



**RESTORATIVE JUSTICE AS AN ALTERNATIVE TO SETTLEMENT OF
MISDEMEANOR CRIMES: A CASE STUDY**

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ABSTRACT

This article examines the utilization of restorative justice as an alternative to solving minor crimes in the criminal justice system at the Purwareja Klampok Police Sector. The research objective is to analyze the effectiveness and challenges faced in implementing this concept. The research method included secondary data analysis from the literature as well as primary data from observations and interviews with key stakeholders such as police officers, victims, offenders, and community members. The findings of this study highlight the benefits of restorative justice in facilitating reconciliation and rehabilitation, while also identifying barriers such as limited resources and lack of awareness. Based on data analysis, this article provides recommendations to improve the implementation of restorative justice in Purwareja Klampok Police Station, with an emphasis on a balanced and recovery-oriented approach in the criminal justice system.

Keywords: *restorative justice; misdemeanor; implementation of restorative justice; social improvement, police sector.*

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Abstrak

Artikel ini mengkaji pemanfaatan restorative justice sebagai alternatif penyelesaian tindak pidana ringan dalam sistem peradilan pidana di Polsek Purwareja Klampok. Tujuan penelitian adalah untuk menganalisis efektivitas dan tantangan yang dihadapi dalam penerapan konsep ini. Metode penelitian meliputi analisis data sekunder dari literatur serta data primer dari observasi dan wawancara dengan pemangku kepentingan utama seperti petugas polisi, korban, pelaku, dan anggota masyarakat. Temuan penelitian ini menyoroti manfaat keadilan restoratif dalam memfasilitasi rekonsiliasi dan rehabilitasi, sekaligus mengidentifikasi hambatan seperti terbatasnya sumber daya dan kurangnya kesadaran. Berdasarkan analisis data, artikel ini memberikan rekomendasi untuk meningkatkan penerapan restorative justice di Polsek Purwareja Klampok, dengan penekanan pada pendekatan yang seimbang dan berorientasi pemulihan dalam sistem peradilan pidana.

Kata Kunci: Keadilan Restoratif; Pelanggaran Ringan; Implementasi Keadilan Restoratif; Perbaikan Sosial; Sektor Kepolisian.



A. Background

In the criminal justice system, the main objective is to provide justice for all parties involved, including victims, offenders, and the community. However, the conventional system of punishment based on punishment and exile of offenders often does not provide adequate recovery for victims and is ineffective in addressing the problem of crime in society. In this case, the implementation of restorative justice as an alternative to criminal offenses is a concern.

Restorative Justice is a model of approach that emerged in the 1960s to resolve criminal cases, which is different from the approach used in the conventional criminal justice system, this approach focuses on the direct participation of perpetrators, victims, and the community in the process of resolving criminal cases. In the process of resolving the case, restorative justice prioritises reconciliation, accountability, and restitution to repair the damage caused by criminal offences.

Handling criminal cases with a restorative justice approach offers a different view and approach in understanding and handling a criminal offence. In the view of restorative justice, the meaning of criminal offences is basically the same as the view of criminal law in general, which is an attack on individuals and society and social relations.¹ Therefore, crime creates an obligation to repair the damaged relationships caused by a criminal offence. Meanwhile, justice is interpreted as a process of finding solutions to problems that occur in a criminal case where the involvement of victims, communities and perpetrators is important in efforts to repair, reconcile, and ensure the sustainability of these efforts.

The restorative justice approach offers a more flexible and speedy solution to resolving criminal cases, compared to the formal process through the judiciary. In this approach, human values are at the centre of attention, and efforts to restore social relations are the main goal. However, the restorative justice approach does not replace the existing criminal justice system but provides a constructive alternative in handling criminal cases outside the formal system.

In Indonesia, restorative justice approaches are not new. The practice of dispute resolution outside the criminal courts has existed in Indonesian society, through the institution of consensus deliberation that reflects the philosophy of the nation. The resolution of mesdemeanor cases, such as juvenile delinquency, theft, maltreatment, fraud, embezzlement, and rape, are often resolved through deliberation without involving the criminal justice process.² Although this peace mechanism is not officially recognised in Indonesia's criminal justice system, many law enforcement officers, especially the police, choose to stop

¹ Djanggih, H., Syam, E. S., & Gunawan, S. (2023). The Prosecutor's Legal Policy in Enacting Restorative Justice On Criminal Case. *Russian Law Journal*, 11(3).

² Arofa, E. (2020). Penghentian Penuntutan Dalam Perkara Pidana Berdasarkan Restorative Justice. *Jurnal Surya Kencana Dua: Dinamika Masalah Hukum dan Keadilan*, 7(2), Page. 319-338.



the investigation process and invite the victim and perpetrator to resolve the problem in a family manner.

At the Purwareja Klampok Police Sector level, the implementation of the restorative justice approach as an alternative to misdemeanor crimes in the criminal system is still debatable and has not been carried out consistently. Although some efforts have been made to implement restorative justice, there are still challenges and obstacles in implementation that need to be overcome. Therefore, this study aims to analyse the application of restorative justice as an alternative to misdemeanor crimes in the criminal system at the Purwareja Klampok Police sector level.

The results of this study are expected to make a significant contribution to the development of a more just and recovery-orientated criminal system at the police sector level. In addition, this research is also expected to provide useful recommendations for legal practitioners and policy makers in improving the effectiveness of the implementation of restorative justice as an alternative to misdemeanor crimes at the Purwareja Klampok Police sector level.

B. Problem Identification

Based on the description above, the following problems can be formulated:

1. How is the implementation of the concept of restorative justice as an alternative to misdemeanor crimes in the criminal system at the Purwareja Klampok Police Sector level?
2. What are the obstacles that arise in the implementation of restorative justice as an alternative to misdemeanor crimes in the criminal system at the Purwareja Klampok Police Sector level?

C. Research Objectives

From the problems that have been stated, the author has the following objectives:

1. understand and know the implementation of the concept of restorative justice as an alternative to misdemeanor crimes in the criminal system at the Purwareja Klampok Police Sector level.
2. know the obstacles that arise in the implementation of restorative justice as an alternative to misdemeanor crimes in the criminal system at the Purwareja Klampok Police Sector level.

D. Research Methods

The research method used in this research uses normative juridical, which is a way of approaching the problems to be studied by reviewing in terms of applicable laws and regulations and seeing what is contained in practice or reality. The approach method used in this research uses descriptive analytics. Namely, the descriptive approach aims to describe a phenomenon or event accurately and in detail. Meanwhile, the analytical approach aims to analyse



and explain a phenomenon by breaking down and compiling the data that has been collected into smaller and measurable parts. In this case, the descriptive analytical approach can be used to describe and analyse in detail how the implementation of restorative justice is carried out at the sector police level, from the initial to the final stage by means of, among others, in-depth interviews with relevant parties, direct observation, as well as the study of documents and literature related to the implementation of restorative justice at the sector police level. To obtain data in the preparation of this paper, secondary data sources and primary data sources were used. Secondary data was obtained by conducting literature research and supported or complemented by data obtained from case studies, and primary data using interviews. The data was analysed using qualitative analysis.

E. Research Results and Discussion

1. The implementation of the concept of restorative justice as an alternative to misdemeanor crimes in the criminal system at the Purwareja Klampok Police Station level.

In the development of the criminal justice system in Indonesia, punishment by imprisoning criminals is the main sanction against criminals who are proven guilty in court. Meanwhile, if we look deeper, the community needs not only imprisonment of the perpetrators, but also the hope to be able to restore the situation to before the crime occurred.³ The community's expectation is urgent to be resolved by restorative justice.

Restorative justice is the resolution of criminal offences by involving perpetrators, victims, families of perpetrators, families of victims, community leaders, religious leaders, traditional leaders, or stakeholders to jointly seek a fair settlement through peace by emphasising the restoration of the original situation.⁴

In the restorative justice view, crime is not just a violation of the law, but fundamentally a violation of human relationships. Restorative justice therefore emphasises restoring the damage caused by crime, through material and symbolic restitution, rebuilding offenders' self-esteem, and returning them to society. It further emphasises that restorative justice facilitates the restoration of communities by affirming the values damaged by criminals.⁵

³Theosalim, A. S., & Hutabarat, R. R. (2023). Restorative Justice Sebagai Alternatif Pengurangan Over Kapasitas Di Rutan Kelas I Jakarta Pusat. *Syntax Literate; Jurnal Ilmiah Indonesia*, 8(6), Page 4530.

⁴Dewi, N. N. A. P., Hartono, M. S., & Dantes, K. F. (2022). Implementasi Prinsip Restorative Justice Pada Perkara Tindak Pidana Penganiayaan Biasa di Polres Buleleng. *Jurnal Komunitas Yustisia*, 5(1), Page 243

⁵Rudy HAN, Ringkasan Disertasi: *Konsep mediasi dalam penyelesaian perkara pidana diluar pengadilan oleh penyidik Polri*, Program Doktor Ilmu Hukum Jayabaya, Jakarta, 2016, Page. 32-33.



Furthermore, restorative justice argues that in the event of a criminal offence, the most important thing to do is not to punish the perpetrator of the crime, but to prioritise repairing the damage caused by the crime, including damage to the value system in a community. Furthermore, Braithwaite, J. said that the way to resolve criminal cases through restorative justice is as follows:⁶

Firstly, from the offender's perspective, to achieve restorative justice, there must be an apology to the victim. Such an expression of remorse shows that the offender understands the impact of his/her actions and recognises that criminal behaviour is wrong in a society. Such an attitude of remorse is necessary to repair the relationship between the offender and the victim of the crime, as well as to restore the offender's role in society.

Second, from the victim's side, through this conception, the attitude of regret expressing forgiveness from the perpetrator of the crime must be synergistic with the acceptance of the victim. The victim needs to see the offender with understanding and compassion as a fellow citizen. Modern society agrees that forgiveness can promote reconciliation. With reconciliation, the victim's desire for revenge will melt away. This can be an emotional basis to encourage the restoration of relationships, offenders with victims and offenders with society.

Third, in terms of the case, the cases that are resolved are not prominent cases or of public concern so that there will be no upheaval in the community, for example cases of rape, robbery, murder and others.

The implementation of the concept of restorative justice as an alternative to misdemeanor crimes in the criminal system at the Purwareja Klampok Police level can be done through several steps: Awareness Raising:⁷

- a. The Purwareja Klampok Police needs to socialise and raise awareness to police officers, victims, perpetrators, and the community about the concept of restorative justice and its benefits in resolving criminal cases.
- b. Identification of Suitable Cases: The Police Sector can identify certain cases that are suitable for the implementation of restorative justice approach, such as misdemeanor crimes that involve relationships between perpetrators and victims that can still be repaired.
- c. Mediation and Deliberation: The Police Sector can facilitate mediation or deliberation between the perpetrator, victim, and the community regarding the criminal case. The purpose of this mediation is to reach a mutual agreement on a fair settlement and restore the damaged relationship between the perpetrator and the victim.

⁶ *Ibid...*Page. 33-34

⁷ Diputra, I. K. A., Dewi, A. A. S. L., & Widyantara, I. M. M. (2022). Konsepsi Penanganan Perkara Tindak Pidana dengan Restorative Justice yang Mengedepankan Kemanfaatan Hukum. *Jurnal Konstruksi Hukum*, 3(1).



- d. Establishment of Restorative Agreements: If the mediation is successful, the parties involved may reach a restorative agreement that includes compensation to the victim, rehabilitative or educational measures to the offender, as well as a commitment to avoid similar acts in the future.
- e. Monitoring and Mentoring: Once a restorative agreement is reached, the Police Sector can conduct monitoring and mentoring to ensure the implementation of the agreement goes well and fulfils the interests of all parties involved.

The implementation of the restorative justice concept at the Purwareja Klampok Police Station level requires collaboration between the police, the community, and other relevant institutions. This will allow the creation of a more just and provide an opportunity for the perpetrator to improve himself and improve relations with victims and the community.

The implementation of restorative justice by law enforcement police certainly has its own pattern and form which is influenced by the circumstances and situation of cases in its jurisdiction. As is the case with the settlement of criminal cases resolved by customary law whose customary legal status is very strong at the time of investigation.⁸ As an illustration, instances such as rape, abduction of women, theft, abuse, deceit, misappropriation, physical violence, and adultery. The actions pursued by police investigators in such situations involve overseeing, organizing, and overseeing the process of settling criminal cases. This process is geared towards attaining elements of fairness and efficiency, alongside ensuring legal certainty while preventing penalties that might infringe upon human rights or contravene fundamental human values.⁹

Criminal cases that can be resolved with restorative justice are regulated in Articles 364, 373, 379, 384, 407 and 483 of the Criminal Code (KUHP). Criminal cases that can be resolved with this settlement are mesdemeanor offences. In this case, the punishment given is imprisonment for a maximum of 3 months or a fine of Rp2.5 million. In addition to mesdemeanor criminal cases, restorative justice settlement can also be applied to other criminal cases such as:

- a. Criminal cases of juvenile offences,
- b. Traffic offences,
- c. Information and electronic transaction criminal offences,
- d. Criminal offences against women in conflict with the law.

According to Aiptu Agung, S.H., M.M. as the Criminal Investigation Unit of the Purwareja Klampok sector police explained that the implementation of restorative justice can be carried out based on National

⁸ Hardiman, Y., Kotijah, S., & Sina, L. (2019). Restorative Justice Terhadap Pelaku Tindak Pidana Ringan yang Telah diberi Sanksi Adat. *Mulawarman Law Review*,

⁹ Edwin Apriyanto, "Penerapan Restorative Justice Sebagai Bentuk Diskresi Kepolisian Dalam Penyelesaian Perkara Tindak Pidana Penipuan di Polrestabes Semarang", *Jurnal Spektrum Hukum*, Vol. 13/No. 1/April 2016. Page. 62



Police Chief Regulation Number 8 of 2021, concerning Handling Criminal Offences Based on Restorative Justice, Article 2 states that Handling Criminal Offences based on Restorative Justice is carried out in activities:

- a. carrying out the Criminal Investigation function;
- b. investigation; or
- c. investigation.

Restoration Justice case handling must fulfil material requirements including:¹⁰

- a. does not cause unrest and/or rejection from the community;
- b. does not result in social conflict;
- c. does not have the potential to divide the nation;
- d. not radicalism and separatism;
- e. not a repeat offender of criminal offences based on a court decision; and
- f. not a criminal offence of terrorism, criminal offence against state security, criminal offence of corruption and criminal offence against life.

In this case, restorative justice handling in the investigation process can be carried out based on the wisdom of a police investigator in terms of achieving the goals of justice and expediency in the investigation process of a criminal case. According to him, although the task of the Police apparatus as law enforcement has a repressive function, but as a Police apparatus the preventive function is also always attached to the repressive task.¹¹

From the explanation above, it can be analysed that in conducting restorative justice in investigations conducted by police officers can be seen from a preventive and repressive perspective.¹² So that in conducting an investigation into a criminal case, it does not only prioritise conventional criminal law which is very rigid but puts forward aspects of wisdom and wisdom from a police law enforcer based on sociological aspects in carrying out the task of investigating the authority of a criminal case handled.

2. Obstacles arising in the implementation of restorative justice as an alternative to misdemeanor crimes in the criminal system at the Purwareja Klampok Police Station level.

Legal experts agree that justice, expediency, and legal certainty are considered legal objectives, but in practice, it is difficult to realise them simultaneously. Achmad Ali said, if it is said that the purpose of law at the same time realises justice, benefit, and legal certainty, does it not cause problems? There is often a clash between one goal and another. In this

¹⁰ Sakti, L. O. (2021). Konsep Keseimbangan Dalam Pemberlakuan Penghentian Penuntutan Berdasarkan Keadilan Restoratif. *Sang Pencerah*, 7(4), Page 589.

¹¹ Wawancara Aiptu Agung, S.H., M.M. Kanit Reskrim kepolisian sektor Purwareja Klampok pada tanggal 7 Juni 2023

¹² Manullang, H., Sitanggang, R., Sidauruk, S., & Sinaga, E. (2020). Penyelesaian Tindak Pidana Biasa Bermotif Ringan Dengan Restoratif Justice Sebagian Bentuk Upaya Pembaharuan Hukum Pidana. *Nommensen Journal of Legal Opinion*, Page 68



connection Radbruch teaches that we must use the principle of priority, the priority always falls on justice, then expediency and finally legal certainty.¹³

Through the principle of casuistic priority, the purpose of law to achieve justice, expediency or legal certainty all depends on the conditions that exist or are faced in each case. In one case there are times when justice is prioritised over expediency and certainty. In other cases, the element of expediency is prioritised. However, under any circumstances, the law must still be used as the main footing, meaning that to achieve justice or expediency the main footing is still the rule of law that applies.¹⁴

Law has the main task of creating order, considering that order is a basic requirement for an orderly society. To create order in society, efforts are made to establish certainty. Certainty is defined as legal certainty in law and certainty because of the law. This is because the notion of law has two aspects. The first aspect is that there is a definite law for concrete events. The second aspect is the existence of legal protection against arbitrariness. Legal certainty is essentially a certainty about how citizens solve legal problems, how the role and use of legal institutions for society and so on.¹⁵

The theoretical aspect of legal certainty and legal protection is that if the law and legal protection is that if the execution goes as it should, it will provide legal certainty, because with the execution, what is aspired to be the goal of the law to seek legal certainty is carried out and is also a legal protection for those who get the rights of the civil case decision to get legal protection from the execution.¹⁶

Legal certainty can be examined from two perspectives: the certainty within the law itself and the certainty created by the law. Legal certainty within the law implies that every legal standard should be articulated in language that leaves no room for varying interpretations. This, in turn, leads to compliance or non-compliance with the law. In practical terms, many legal situations arise where, when confronted with the essence of the legal standards that govern them, there is occasional ambiguity or imperfection, resulting in diverse interpretations and, consequently, legal ambiguity.¹⁷

Conversely, legal certainty created by the law implies that the law itself instills a sense of certainty. For instance, the law establishes the existence of an expiry institution, meaning that over time, an individual will either gain or forfeit certain rights. This signifies that the law can ensure certainty by providing individuals with a defined right through the expiry institution.¹⁸

¹³ Achmad Ali, *Menguak Tabir Hukum*, Jakarta, Chandra Pratama, 1996, Page. 95.

¹⁴ *Ibid*, Page 96.

¹⁵ *Ibid*, Page 96.

¹⁶ *Ibid*, Page 416.

¹⁷ Herri Swantoro, *Harmonisasi Keadilan dan Kepastian dalam Peninjauan Kembali*, Depok, Prenadamedia Group, 2017, cet. 1, Page. 23

¹⁸ *Ibid*, Page. 23



Gustav Radbruch made a fundamental contribution to the discourse of legal certainty. Radbruch talked about the existence of a legal mind, this legal mind will guide humans in their legal life. And the legal mind is supported by the presence of three basic values (Grundwerten), namely Justice (Gerechtigkeit), Benefit (Zweckmaeszigkeit) and Legal certainty (Rechtssicherheit). The three basic values are not always in a harmonious relationship with each other. Rather, they conflict with each other, in tension (spannungsverhaeltnis) with each other. Justice can collide with expediency and legal certainty, demands for expediency can collide with justice and legal certainty and so on.¹⁹

The law is required to fulfil various works and by Radbruch the three are referred to as the basic values of law. The three basic values are Justice, Benefit/usefulness (Zweckmaszigkeit) and Legal certainty. Although the three are the basic values of law, there is a Spannungsverhaeltnis, a tension between them. This relationship or situation is understandable, because the three contain different demands and each other has the potential to conflict. If we take legal certainty as an example, then as a value it immediately shifts the values of justice and utility aside. The main thing for legal certainty is the existence of the regulation itself. Whether the regulation must be fair and have utility for the community is beyond the prioritisation of the value of legal certainty.²⁰

In an ideal scenario, law enforcement should be capable of upholding three fundamental legal values, often referred to as legal objectives: justice, utility, and legal certainty. Consequently, with the enactment of Indonesian National Police Regulation Number 8 of 2021 regarding the handling of criminal offenses based on restorative justice, it is anticipated that this will ensure justice, utility, and legal certainty for the community, particularly for those involved in legal disputes. However, the implementation of restorative justice raises certain challenges that must be promptly addressed, particularly by law enforcers, including Police investigators. One such challenge is the limited understanding of investigators concerning the concept of restorative justice, primarily because of the insufficient dissemination of information regarding Police regulation number 8 of 2021. Not all investigators have participated in the training related to restorative justice, leading some to perceive it as a mere peacemaking endeavor. Yet, in practice, there are specific material and formal prerequisites that must be met for its implementation. Moreover, a significant number of investigators maintain a conservative performance culture, primarily operating within the confines of a legalistic mindset and adhering to a positivistic paradigm. This conservative approach creates skepticism among investigators in the execution of their responsibilities, particularly in the context of terminating investigations. There exists a prevailing apprehension that halting an

¹⁹ Satjipto Rahardjo, *Hukum dalam Jagat Ketertiban*, Jakarta, 2006, UKI Press, Page. 135

²⁰ Satjipto Rahardjo, *Ilmu Hukum*, Citra Aditya Bakti, Bandung, 2014, cet. 8, Page.19.



investigation through a restorative justice mechanism might infringe upon legal regulations (KUHAP) and subsequently result in reprimands from their superiors.²¹

The litigants are greatly burdened by the additional examination outlined in the minutes, in which case the litigants, after making peace before the investigator, must come back to the investigator to clarify which is outlined in the minutes. In addition, the involvement of community leaders, religious leaders, traditional leaders, or stakeholders in the implementation of a special case title is a difficulty for investigators.

In Law Number 8 of 1981 on Criminal Procedure, it is explained that there are several reasons for investigators to stop an investigation. The reasons for stopping the investigation are because there is not enough evidence, the event turns out not to be a criminal offence, or the investigation is stopped by law (expired or the suspect died). The absence of restorative justice reasons in the KUHAP creates doubts for investigators in terminating an investigation into a criminal offence.

According to Aiptu Agung, S.H., M.M. as the Criminal Investigation Unit of the Purwareja Klampok sector police, he explained that in implementing restorative justice in the police sector, there are several obstacles that may be faced. Such as: Limited Resources: One of the main obstacles is the limited resources, such as budget, personnel, and infrastructure needed to support the implementation of restorative justice. This lack of resources can affect the capacity of the police to effectively deliver restorative justice programmes; Case Complexity and Time Constraints: Restorative justice requires more intensive time and effort to engage all parties involved in the resolution of the case. In congested and complex situations, police may face time constraints to implement a full restorative justice process; Lack of Support and Co-operation of Relevant Institutions: The successful implementation of restorative justice requires the support and co-operation of various related institutions, such as correctional institutions, rehabilitation centres, and legal aid organisations. Lack of support and cooperation can be an obstacle in implementing restorative justice programmes properly.²²

To overcome these barriers, it is important to take steps such as raising awareness and understanding through training and socialisation from the police agencies to allocate adequate resources, advocate for systemic change, and build close cooperation with relevant institutions. In addition, continuous evaluation and monitoring are also needed to identify obstacles and make necessary improvements in the implementation of restorative justice in the police sector.

²¹ Armunanto Hutahaean, "Penerapan Restorative Justice Oleh Polri Untuk Mewujudkan Tujuan Hukum", *Jurnal Hukum to-ra*: 8 (2), (2022). Page. 146

²² Wawancara Aiptu Agung, S.H., M.M. Kanit Reskrim kepolisian sektor Purwareja Klampok pada tanggal 7 Juni 2023



F. Conclusion

The implementation of restorative justice can be carried out based on National Police Chief Regulation Number 8 of 2021, concerning Handling Criminal Offences Based on Restorative Justice, Article 2 states that Handling Criminal Offences based on Restorative Justice is carried out in activities: a. implementation of the Criminal Investigation function; b. investigation; or c. investigation. The handling of cases under Restorative Justice must fulfil material requirements including: a. not causing unrest and/or rejection from the community; b. not having an impact on social conflict; c. not having the potential to divide the nation; d. not radicalism and separatism; e. not a repeat offender of Criminal Acts based on a Court Decision; and f. not Crimes of terrorism, Crimes against state security, Crimes of Corruption and Crimes against human life. In this case, the handling of restorative justice in the investigation process can be carried out based on the wisdom of a Police investigator in terms of achieving the goals of justice and expediency in the investigation process of a criminal case. According to him, even though the task of the Police apparatus is law enforcement which has a repressive function, as a Police apparatus the preventive function is also always attached to the repressive task. So that in investigating a criminal case, it does not only prioritise conventional criminal law which is very rigid but puts forward aspects of wisdom and wisdom from a police law enforcer based on sociological aspects in carrying out the task of investigating the authority of a criminal case handled.

The implementation of restorative justice in the Purwareja Klampok police sector has several obstacles that may be faced. Such as: Limited Resources: One of the main barriers is the limited resources, such as budget, personnel, and infrastructure needed to support the implementation of restorative justice. This lack of resources can affect the capacity of the police to effectively deliver restorative justice programmes; Case Complexity and Time Limitations: Restorative justice requires more intensive time and effort to engage all parties involved in the resolution of the case. In congested and complex situations, police may face time constraints to implement a full restorative justice process; Lack of Support and Co-operation of Relevant Institutions: The successful implementation of restorative justice requires the support and co-operation of various related institutions, such as correctional institutions, rehabilitation centres, and legal aid organisations. Lack of support and cooperation can be an obstacle in implementing restorative justice programmes properly.

G. Suggestion

Suggestions for the implementation of restorative justice as an alternative to misdemeanor crimes in the criminal justice system:

1. Training and Education: Provide adequate training to law enforcement officers, judges, and other relevant personnel on restorative justice concepts



and practices. A better understanding of this approach will assist in its implementation.

2. **Community Socialisation:** Conduct socialisation campaigns to the community on what restorative justice is and how they can be involved in this process. Communities need to understand the benefits and how they can contribute.
3. **Encouraging Collaboration:** Encourage cooperation between law enforcement agencies, community organisations, and educational institutions to promote and support restorative justice approaches.
4. **Facilitate Dialogue:** Hold open dialogue forums between offenders, victims, and communities to facilitate reconciliation and mutual understanding. This can be an important step in restoring damaged relationships.



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