, and humanely in accordance with Regulation of the Chief of the Indonesian National Police Number 16 of 2006 concerning Guidelines for Crowd Control. However, in reality, physical clashes often occur between officers and demonstrators, resulting in acts of violence, destruction of public facilities, and injuries to both demonstrators and security officers. This condition shows that a repressive approach alone is not capable of resolving the conflict comprehensively because it is only oriented towards punishment without considering the restoration of social relations between the parties.⁵ The conventional criminal law approach that emphasizes retaliation and punishment often creates new problems in resolving demonstration conflicts. Formal law enforcement through criminal justice mechanisms often creates prolonged tension between the public and law enforcement officials. In many demonstrations, demonstrators are positioned as perpetrators of criminal acts without considering the root of the social problems and the dynamics of the conflict on the ground. Furthermore, police actions deemed excessive often trigger public criticism regarding human rights violations. Therefore, a conflict resolution approach is needed that is not solely oriented toward punishment but also emphasizes aspects of dialogue, healing, peace, and shared responsibility. One approach developing in the modern criminal justice system is restorative justice, which prioritizes restoring relationships between perpetrators, victims, and the community through deliberation and fair resolution for all parties.⁶

The concept of *restorative justice* essentially positions criminal acts as social conflicts that must be resolved by restoring balance between the parties involved. This approach differs from the conventional criminal justice system, which places greater emphasis on punishing the perpetrator. In restorative justice, case resolution involves the perpetrator, victim, victim's family, community, and law enforcement officials to find a joint solution that can restore the situation to its original state. In Indonesia, the application of *restorative justice* has gained legal legitimacy through various regulations, including Indonesian National Police Regulation Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice. This regulation provides space for police officers to resolve certain criminal cases through a dialogical and deliberative approach, provided that the specified material and formal requirements are met. The presence of this regulation indicates a shift in the paradigm of law enforcement from a retributive approach to a more humanistic approach oriented toward social recovery.⁷ In the context of demonstration conflicts, the *restorative justice approach* is crucially relevant because the conflicts are generally spontaneous, situational, and influenced by mass emotions. Many initially peaceful demonstrations have devolved into clashes due to miscommunication, provocative actions, or disproportionate use of force by security forces. These conditions result in physical, psychological, and material losses. Therefore, resolving demonstration conflicts through restorative justice mechanisms is considered more effective in fostering social peace than formal criminal approaches that focus on punishment. This approach can serve as a means of reconciliation between demonstrators and police, thereby restoring previously disrupted social relations. Furthermore, restorative justice can also reduce the potential for prolonged conflict that could disrupt regional security stability.⁸

One of the most notable instances of conflict between demonstrators and police occurred during a demonstration against the Omnibus Law on Job Creation in Kendari City in October 2020. Clashes broke out between students and security forces near the Southeast Sulawesi Regional People's Representative Council (DPRD) building. Initially peaceful, the demonstration escalated into chaos after protesters attempted to break through police barricades. Police then used tear gas to disperse the crowd, sparking a clash of stones between demonstrators and security forces. The clashes resulted in several student injuries, and several police officers were also injured by hard

³Jimly Asshiddiqie, 2019, *The Indonesian Constitution and Constitutionalism*, Sinar Grafika, Jakarta, p. 112.

⁴Article 13 of Law No. 2 of 2002 concerning the Republic of Indonesia National Police

⁵Sadjijono, 2017, *Police Law in Indonesia*, LaksBang Mediatama, Yogyakarta, p. 85.

⁶Eva Achjani Zulfa, 2018, *Restorative Justice in Indonesia*, Prenadamedia Group, Jakarta, p. 41.

⁷Marlina, 2019, *Juvenile Criminal Justice in Indonesia: Development of the Concept of Diversion and Restorative Justice*, Refika Aditama, Bandung, p. 67.

⁸Bambang Waluyo, 2020, *Criminal Case Resolution: Implementation of Restorative and Transformative Justice*, Sinar Grafika, Jakarta, p. 134.

objects thrown by the protesters. The incident drew criticism from various parties regarding the use of force by security forces and the demonstrators' anarchic actions, which damaged public facilities. This conflict demonstrates that repressive approaches to resolving the situation have not been entirely effective in creating peace and have instead exacerbated tensions between the community and law enforcement.⁹ Another incident occurred during a student demonstration in Kendari against the proposed fuel price hike in 2022. During the demonstration, police and demonstrators engaged in shoving, which escalated into physical clashes. Based on the chronology of the incident, the demonstrators, led by a student field coordinator with the initials AR, attempted to force their way into the Southeast Sulawesi Provincial DPRD office to convey their demands directly to council members. Police officers providing security attempted to restrain the crowd, leading to a commotion in front of the DPRD office gate. In the incident, several students were injured from being punched and pushed by officers, while several police officers were injured from stones and pieces of wood thrown by the demonstrators. This case drew public attention because it showed an escalation of conflict involving reciprocal violence between demonstrators and police officers during the demonstration.¹⁰

Another fact also emerged during a demonstration by community groups and students regarding mining issues in Southeast Sulawesi in 2023. The demonstration, which took place in front of the Southeast Sulawesi Governor's Office, ended in chaos after tensions arose between the demonstrators and security forces from the Kendari Police. Based on developing information, one of the demonstrators, Fajar, suffered a head injury from a collision when officers attempted to disperse the crowd, deemed to be disturbing public order. Meanwhile, a police officer was also injured from being hit by a stone thrown by a protester. This conflict demonstrates that demonstrations that are not managed with a good communication and crowd control approach can escalate into violent acts that harm all parties. This incident also demonstrates the importance of efforts to resolve conflicts through dialogue and restorative means to prevent social resentment between the community and security forces.¹¹ The various demonstration conflicts that have resulted in violence between demonstrators and police officers demonstrate problems in the implementation of humane and just law enforcement. The repressive approach used to date tends to focus solely on criminal prosecution without considering aspects of restoring social relations and public trust in the police institution. On the other hand, the demonstrators' anarchic actions are also unjustifiable because they violate the principle of peaceful expression of opinions as stipulated in laws and regulations. Therefore, a conflict resolution mechanism is needed that can accommodate the interests of all parties through dialogue, mediation, and social restoration. *Restorative justice* is a relevant alternative resolution because it positions demonstrators and police officers as parties with equal rights and responsibilities in maintaining order and democracy. This approach is expected to create a more just and peaceful conflict resolution oriented towards restoring the social condition of the community.¹²

LITERATURE REVIEW

1. Understanding *Restorative Justice*

Restorative justice first developed in European and American countries as a form of reform to modern penal systems, which were considered too repressive and unable to address the root causes of social problems. Over time, this concept has been applied in various legal systems worldwide, as it is considered more humane and effective in creating social peace. *Restorative justice* not only seeks to resolve legal conflicts formally but also aims to restore relationships between victims, perpetrators, and the community that have been disrupted by the crime. Therefore, this approach emphasizes participatory resolution rather than coercive punishment. Perpetrators are encouraged to admit their mistakes and take responsibility for the consequences of their actions, while victims are given the opportunity to express their losses and obtain appropriate reparations.¹³

The concept of *restorative justice* is fundamentally closely linked to the culture of deliberation that has long been prevalent in Indonesian society. Before the development of the modern legal system, indigenous communities in Indonesia were familiar with various forms of family dispute resolution through customary deliberation and peacemaking between conflicting parties. These resolutions were carried out with the aim of restoring social balance and creating order within society. Therefore, *restorative justice* is not a completely

⁹Ruslan Renggong, 2021, *Special Criminal Law: Understanding Offenses Outside the Criminal Code*, Kencana, Jakarta, p. 201.

¹⁰Satjipto Rahardjo, 2018, *Progressive Law: A Synthesis of Indonesian Law*, Genta Publishing, Yogyakarta, p. 93.

¹¹Soerjono Soekanto, 2016, *Factors Influencing Law Enforcement*, RajaGrafindo Persada, Jakarta, p. 8.

¹²M. Yahya Harahap, 2017, *Discussion of Problems and Application of the Criminal Procedure Code*, Sinar Grafika, Jakarta, p. 25.

¹³*Ibid*, p. 35

foreign concept to the Indonesian social system, but rather aligns with local cultural values that uphold peace, mutual cooperation, and family-based resolution. These values subsequently became one of the important reasons why *restorative justice* began to be developed within the Indonesian criminal law system.¹⁴

2. Goals and Principles of Restorative Justice

Restorative justice essentially aims to restore social relationships disrupted by criminal acts. Unlike conventional criminal justice systems, which focus on punishing the perpetrator, *restorative justice* seeks to restore balance between the victim, the perpetrator, and society. This approach recognizes that criminal acts not only inflict legal damage on the state but also cause social, psychological, and moral harm to the victim and the surrounding community. Therefore, resolving criminal cases through a *restorative justice approach* aims to restore the situation to the way it was before the crime occurred through dialogue, deliberation, and mutual agreement between the parties involved.

The goal of *restorative justice* is also closely related to efforts to create social peace in society. In many criminal cases, the punishment process for perpetrators often fails to resolve the underlying conflict because victims still feel the loss, and perpetrators retain hostility toward others. This situation can trigger new conflicts in the future. Therefore, *restorative justice* exists as an approach that not only resolves cases formally but also seeks to address the roots of the conflict through a family approach and social reconciliation. Thus, *restorative justice* provides not only legal benefits but also social benefits in maintaining stability and harmony in society.¹⁵

In the context of modern society, *restorative justice* also aims to mitigate the negative impact of the criminal justice system on social life. Repressive punishment often creates social stigma against perpetrators, making it difficult for them to be accepted back into society. As a result, perpetrators can experience social exclusion, which actually increases the risk of reoffending. Through *restorative justice*, perpetrators are given the opportunity to correct their mistakes and be reintegrated into society through a process of reconciliation and social restoration. Thus, restorative justice aims to create a more humane social reintegration for perpetrators of criminal acts.¹⁶

In its application, *restorative justice* is based on several basic principles that serve as the foundation for resolving criminal cases. One of the main principles of *restorative justice* is the principle of restoration. This principle emphasizes that the primary goal of resolving criminal cases is to restore the losses suffered by the victim and repair social relationships disrupted by the crime. This restoration can be achieved through apologies, compensation, social services, or other forms of agreement agreed upon by the parties. Therefore, restorative justice emphasizes constructive resolution over destructive punishment.¹⁷

3. Definition of Demonstration

Demonstrations are a form of public expression carried out by individuals or groups to convey aspirations, criticism, demands, or rejection of government policies or certain social conditions. In a democratic state, demonstrations hold a crucial position because they serve as a means for the public to participate in the process of state governance. Demonstrations are essentially a form of political communication between the public and the government, conducted openly in public spaces. Therefore, demonstrations are inseparable from the principles of democracy, which guarantee citizens' freedom to express their thoughts and opinions freely and responsibly.

From a constitutional law perspective, demonstrations are part of human rights guaranteed by the constitution. Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that everyone has the right to freedom of association, assembly, and expression of opinion. This provision shows that the state provides legal guarantees for the people's right to express opinions in public as part of democratic life. This freedom is a form of state protection for the civil and political rights of citizens that must be respected by every government official.¹⁸

¹⁴ *Ibid*, p. 58

¹⁵ Tony F. Marshall, 1999, *Restorative Justice: An Overview*, Home Office Research Development and Statistics Directorate, London, p. 5.

¹⁶ *Ibid*, p. 126

¹⁷ *Ibid*, p. 52

¹⁸ *Ibid*, p. 214

4. Forms of Violent Conflict in Demonstrations

Violence during demonstrations is a condition where the expression of opinion in public develops into actions containing elements of physical and non-physical violence between demonstrators, security forces, and other parties around the demonstration location. Demonstrations are essentially a constitutional right of the people in a democratic country, but in practice, demonstrations often turn into riots due to social tensions, provocation, mass emotions, or repressive actions by security forces. These conflicts are usually characterized by pushing, beatings, throwing stones, the use of tear gas, and the destruction of public facilities, which disrupt public order and security.¹⁹

From a criminal law perspective, violent conflict during demonstrations can be categorized as a crime if it meets the elements of an unlawful act as stipulated in the Criminal Code. These forms of violence can include assault, mob violence, arson, destruction of public facilities, and acts of violence against law enforcement officers. Many demonstrations that initially proceeded peacefully have turned violent due to provocative actions by the protesters or the disproportionate use of force by security forces. This situation has resulted in demonstrations no longer being a means of democratically expressing aspirations but instead degenerating into social conflicts that are detrimental to all parties.²⁰

Violent conflict in demonstrations is also influenced by the psychological factors of the crowd, which tends to be emotional and difficult to control in certain situations. Large demonstration crowds typically have strong group solidarity, making them easily swayed by collective emotions and provocation. Under these conditions, individuals within the group tend to act aggressively due to the influence of the crowd. Therefore, demonstration conflict cannot be understood solely as individual actions, but also as a social phenomenon influenced by group dynamics and the prevailing social situation.²¹

Besides being influenced by demonstrators, violent conflict during demonstrations is also often triggered by security forces' actions, which are considered repressive in their crowd control. Police officers are fundamentally obligated to maintain security and order during demonstrations, but their use of force must be proportionate and respectful of human rights. Excessive use of force can inflame protesters and increase the potential for clashes between protesters and security forces. Therefore, a persuasive approach, effective communication, and humane crowd control are crucial in preventing conflict during demonstrations.²²

In modern legal developments, the resolution of violent conflicts during demonstrations has begun to shift toward a more dialogical and restorative approach. *Restorative justice* is seen as a more effective alternative to repressive approaches because it emphasizes dialogue, peace, and the restoration of social relations between demonstrators and police. This approach is expected to create a more just, humane, and stable conflict resolution oriented toward achieving social stability in a democratic society.²³

5. Definition of Police.

The police force is a state institution with a vital role in maintaining public order and security, as well as enforcing the law in the life of the nation and state. Within the Indonesian constitutional system, the Indonesian National Police (Polri) is a state instrument authorized to carry out government functions in the areas of maintaining public order and security, protecting, providing services to the community, and enforcing the law. The police force plays a crucial role in creating social stability and ensuring a safe, orderly, and peaceful society. Therefore, the police force holds a strategic position as a key element in Indonesia's law enforcement system.²⁴

The legal definition of the police is regulated in Article 1, number 1 of Law Number 2 of 2002 concerning the Indonesian National Police, which states that the police are all matters relating to the functions and institutions of the police in accordance with statutory regulations.²⁵ This provision explains that the function of the police is one of the functions of the state government in the areas of maintaining public security and order,

¹⁹*Ibid*, p. 118

²⁰M. Yahya Harahap, 2017, *Discussion of Problems and Application of the Criminal Procedure Code*, Sinar Grafika, Jakarta, p. 44.

²¹Topo Santoso and Eva Achjani Zulfa, 2018, *Criminology*, RajaGrafindo Persada, Jakarta, p. 53.

²²*Ibid*, p. 102

²³Bambang Waluyo, 2020, *Criminal Case Resolution: Implementation of Restorative and Transformative Justice*, Sinar Grafika, Jakarta, p. 167.

²⁴*Ibid*, p. 135

²⁵Article 1 number (1) of Law No. 2 of 2002 concerning the Republic of Indonesia National Police

law enforcement, protection, shelter, and service to the community. Thus, the police function not only as law enforcers, but also as protectors and servants of the community in social life.

From a legal perspective, the police have both preventive and repressive functions in law enforcement. The preventive function is carried out through efforts to prevent disturbances to public order and security, while the repressive function is carried out through law enforcement actions against violations and crimes that occur in society. Both functions must be implemented in a balanced manner to create a conducive security situation without neglecting the protection of human rights. Therefore, the police are required to carry out their duties professionally, proportionally, and in accordance with applicable legal provisions.²⁶

6. Duties and Authorities of the Police in Securing Demonstrations

During demonstrations, the police have the duty and responsibility to maintain public order and security so that public expression of opinion can proceed safely and orderly. This duty is part of the police's function as stipulated in Law Number 2 of 2002 concerning the Indonesian National Police. In the context of demonstrations, police officers act as security forces to prevent security disturbances, social conflict, or anarchic acts that could harm the community and the state. Therefore, the police have a crucial role in maintaining a balance between protecting the rights of demonstrators and maintaining public order.²⁷

In addition to their security duties, the police also have the authority to enforce the law if demonstrations escalate into unlawful acts. This authority includes crowd dispersal, arrest of perpetrators of crimes, confiscation of evidence, and other police actions in accordance with applicable law. However, the use of this authority must be proportional and in accordance with human rights principles to avoid legal violations by police officers.²⁸

The use of force by police officers to secure demonstrations may only be undertaken in certain circumstances, strictly necessary to maintain public order and security. Such use of force must adhere to the principles of legality, necessity, proportionality, and accountability. Therefore, police officers are not permitted to use excessive force against demonstrators, as such actions could violate human rights and trigger greater conflict within the community.²⁹

7. Factors Causing Conflict between Demonstrators and Police

Conflict between demonstrators and police is a form of social conflict that frequently occurs during public demonstrations. This conflict generally arises from differing interests, misunderstandings in communication, or specific actions that trigger tension between demonstrators and security forces. In a democratic state, demonstrations are a constitutional right of the people that must be protected by the state, while the police have an obligation to maintain security and public order. However, in practice, the relationship between demonstrators and police is often vulnerable to conflict because both parties hold different positions in the demonstration process. Therefore, an understanding of the factors causing conflict is necessary so that demonstrations can be resolved in a more humane and democratic manner.³⁰

8. Implementation of *Restorative Justice* in Resolving Demonstration Conflicts.

Restorative justice is a conflict resolution approach that emphasizes the restoration of social relations, dialogue, and peace between conflicting parties. In the context of demonstration conflicts, this approach is considered relevant because clashes between demonstrators and police officers are essentially social conflicts that cannot always be resolved effectively through repressive and punitive approaches alone. The *restorative justice approach* seeks to bring together demonstrators and police officers in a dialogue forum to find a joint solution to the conflict. Thus, conflict resolution is not only oriented towards punishing the perpetrators, but also towards restoring social relations and creating peace within the community.³¹

restorative justice approach aims to reduce the ongoing conflict between demonstrators and police. In many cases, resolving conflicts through formal criminal proceedings actually creates a sense of injustice and increases social tensions in the community. Therefore, the restorative approach is considered more effective

²⁶ *Ibid* , p. 88

²⁷ Momo Kelana, 2015, *Police Law* , Gramedia Widiasarana Indonesia, Jakarta, p. 74.

²⁸ *Ibid* , p. 56

²⁹ *Ibid* , p. 56

³⁰ *Ibid* , p. 21

³¹ *Ibid*, p. 52

because it prioritizes peace, social restoration, and shared responsibility in resolving conflicts. This approach is also expected to reduce the potential for similar clashes in the future.³²

METHOD

A. Research Type

The type of research used in this study is empirical legal research . Empirical legal research examines how the law works and is applied in society. This research not only examines applicable legal provisions normatively but also examines the implementation of the law in practice, particularly regarding the application of a *restorative justice approach* in resolving violent conflicts between demonstrators and police personnel at the Kendari Police Station.

Empirical legal research was chosen because it focuses on legal behavior, the implementation of legal policies, and the factors influencing law enforcement in society. In this study, the author will directly examine how *restorative justice* is implemented by police officers in resolving demonstration conflicts, including the obstacles and supporting factors in its implementation.

B. Research Approach

The research approach used in this research is a socio - *legal approach* and a statutory *approach* .

1. Sociological Approach to Law

A sociological legal approach is used to examine and understand how law is applied in society, particularly in resolving the conflict between demonstrators and police officers at the Kendari Police Headquarters. This approach is used to analyze the legal behavior of police officers and the community in implementing *restorative justice* .

2. Legislative Approach

The statutory approach is used by examining various legal provisions related to research, including:

- a. The 1945 Constitution of the Republic of Indonesia;
- b. Law Number 2 of 2002 concerning the Republic of Indonesia National Police;
- c. Law Number 9 of 1998 concerning Freedom of Expression in Public;
- d. Law No. 1 of 2023 concerning the Criminal Code;
- e. Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice;
- f. Regulation of the Chief of the Republic of Indonesia National Police concerning Crowd Control.

C. Research Location

This research was conducted at the Kendari Police Station, Southeast Sulawesi. The location was chosen because the Kendari Police Station is one of the police institutions frequently involved in handling demonstrations and conflicts between demonstrators and security forces in Kendari City. Furthermore, the location was chosen because it was relevant to the research title, which discusses the application of a *restorative justice approach* in resolving violent conflicts between demonstrators and police personnel.

D. Data Types and Sources.

1. Primary Data

Primary data is data obtained directly from the research location through interviews with parties related to the research, such as: Kendari Police personnel; Investigators; Demonstrators or students who have been involved in demonstration conflicts; Community leaders or other related parties.

2. Secondary data is data obtained through literature studies, consisting of: Primary legal materials; Secondary legal materials; Tertiary legal materials. Primary legal materials include laws and regulations related to the research. Secondary legal materials include books, journals, scientific articles, research results, and the opinions of legal experts. Meanwhile, tertiary legal materials include legal dictionaries, encyclopedias, and other sources that support the research.

³² *Ibid* , p. 74

E. Data Collection Techniques

Data collection techniques in this research were carried out in several ways, namely:

1. Interviews were conducted directly with informants related to the research to obtain data regarding the application of *restorative justice* in resolving demonstration conflicts at the Kendari Police.
2. Literature study. conducted by studying various literature, books, journals, legal documents, and laws and regulations related to the research object.
3. Documentation was carried out by collecting documents related to the demonstration conflict and the implementation of *restorative justice* at the Kendari Police.

F. Data analysis

Data Analysis The data obtained in this study were analyzed descriptively and qualitatively. Qualitative descriptive analysis was conducted by systematically analyzing the data based on interviews, literature studies, and documentation, then linking it to theories and applicable legal provisions. The data analysis stages were carried out through: data collection; data reduction; data presentation; and drawing conclusions.

Through this analysis technique, the author will describe in depth the application of *the restorative justice approach* in resolving violent conflicts between demonstrators and police personnel at the Kendari Police Headquarters along with the factors that influence its implementation.

RESULTS AND DISCUSSION

A. IMPLEMENTATION OF THE *RESTORATIVE JUSTICE APPROACH* IN RESOLUTION OF VIOLENT CONFLICTS BETWEEN DEMONSTRATORS AND POLICE PERSONNEL AT THE KENDARI POLICE CENTER

1. Characteristics of Violent Conflict between Demonstrators and Police Personnel.

a. Forms of Conflict that Occurred between Demonstrators and Police Personnel

The form of conflict that occurred between demonstrators and police personnel in the jurisdiction of the Kendari Police is empirically a manifestation of escalating physical and psychological clashes in the public space. This conflict did not arise in a vacuum, but rather was triggered by the polarization of interests between the masses of demonstrators demanding policy changes and security forces who are obliged to uphold public order. The main characteristics of this conflict are its communal, spontaneous nature, and heavily influenced by mass psychology (*crowd psychology*) which culminated in destructive actions and reciprocal physical violence that injured both parties.³³

Based on the researchers' findings in the field, there are three prominent forms of conflict handled by the Kendari Police, which are the focus of this analysis. The first case was a demonstration against the Omnibus Law on Job Creation in October 2020, centered around the Southeast Sulawesi Provincial People's Representative Council (DPRD) building. Massive physical conflict erupted when the demonstrators, dominated by student groups, attempted to force their way in and overwhelm the heavily guarded police barricades. Repressive actions by law enforcement officers, including the firing of tear gas to disperse the crowd, triggered an aggressive defensive reaction, leading to the throwing of stones, wood, and other hard objects along Kendari City's main roads.³⁴

The second form of conflict that demonstrated the escalation of reciprocal violence between individuals and groups occurred during student demonstrations against the 2022 fuel price hike. In this sociological event, physical clashes began with a very fierce pushing and shoving action in front of the main gate of the Southeast Sulawesi Provincial DPRD Office. The demonstrators, led by a student field coordinator with the initials AR, insisted on forcing their way in to meet the council leader directly, but were blocked by a line of Kendari Police personnel for security reasons to sterilize vital objects. As a result of this communication deadlock, tensions escalated drastically, resulting in beatings and physical abuse, resulting in several students suffering bruises from clashes with shields and police batons, while on the other hand, several police personnel suffered serious injuries from being hit by wood and thrown stones from the demonstrators.

Furthermore, the third form of conflict was found in a demonstration carried out by a community alliance and student group regarding the chaotic mining sector in Southeast Sulawesi in 2023 in front of the Southeast Sulawesi Governor's Office. This conflict was marked by situational anarchic actions in

³³Bambang Waluyo, 2020, *Criminal Case Resolution: Implementation of Restorative and Transformative Justice*, Sinar Grafika, Jakarta, p. 45.

³⁴Satjipto Rahardjo, 2017, *Law Enforcement: A Sociological Review*, Genta Publishing, Yogyakarta, p. 88.

which one of the demonstrators named Fajar suffered a laceration to the head due to a hard impact when police officers attempted to forcibly disperse the crowd because they were deemed to have blocked the road and disturbed public order. Conversely, from the police, a member of the Kendari Police was also rushed to a medical facility due to suffering lacerations after being hit by stones thrown by the uncontrolled crowd of demonstrators. This phenomenon emphasizes that the form of conflict that occurs in the field always involves a pattern of two-way violence (*reciprocal violence*) which places both parties alternately as perpetrators (*offenders*) and victims (*victims*).³⁵

To explore the empirical aspects of the dynamics of this form of violent conflict, researchers conducted in-depth interviews with investigators from the Kendari Police Criminal Investigation Unit who handled the case. Based on the results of the interview with Mr. Brigpol Rahmat Manaf SH as Assistant Investigator of the Kendari Police Criminal Investigation Unit, the following information was obtained: "The form of conflict that occurs in the field during demonstration security generally begins with physical friction due to impatient or provoked masses to break through security barricades. In the case of the 2022 fuel demonstration with suspect Mr. AR, as well as the 2023 mining case involving Mr. Fajar, the conflict was uniform, namely spontaneous reciprocal acts of violence. Students threw stones and wood because of emotions to be dispersed, and our members in the field responded with physical action to defend themselves and secure the situation. As a result, both parties suffered physical injuries and public facilities were damaged."³⁶

Researchers also obtained a similar statement through interviews with representatives of the demonstrators, namely Mr. AR, the field coordinator of the 2022 fuel price hike demonstration, who provided the following perspective from the perspective of the demonstrators: "We took to the streets at that time purely to voice the aspirations of the common people who were oppressed by the fuel price hike. However, when we arrived in front of the Southeast Sulawesi DPRD Building, the space for dialogue seemed tightly closed and we were blocked like enemies of the state. Pushing and shoving were unavoidable as the masses at the back continued to push forward to enter. When there was a blow to the shield from the police officer at the front, fellow students spontaneously retaliated by throwing anything in the street. The conflict occurred because there was no space for dialogue that was opened from the start, so the emotions of the masses peaked under the hot sun."³⁷

From the dialectic of normative and empirical data above, it can be critically analyzed that the form of violent conflict in the demonstration at the Kendari Police Headquarters has the characteristics of a situational crime driven by a momentary emotional outburst in the crowd, not a premeditated criminal act (*dolus premeditatus*). This reciprocal physical clash shows that the resolution through conventional penal legal channels that are retributive in nature has proven to be inaccommodating in addressing the root of social problems, even potentially prolonging collective resentment between elements of civil society and the police institution as law enforcers. Therefore, the existence of a restorative justice approach finds its crucial relevance as a legal instrument capable of dissecting the characteristics of the conflict by prioritizing comprehensive social recovery.³⁸

b. Types of Violence Committed by the Parties

The types of violence manifested in the conflict between demonstrators and police personnel at the Kendari Police Station are categorically divided into two main areas, namely physical violence *and* verbal and psychological violence . These acts of violence are symmetrical and reciprocal, where escalation on one side causally triggers an aggressive response from the opposing party. Based on legal facts collected from the examination files of the case of rejection of the *Omnibus Law* (2020), fuel demonstrations (2022), and actions rejecting mining permits (2023), the types of violence carried out by the demonstrators were predominantly in the form of throwing hard objects, destroying defense facilities, and direct physical attacks directed at officers.³⁹

In more detail, the physical violence perpetrated by demonstrators included throwing river stones, wooden blocks, glass bottles, and the use of sharpened bamboo poles that were originally used as flagpoles

³⁵Eva Achjani Zulfa, 2018, *Restorative Justice in Indonesia* , Prenadamedia Group, Jakarta, p. 112.

³⁶Interview with Brigpol Rahmat Manaf on July 21, 2026 in the Kendari Police Criminal Investigation Unit Examination Room

³⁷ Interview with AR on July 21, 2026 Via Telephone

³⁸Soerjono Soekanto, 2016, *Factors Influencing Law Enforcement* , RajaGrafindo Persada, Jakarta, p. 63.

³⁹Ruslan Renggong, 2021, *Special Criminal Law: Understanding Offenses Outside the Criminal Code* , Kencana, Jakarta, p. 102.

for the demonstration. This violence is categorized as an unlawful act that violates Articles 212 to 214 of the Old Criminal Code (KUHP), or Article 273 of Law No. 1 of 2023 (the New KUHP) concerning violence or threats of violence against officials carrying out legitimate duties. In addition, there was verbal violence in the form of provocation, insults, and speeches that delegitimized police authority using harsh words, which psychologically reduced the patience of security personnel who were on standby in the field under the hot sun.⁴⁰

On the other hand, the type of violence carried out by police personnel generally occurs in the context of the use of force *that* exceeds the limits of proportionality and legal necessity when carrying out crowd control. Types of physical violence from security forces include beatings using police batons (*baton sticks*), offensive pushing using riot shields, kicks, to the firing of tear gas at an inappropriate angle so that it directly hits the demonstrators physically. These actions at the field level are often assessed by student groups as repressive acts of state dictatorship that violate constitutional rights as regulated in Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia and Law No. 9 of 1998.⁴¹

In order to obtain in-depth sociological facts regarding the spectrum of this type of violence, the researcher conducted an interview with Mr. APTU Syamsuddin, SH as Head of the Kendari Police Intelligence Unit, who explained the empirical data in the field as follows " If we analyze the type of violence in the field, from the side of the masses the action was very anarchic because they used aids. They threw stones, iron catapults, to small-scale Molotov cocktails. As a result, our Dalmas shields were destroyed and several members suffered lacerations on their legs and hands. Meanwhile, from the members' side, the violence occurred due to the chaotic situation, close-quarters fighting was unavoidable when the barricade was broken. Members were forced to swing sticks just to drive the masses back, but in the eyes of the demonstrators it was considered persecution."⁴²

This perspective was objectively confronted by the researcher with testimony from a student representative, namely Fajar, who was a victim of head injuries during the 2023 mining demonstration. He described the type of violence he experienced directly, "The violence we received from the police was no longer just repelling, but had led to verbal and physical brutality. When I fell in front of the gate of the Governor's Office, I was beaten, kicked, and my head was hit with an iron shield by plainclothes police officers in full uniform until blood flowed. We were accused of cursing the police, even though we were only shouting slogans for justice. Such massive repressive actions made my friends in the back row angry and retaliated by throwing stones."⁴³

A sociological-legal analysis of the above facts shows that this dualism in types of violence creates complexities in criminal liability. If resolved through formal legal channels (*litigation*), the evidentiary process will become trapped in a scheme of mutual reporting, leading to unproductive mass criminalization and disregard for the rights of victims on both sides. Therefore, the legal existence of Police Regulation No. 8 of 2021 serves as a normative bridge to stop this chain of retaliation, by classifying this type of situational violence as a crime worthy of being resolved out of court in order to restore shattered social harmony.⁴⁴

2. Mechanism for Implementing Restorative Justice in Demonstration Conflicts

The mechanism for implementing *restorative justice* in resolving violent conflicts between demonstrators and police personnel is essentially an implementation of a law enforcement paradigm that is no longer solely oriented towards punishment (*retributive justice*), but rather prioritizes the restoration of legal and social relations between the conflicting parties. This approach developed in response to the weaknesses of the conventional criminal justice system, which tends to position perpetrators and victims as two opposing parties in the litigation process without providing space for dialogue or reconciliation. In the context of demonstration conflicts, the *restorative justice mechanism* becomes relevant because the clashes that occur are generally triggered by spontaneous situations, psychological pressure from the masses, and field dynamics that cause both parties to suffer losses. Therefore, resolution through a restorative approach is more likely to create sustainable peace than a resolution that only ends with the punishment of one party.

⁴⁰Topo Santoso and Eva Achjani Zulfa, 2018, *Criminology*, RajaGrafindo Persada, Jakarta, p. 77.

⁴¹Momo Kelana, 2015, *Police Law*, Gramedia Widiasarana Indonesia, Jakarta, p. 59.

⁴²*The interview was conducted on July 21, 2026 at the Kendari Police Headquarters.*

⁴³The interview was conducted on July 21, 2026 in Kendari

⁴⁴Eva Achjani Zulfa, 2018, *Restorative Justice in Indonesia*, Prenadamedia Group, Jakarta, p. 145.

Tony F. Marshall defines *restorative justice* as a process that brings together all parties involved in a crime to jointly resolve the consequences of the incident and determine future recovery measures. This concept demonstrates that the success of a criminal case is not only measured by the punishment imposed on the perpetrator, but also by the restoration of relationships between the victim, the perpetrator, and the community. Therefore, the *restorative justice mechanism* in demonstration conflicts aims not only to stop the criminal process, but also to restore public trust in the police institution and restore social relations between security forces and the community as part of democratic life.⁴⁵

In the Indonesian legal system, the *restorative justice mechanism* has a strong legal basis through the Republic of Indonesia National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice. Article 1, number 3 of the Police Regulation states that restorative justice is the resolution of criminal acts by involving the perpetrator, victim, the perpetrator's family, the victim's family, community leaders, religious leaders, traditional leaders, or other stakeholders to jointly seek a just resolution that emphasizes restoration to the original state rather than retaliation. This formulation demonstrates that the mechanism for resolving criminal cases is no longer dominated by law enforcement officials, but provides broad participation space for all interested parties to achieve a just resolution oriented toward social recovery.

3. Forms of Recovery Achieved Through Restorative Justice

a *restorative justice* approach in resolving violent conflicts between demonstrators and police personnel is essentially not aimed at determining a winner or loser, but rather at restoring the balance of legal and social relations disrupted by the conflict. The form of recovery to be achieved is not simply ending the criminal process, but returning the situation as close as possible to the condition before the incident occurred. This concept is in line with the philosophy of *restorative justice*, which views criminal acts as conflicts between humans that must be resolved through restoration and not solely through retribution. Therefore, in demonstration conflicts involving demonstrators and police personnel, the success of the case resolution is not only measured by the termination of the investigation process, but must be measured by the resolution's ability to restore relations between the two parties so that it no longer gives rise to further conflict.

The primary goal of *restorative justice* is to restore the relationship between demonstrators and the police, as representatives of the state. Demonstrations inherently cause not only physical harm in the form of injuries or damage to public facilities, but also damage public trust in law enforcement. In many demonstrations, physical clashes are often accompanied by the stigma that the police are repressive, while demonstrators are viewed as anarchists. If left unchecked, this stigma will weaken legal legitimacy and hinder the police's role in maintaining public order and security. Therefore, through *restorative justice mechanisms*, dialogue becomes a means to eliminate prejudice, improve communication, and rebuild harmonious relations between the community and the police.

In addition to restoring social relations, *restorative justice* also aims to restore the rights of parties affected by the conflict. In demonstration conflicts, victims are not always demonstrators; they can also be police officers injured by stones, pieces of wood, or other hard objects. Conversely, demonstrators can also be injured by crowd control measures taken by the authorities. Therefore, the restorative approach does not recognize a rigid dichotomy between perpetrator and victim, but rather recognizes that both parties have suffered losses that must be proportionately redressed. This approach reflects the principle of equality before the law while providing balanced legal protection to all parties involved in the conflict.

The next form of recovery is psychological recovery through acknowledging guilt and voluntarily apologizing. From a *restorative justice perspective*, an apology is not only a moral act but also a form of legal accountability that demonstrates the perpetrator's awareness of the consequences of their actions. Admitting guilt has more substantial value than mere punishment because it can eliminate resentment, reduce emotional tension, and open up space for reconciliation. In demonstration conflicts, apologies from each party are a crucial step in ending the cycle of hostility that often arises after clashes between demonstrators and police.⁴⁶

⁴⁵Tony F. Marshall, 1999, *Restorative Justice: An Overview*, Home Office Research Development and Statistics Directorate, London, p. 5.

⁴⁶Bambang Waluyo, 2020, *Criminal Case Resolution: Implementation of Restorative and Transformative Justice*, Sinar Grafika, Jakarta, p. 134.

B. FACTORS THAT ARE INHIBITING AND SUPPORTING IN THE IMPLEMENTATION OF *THE RESTORATIVE JUSTICE APPROACH* TO VIOLENT CONFLICTS BETWEEN DEMONSTRATORS AND POLICE PERSONNEL AT THE KENDARI POLICE OFFICE

restorative justice approach to resolving violent conflicts between demonstrators and police personnel is inextricably linked to various factors that influence its success or failure. Although Indonesian National Police Regulation Number 8 of 2021 provides a legal basis for resolving criminal cases through a restorative justice approach, its implementation in practice remains influenced by social conditions, the characteristics of the parties, and the dynamics of the conflict. Therefore, the effectiveness of *restorative justice* depends not only on the legal norms governing it but also on the readiness of all parties to implement the values of peace and restoration.

From a legal system perspective, Lawrence M. Friedman explains that the success of law enforcement is influenced by three main elements: legal structure, legal substance, and legal culture. These three elements are interrelated, so that weaknesses in any one element will affect the effectiveness of law enforcement as a whole. Therefore, the successful application of *restorative justice* in demonstration conflicts is not only supported by regulations, but also requires a legal culture that supports peaceful dispute resolution and law enforcement officials who are able to exercise their authority professionally.⁴⁷

This view aligns with Soerjono Soekanto's theory of law enforcement, which states that the effectiveness of law enforcement is influenced by five factors: legal factors, law enforcement factors, facilities, community factors, and cultural factors. These five factors demonstrate that resolving criminal cases is not solely a matter of enforcing legal norms, but is also influenced by the social conditions that develop within the community. In demonstration conflicts, the psychological aspects of the masses, political dynamics, and the relationship between the community and the police are often factors that determine the success or failure of resolving cases through a *restorative justice approach*.⁴⁸

1. Inhibiting Factors

a. Demonstrator Factor

One of the factors inhibiting the implementation of a *restorative justice approach* to violent conflicts between demonstrators and police personnel is a factor originating from the demonstrators themselves. This factor relates to the demonstrators' attitudes, perceptions, and level of acceptance of resolving cases through peace mechanisms. In practice, not all demonstrators are willing to resolve conflicts through a restorative approach, as some still prefer a resolution through criminal justice mechanisms or through political pressure to support their demands. This situation often causes the reconciliation process to encounter obstacles from the outset.

These obstacles are compounded when demonstrations are driven by distrust of law enforcement institutions. Demonstrators who feel they have been victims of repressive actions by law enforcement officers generally believe that resolving disputes through *restorative justice* will only benefit the police and will not guarantee justice for them. This perception makes dialogue difficult because one party has lost trust in the objectivity of law enforcement. In fact, the main principle of *restorative justice*, as stipulated in Article 5 of Police Regulation Number 8 of 2021, requires a voluntary agreement between the parties without pressure or coercion.⁴⁹

Besides trust issues, the collective nature of demonstrations also presents a challenge. Unlike criminal acts involving individual perpetrators, demonstration conflicts generally involve many participants from diverse organizational backgrounds. This diversity of interests makes it difficult to reach a common agreement on resolving the case. In certain circumstances, some demonstrators seek peace, while others continue to insist on legal proceedings to hold the police accountable for actions deemed to violate human rights.

b. Social Factors

Social factors are one aspect that influences the effectiveness of a *restorative justice approach* in resolving violent conflicts between demonstrators and police personnel. Demonstrations inherently involve more than just individuals directly confronted on the ground, but are also influenced by the social

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⁴⁸Lawrence M. Friedman, 1975, *The Legal System: A Social Science Perspective*, Russell Sage Foundation, New York, p. 15.

⁴⁹See Article 5 of the Republic of Indonesia National Police Regulation Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice.

environment that shapes public perceptions, attitudes, and responses to an event. Therefore, the success of conflict resolution through a restorative approach is greatly influenced by the extent to which the social environment provides space for peace and reconciliation.

Furthermore, the high level of media coverage can also increase psychological pressure on conflicting parties. Demonstrations that receive widespread attention often develop into political and social issues, so that their resolution is no longer seen as a relationship between victims and perpetrators, but rather as a symbol of the struggle between society and the state. As a result, peace efforts are often misinterpreted as a compromise to legal violations or even as an attempt to eliminate criminal liability. This perception contradicts the essence of *restorative justice*, which aims to repair losses and improve social relations without neglecting a sense of justice.

Another social factor is the low culture of dialogical dispute resolution in society. In various social conflicts, litigation is still seen as the only form of law enforcement capable of delivering justice. As a result, *restorative justice mechanisms* are often perceived as weak or even undermine the authority of the law. However, Police Regulation Number 8 of 2021 legitimizes restorative justice-based dispute resolution as part of a legitimate law enforcement system, provided it meets the specified requirements.

From Lawrence M. Friedman's perspective, this situation indicates that society's legal culture *remains* a major challenge in implementing *restorative justice*. Legal culture is not only related to public knowledge of the law but also reflects the community's values, attitudes, and beliefs regarding dispute resolution mechanisms. As long as society still equates justice solely with punishment, the implementation of restorative justice will face significant resistance, even if it has a strong legal basis.⁵⁰

c. Police Personnel Factors

In addition to factors stemming from demonstrators and the social environment, obstacles to the implementation of *restorative justice* can also arise from police personnel, as law enforcement officers authorized to handle criminal cases. The police's role as investigators and prosecuting attorneys, as stipulated in Law Number 2 of 2002, places significant responsibility in determining the direction of a case's resolution. Therefore, the success of *restorative justice implementation* is greatly influenced by the professionalism, integrity, and understanding of the concept of restorative justice among police personnel.

One frequently encountered obstacle is the continued development of a repressive law enforcement paradigm. In law enforcement practice, the success of an investigation is often measured by the ability to bring a case to the prosecution and trial stages. This paradigm has led to the lack of full understanding of *restorative justice* as a form of law enforcement that is as important as litigation. As a result, some officials still prefer to continue criminal proceedings rather than facilitate a peaceful resolution, even when the case actually qualifies for restorative justice.

The next obstacle relates to the caution police personnel exercise in exercising discretion. Resolving cases through *restorative justice* requires a careful assessment of the characteristics of the case, the extent of the harm, and the legal interests that must be protected. Concerns that the decision to halt criminal proceedings could be perceived as an abuse of authority often lead officers to prefer formal procedures over exercising restorative powers. This situation demonstrates that the implementation of *restorative justice* requires not only a clear legal basis but also protection for officers who exercise this authority professionally and responsibly.

Another obstacle is the involvement of police personnel as one of the parties affected by demonstration conflicts. When police officers are injured or become victims of violence, a potential conflict of interest arises in the case resolution process. Psychologically, officers who are victims naturally desire legal protection and accountability from the perpetrators. This situation can compromise the objectivity of the dialogue process if it is not managed professionally through mechanisms that ensure a balance between the rights and interests of all parties.

Furthermore, the success of *restorative justice* is also influenced by the capacity of police personnel in mediation and communication. Restorative resolution requires the ability to build trust, manage conflict, and facilitate deliberation, skills not possessed by every investigator. Therefore, improving competence

⁵⁰Lawrence M. Friedman, 1975, *The Legal System: A Social Science Perspective*, Russell Sage Foundation, New York, p. 16–18.

through education and training in penal mediation and dialogue-based dispute resolution is crucial for the optimal implementation of the *restorative justice approach*.

2. Supporting Factors for Peace with a *Restorative Justice Approach*.

a. Good Faith of the Parties

restorative justice approach in resolving violent conflicts between demonstrators and police personnel is largely determined by the good faith of all parties involved in the conflict. Good faith is the main foundation in every peaceful case resolution process because it reflects the willingness of the parties to set aside personal or group interests in order to achieve a just resolution. From a modern criminal law perspective, *restorative justice* cannot be implemented if one party still maintains a hostile attitude or uses the peace process as a means to gain unilateral benefits. Therefore, the willingness of demonstrators and police personnel to sit together, open a space for communication, and respect each other's rights is a fundamental prerequisite for achieving a case resolution through a restorative approach. This is in line with the provisions of Article 5 paragraph (1) of the Republic of Indonesia National Police Regulation Number 8 of 2021, which emphasizes that the resolution of criminal acts based on restorative justice can only be implemented if there is a peace agreement made voluntarily by the victim and perpetrator and does not contain any element of coercion.

Howard Zehr explained that the essence of *restorative justice* is not to find the most guilty, but rather how the losses arising from a crime can be restored through the active involvement of all affected parties. According to him, the success of a restorative resolution depends heavily on the willingness of the perpetrator to take responsibility for the consequences of his actions and the willingness of the victim to open a space for dialogue as part of the healing process. This view shows that good faith is a reciprocal value, because peace will not be achieved if only one party has a desire for peace. In the context of demonstration conflicts, both demonstrators and police personnel must view case resolution as a joint effort to end the conflict, not as a means of maintaining institutional egos or group interests.⁵¹

b. Support from Community Leaders

restorative justice approach in resolving violent conflicts between demonstrators and police personnel depends not only on the willingness of the conflicting parties but also on the involvement of third parties with social legitimacy within the community. One such strategic role is played by community leaders. In the practice of social conflict resolution, community leaders are often viewed as possessing moral authority, communication skills, and significant influence in shaping community attitudes. Therefore, the presence of community leaders can be a supporting factor in accelerating the achievement of a peace agreement through a *restorative justice approach*. Their involvement aligns with Article 1, point 3 of the Republic of Indonesia National Police Regulation Number 8 of 2021, which explicitly states that case resolution based on restorative justice may involve community leaders, religious leaders, traditional leaders, and other stakeholders as part of the process of finding a just resolution.

social capital theory, Robert D. Putnam explains that trust, social norms, and social networks constitute social capital that can increase the effectiveness of resolving various societal issues. This social capital enables individuals and groups to build cooperation based on mutual trust, not coercion. In the context of *restorative justice*, community leaders act as representatives of social capital that can strengthen trust between demonstrators and police officers. The higher the level of trust in the figures facilitating the dialogue, the greater the chance of reaching a peace agreement acceptable to all parties. Therefore, the involvement of community leaders not only has a social function but also provides legitimacy to the resolution achieved through restorative mechanisms.⁵²

Based on this description, it can be analyzed that the support of community leaders is one of the factors that significantly determines the success of the implementation of *restorative justice* in the violent conflict between demonstrators and police personnel at the Kendari Police Station. This support is realized through their roles as mediators, advisors, conflict mediators, and strengthening the social legitimacy of the peace outcomes achieved. Thus, the involvement of community leaders not only accelerates the reconciliation process but also strengthens the sustainability of the peace because the resulting agreement

⁵¹Howard Zehr, 2015, *The Little Book of Restorative Justice*, Good Books, New York, p. 36–44.

⁵²Robert D. Putnam, 1993, *Making Democracy Work: Civic Traditions in Modern Italy*, Princeton University Press, Princeton, p. 167–176.

gains social acceptance from the wider community. This demonstrates that conflict resolution through a restorative approach is a shared responsibility between law enforcement officers and the community in realizing order and justice oriented towards recovery.

c. Culture of Deliberation

The culture of deliberation is a fundamental value in Indonesian society, closely linked to the concept of *restorative justice*. Deliberation is understood not only as a mechanism for collective decision-making but also as a means of conflict resolution that prioritizes dialogue, respect for the opinions of others, and the search for solutions that benefit all parties. This value aligns with the philosophy of restorative justice, which prioritizes communication, participation, and relationship restoration as the primary goals of resolving criminal cases. Therefore, the existence of a culture of deliberation is a crucial supporting factor in resolving violent conflicts between demonstrators and police personnel.

Constitutionally, the culture of deliberation embodies the values of Pancasila, particularly the Fourth Principle, namely Democracy Guided by the Wisdom of Deliberation and Representation. This value emphasizes that any differences of interest must be resolved through dialogue and consensus, not through the use of violence or retaliation. In the context of law enforcement, this value of deliberation takes concrete form through the implementation of *restorative justice*, a dispute resolution mechanism that provides space for parties to work together to find a just solution and restore disturbed relationships. Thus, the restorative approach is essentially an implementation of legal values that have long existed in Indonesian culture.⁵³

From a progressive legal perspective, Satjipto Rahardjo argues that the law must be able to bring social peace and resolve societal issues humanely. A legal approach that focuses solely on punishment is not always able to eliminate the roots of conflict in society. Conversely, resolution through deliberation creates space for the creation of substantive justice because the resulting decisions are born from mutual agreement, not simply imposed by the state. Therefore, a culture of deliberation strengthens the implementation of *restorative justice* because both aim to restore balance in social relations and prevent recurrence of conflict.

CONCLUSION

1. a *restorative justice* approach to resolving the violent conflict between demonstrators and police personnel at the Kendari Police Station essentially has an adequate legal basis, particularly based on Indonesian National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice. This approach is implemented through a resolution mechanism that prioritizes dialogue, deliberation, mutual agreement, and the restoration of social relations over mere punishment. The form of recovery achieved is not only peace and an end to the conflict, but also includes the restoration of the rights of the parties, the restoration of public trust in the police institution, and the creation of a shared commitment to prevent the recurrence of similar conflicts. Thus, the *restorative justice approach* is a law enforcement instrument capable of achieving a balance between legal certainty, justice, and expediency in resolving demonstration conflicts.
2. Factors inhibiting the implementation of a *restorative justice approach* to violent conflicts between demonstrators and police personnel at the Kendari Police Station include demonstrator factors, social factors, and police personnel factors. Demonstrator factors are characterized by low trust in law enforcement officers, high post-conflict emotions, diverse interests within the demonstrators, organizational pressure, and a less than optimal understanding of restorative case resolution. Social factors include the development of polarizing public opinion, the influence of mass media and social media, intervention by interest groups, and a legal culture that is still oriented towards resolution through punishment. Meanwhile, police personnel factors include the continued development of a repressive law enforcement paradigm, caution in the use of discretion, potential conflicts of interest when police officers become victims, and the unequal distribution of mediation capabilities in resolving cases through a *restorative justice approach*. The factors supporting the implementation of a *restorative justice approach* include the parties' good faith in resolving the conflict voluntarily, the support of community leaders as mediators and facilitators in building communication and reconciliation, and a culture of deliberation, a social value inherent in Indonesian society, that seeks to resolve disputes through dialogue and consensus. These supporting factors provide the space for conflict resolution that focuses on restoring legal and social relationships in accordance with the principles of restorative justice.

⁵³Satjipto Rahardjo, 2017, *Progressive Law: A Synthesis of Indonesian Law*, Genta Publishing, Yogyakarta, pp. 102–108.

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SUGGESTION

- a. It is hoped that the Kendari Police will optimize the implementation of the restorative justice approach in resolving conflicts between demonstrators and police personnel by increasing the capacity of police personnel in the areas of mediation, negotiation, conflict communication, and the application of discretion in accordance with the provisions of the Republic of Indonesia National Police Regulation Number 8 of 2021. In addition, it is necessary to conduct socialization and legal education to the public, especially student groups and community organizations, regarding the objectives and mechanisms of restorative justice in order to grow understanding, trust, and willingness of the parties to resolve conflicts peacefully without ignoring the sense of justice.
- b. It is hoped that the police, local governments, universities, community leaders, religious leaders, and community organizations will strengthen synergy in building a culture of dialogue and deliberation as a means of resolving social conflicts. The active involvement of stakeholders in facilitating communication, building public trust, and encouraging goodwill among the parties is expected to strengthen the implementation of restorative justice as a more humane and equitable alternative to conflict resolution, oriented toward restoring legal and social relations.

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