



Implementation of Restorative Justice as an Alternative Case Settlement Strategy Involving Pornography on Social Media (Case Study of Reported Case at Bogor City Police Station)

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Abstract

The occurrence of a crime that uses information technology raises new problems in enforcing criminal law both regarding acts that are prohibited and punishable-by crime as well as those relating to the system-of evidence and evidence that can be used to prove that a crime has occurred and in determining who the perpetrators of the crime are. The problem of implementing Restorative Justice at Polresta Bogor City aims to create public order and society, which in this case requires the involvement of the state which in this case is the court. The concept of Restorative Justice has been accommodated in various agencies, but no single regulation specifically addresses this theme. The regulations for Restorative Justice need to be clarified so as not to cause social inequality, where everyone must be seen as equal before the law. The handling of Restorative Justice must be ensured that it does not violate applicable law, with reference to the Integrated Criminal Justice System. This study has the intent and purpose of knowing how to implement Restorative Justice as an alternative settlement of cases involving pornography reported at the Bogor City Police. The type and type of research used by researchers is descriptive qualitative research with a case study approach. The results of the study show that the implementation of Restorative Justice as an alternative strategy for solving pornographic cases reported-at the-Bogor City-Police has-been carried-out as-fully as-possible by-the Bogor-City Police by resolving criminal cases involving perpetrators, victims,-families of perpetrators/victims,-and other parties who-related to-jointly seeking-a fair-solution by-emphasizing restoration-to its-original state.-Settlement is done by reaching an agreement between the two parties.

Keywords: *Implementation; Restorative Justice; Cases; Pornographic*

Introduction

Indonesia has taken strides to become a country that upholds the principles of the rule of law. The principle of the rule of law asserts that state power must be exercised based on just and fair laws. It emphasizes that every action taken by the state should aim to ensure legal certainty, be conducted with equality, support democracy, and be guided by sound reasoning.

In Indonesia, law enforcement involves multiple agencies under the supervision of the National Police. The National Police holds the primary responsibility for supervision, law enforcement, and the execution of police duties throughout Indonesia in accordance with Law Number 2 of 2002. According to Article 5, paragraph(1) of Law Number 2 of 2002, the National Police (Polri) is defined as a state institution that plays a vital role in maintaining security, restoring society, enforcing the law, and providing protection, assistance, and services to the community to uphold domestic security.

The police are expected to be always prepared to serve and protect the community, regardless of the time of day (Andrisman & Damanhuri Warganegara, 2022). Whether it is day or night, rain or shine, in times of joy or sorrow, the police must be present. Undoubtedly, the tasks of the police are demanding. However, these tasks are also noble as they involve helping and providing assistance to those in need (Silaen, 2020; Soebagijo, 2008). This responsibility is emphasized in religious teachings as well. Police work requires sincere dedication, accompanied by devotion and good intentions. Police officers who lack ethics and integrity in carrying out their duties become a burden on the criminal justice system, creating a criminal network within it.

In the modern era, information technology has made significant advancements, including in Indonesia. Information technology encompasses the combination of hardware and software used to perform important tasks needed and utilized by humans in their daily lives. It serves as the means and infrastructure (including hardware, software, and usage) for systems and method of obtaining, transmitting, processing, interpreting, storing, organizing, and utilizing data in a meaningful manner, as explained by (Warsita, 2008).

The development of information technology has brought about changes in human activities. Activities that previously relied on physical equipment are now predominantly conducted using information technology-based devices. In this era, crime has also evolved, extending beyond the physical realm to include cyberspace, with distinct forms of crime that differ from conventional offenses. One example is cybercrime, which occurs through the internet (Simamora et al., 2020).

The emergence of crimes utilizing information technology presents new challenges in the enforcement of criminal law, both in terms of defining prohibited and punishable acts and in the system of evidence and procedures used to uncover criminal activities and identify perpetrators (Nugroho, 2023). This issue arises because the development of information technology crimes through electronic media has not been adequately addressed in the existing Criminal Code (KUHP) and Criminal Procedure Code (KUHAP).

In Indonesia, there is no specific legal definition that comprehensively regulates cybercrime. Law Number 11 of 2008, an amendment to Law Number 19 of 2016 on Electronic Information and Transactions (ITE Law), primarily serves as an administrative law. However, this law contains provisions related to criminal offenses. The definition of cybercrime can be found in the articles that govern such crimes. The anatomy of cybercrime, as outlined in the ITE Law, can be categorized into two groups.

The first group encompasses crimes directed at the internet, computers, and related technologies. The ITE Law identifies seven types of crimes falling into this category (Safitri, 2022). These crimes are considered modern offenses that have given rise to new forms of criminal behavior.

The government has implemented legislation to regulate the use of information technology as a means to address potential misuse. Law No. 19/2016 on Electronic Information and Transactions specifically governs criminal offenses and activities involving the expression of opinions through electronic media. While this law imposes restrictions on freedom of expression, certain articles, particularly those related to defamation, often spark controversy and attract public attention. As a result, there have been numerous cases involving the interpretation and application of these articles within the

law.

As an example, there have been allegations of criminal acts where individuals intentionally and without authorization disseminate, transmit, or provide access to electronic information or documents that violate decency norms, as stipulated in Law Number 19 of 2016, which amends Law Number 11 of 2008 concerning Electronic Information and Transactions. One such case occurred on Monday, July 23, 2018, in Cibalagung RT. 003, RW. 004, Pasirjaya Village, West Bogor Subdistrict, Bogor City. This case involved the distribution of video recordings containing pornographic material through social media platforms such as Twitter, Online, and XNXX.COM.

The chronology of the case started in 2011 and continued until 2018, during which the witness, Ms. PK, had a close relationship with Mr. BES. During their relationship, particularly in mid-2017, when Mr. BES was studying at the College of Shipping (STIP) and practicing at sea, he requested Ms. PK to create a video recording containing explicit content. After the video recording was made, Ms. PK sent it.

Defamation actions can be carried out by irresponsible individuals through various media and methods. One form involves deliberately accusing and belittling others directly in face-to-face situations. Additionally, defamation can occur when someone spreads inappropriate and hurtful words about someone else to others, whether through gossip, mass media, or electronic media (Muslih et al., 2021).

Considering the numerous cases related to defamation as regulated in Law Number 19 of 2016 concerning Electronic Information and Transactions, the Indonesian National Police (Polri) has issued Polri Circular Letter Number: SE/2/11/2021 regarding Ethical Culture Awareness. The circular aims to promote a clean, healthy, and productive Indonesian digital space. In the circular, Polri emphasizes that law enforcement should prioritize a restorative justice approach rather than resorting to criminal law as a last resort.

This research was conducted to address criminal cases, because in practice the resolution of criminal cases through the justice system often does not provide adequate justice for victims and perpetrators (Ramadhan, 2015). Therefore, a Restorative Justice approach is needed to achieve a balance between victims and perpetrators. In addition, the handling of criminal cases, especially in defamation cases, must be flexible and not rigid. The implementation of Restorative Justice in the criminal justice system, including criminal justice, must be optimized in all regions of Indonesia.

In resolving cases, the original approach of imprisonment needs to be changed into a process of dialogue and mediation involving all parties in the community, to reach a balanced and fair agreement between perpetrators and victims, and maintain good relations in the community. To support the implementation of Restorative Justice, the *ultimum remedium* principle can be applied before the legal process begins, where criminal punishment in the form of imprisonment should be the last resort in law enforcement (Liebmann, 2007). Police and prosecutors, as law enforcers in the community, in implementing the *ultimum remedium* principle must apply progressive law, which not only pays attention to legal certainty, but also pays attention to the interests and justice of the community. The restorative justice approach has many advantages both from a technical and budgetary perspective. Restorative justice does not require a time-consuming case settlement process, from investigation, prosecution to trial (Muslih et al., 2021). In addition, this approach focuses more on recovery and reconciliation between perpetrators and victims.

In the context of Bogor City Police, the application of Restorative Justice aims to create public and community order, by involving the courts as part of the state. Although the concept of restorative justice has been adopted by various agencies, there is no specific regulation that regulates in detail on this matter. Therefore, clarification of regulations related to restorative justice is needed so as not to cause social inequality, so that every individual is considered equal before the law. The handling of restorative

justice cases must be carried out by ensuring compliance with applicable laws, with reference to the Integrated Criminal Justice System.

Currently, the Police of Bogor City has resolved a number of ITE cases through the Restorative Justice (RJ) approach over the past three years, from 2020 to 2022. In 2020, the Bogor City Police handled 27 ITE cases and successfully resolved 7 cases using RJ. This means that out of the total ITE cases handled that year, 7 cases were successfully resolved through the RJ approach. In 2021, the number of ITE cases handled by the Bogor City Police decreased to 13 cases. However, the number of cases resolved through RJ increased to 10. This indicates that although the overall number of ITE cases handled was lower, there was a significant increase in the proportion of cases resolved using RJ. In 2022, there was a notable increase in the number of ITE cases handled by the Bogor City Police, reaching 50 cases. Out of these, 21 cases were resolved through RJ, demonstrating a significant rise in the utilization of RJ as a method for resolving ITE cases.

Overall, the table illustrates a variation in the number of ITE cases handled by the Bogor City Police from year to year. While there were fluctuations in the number of cases, there was a noteworthy increase in the application of RJ as a means of resolving ITE cases. RJ serves as an alternative approach that prioritizes victim recovery and reconciliation between perpetrators and victims, aiming to minimize negative impacts and prevent the recurrence of similar cases in the future.

Based on the aforementioned explanation, the objective of this research is to investigate the implementation of Restorative Justice as an alternative strategy for resolving cases related to reported pornography at the Bogor City Police.

Literature Review

Theory of Law Enforcement

Law enforcement is basically an effort to create justice. This view is in line with Roscou Pound's opinion, which states that the law essentially plays a role in fulfilling various interests, both individual interests and the interests of society in general. This category can be simplified into law as a tool to serve the interests of society, including the interests in exercising state or government power (instrument of power) (Rahardjo, 2018).

The mistaken view often states that the success of law enforcement depends only on the extent to which suspects are processed and convicted in court (Kennedy et al., 2019). However, the actual success of law enforcement should be assessed based on the achievement of justice values in society. As a law enforcement institution, Polri has the responsibility to implement Restorative Justice mechanisms. The establishment of the Indonesian National Police aims to create domestic security which includes the maintenance of public order, orderly law enforcement, protection and service to the community, as well as creating community peace by respecting human rights.

Theory of Restorative Justice

Restorative justice has been recognized in the Indonesian legal system since the 1960s as part of traditional criminal justice. The concept was originally used by indigenous people as a method of conflict resolution within the community without involving state officials. The Restorative Justice approach emphasizes the restoration of victims and communities in the criminal justice system, rather than simply punishing offenders. The theory focuses on peace as the basis of justice, where case resolution does not prioritize revenge or punishment of the offender. The principles of Restorative Justice cover several aspects, as explained by (Wisnubroto & Widiartana, 2015).

Theory of Strategy

According to (Quinn, 2019), A strategy is a plan that combines goals, policies, and actions in an organization to form a unified whole. (Hamel & Prahalad, 1996) explained that strategy is a continuous gradual action, considering future expectations. In the view of Argyris, Mintzberg, Steiner, and Miner cited by (Rangkuti & Analisis, 2018), strategy is an adaptive response to external and internal factors that affect the organization. (Bryson, 2011) considers strategy as a pattern of goals, policies, courses of action, decisions, or resource allocations that determine how and why an organization operates.

Pornography as a Public Crime

Pornography as a public crime has been defined in Law No. 44/2008 on Pornography. The definition includes various forms, such as images, sketches, illustrations, photographs, writings, sounds, moving images, animations, cartoons, conversations, gestures, or other forms of messages through communication media or performances in public places (Arief, 2000). The content displays sexual exploitation that violates the norms of decency in society. Pornography is an issue that not only affects the general public, but also raises concerns in Indonesia due to the different values and norms held by the community. Therefore, it is important to regulate pornography despite its various definitions and understandings.

Victims in the Crime of Pornography

Victims in the crime of pornography have been defined in Article 3 and the General Elucidation of Law Number 44/2008 on Pornography. Victims can include individuals (especially women and children), the community, the nation, and the state. However, there is still debate regarding the status of a person who is the creator and object in a moving image containing pornography, whether they are considered a perpetrator or a victim (Badrih, 2021). Victims can also be the trigger for criminal offenses in some cases, for example when a person provokes a fight and ends up losing the fight, and then the opponent reports it for assault.

The occurrence of a criminal offense is not always only caused by the victim's own actions. Victims can be classified based on the level of fault, such as victims who have no fault at all, victims due to their negligence or accidentally caught in a dangerous situation, victims and perpetrators have the same level of fault, victims with greater fault than perpetrators, and imaginary victims or victims who are actually guilty or pretend to be victims..

Public Protection in Cybercrime

Ensuring legal protection for individuals who fall victim to cybercrime is of utmost importance. In criminal cases, attention is often solely focused on the perpetrators, resulting in the neglect of crime victims. However, it is crucial to provide equal attention and support to victims, as they are the ones who suffer losses as a consequence of the crime. Crime has an indirect impact not only on the victims themselves but also on others (Angkupi, 2017). Therefore, it is essential to perceive crime as something that harms the victim, and accordingly, the punishment given to the perpetrator should consider restoring the losses experienced by the victim. The recovery process encompasses the restitution of both physical and non-physical losses. The protection of victims holds significant importance as it not only alleviates the suffering endured by victims but also acts as a deterrent to prevent new victims and thereby reduce the overall crime rate.

Research Method

The researchers utilized a descriptive qualitative research method with a case study approach. The collected data was analyzed and described based on the observed situation, revealing the attitudes, conflicts, relationships, and perspectives within the group of respondents being studied. The information or data in this study can be categorized into two main categories: primary data and secondary data.

The primary data in this study consists of interview records and direct observations conducted in the field. This includes interviews with key individuals such as the Deputy Chief of Tasikmalaya City Police, who currently serves as the Head of the Criminal Investigation Unit of the Bogor City Police, the Head of Sub Unit IV Eksus Satreskrim of the Bogor City Police, the investigators directly involved in the case being studied, auxiliary investigators of the case, as well as community victims and perpetrators involved in cases resolved through Restorative Justice.

Secondary data sources were obtained from the systems within the office or other relevant locations where the case was located, particularly at the Bogor City Police. Data collection is a crucial stage in research as it enables the acquisition of the desired data. According to (Sugiyono, 2018), Data collection can be done through various settings, sources, and methods. Data collection settings can be done in various settings such as natural settings, laboratories, respondents' homes, seminars, discussions, streets, and others. Data sources can be primary and secondary. Furthermore, in terms of data collection techniques, observation techniques, interviews, questionnaires, documentation, or a combination of the four can be used. (Sugiyono, 2018).

Data analysis is a systematic process of searching, organizing, and compiling data obtained from various sources such as interviews, field notes, and documentation. This process involves data grouping, parsing, combining, identifying patterns, selecting relevant information, and drawing conclusions. The accuracy and precision of the data collected needs to be ensured by the researcher, although the results of the analysis may vary depending on different sources of information. The data analysis model used is the Miles and Huberman model, which is carried out interactively and continuously during the data collection process. The steps of qualitative data analysis refer to the guidelines compiled by Sugiyono and include several stages.

1. The data collection process is a very important stage in data analysis. In qualitative research, data can be collected through various techniques such as interviews, observation, documentation, and focus group discussions.
2. Data pruning is a stage in qualitative data analysis that involves selecting, focusing, and transforming raw data from field notes.
3. After pruning the data, the next step in qualitative research is to present the data. Data can be presented in various forms, such as tables, graphs, flow charts, pictograms, or narrative text.
4. Presentation of qualitative data is done through structured descriptions, so that it allows drawing conclusions and taking action.
5. In the final stage of qualitative research analysis, conclusions are drawn.

Result And Discussion

Restorative Justice Can Be Applied to Crimes Involving Social Media Pornography Reported at Bogor City Police Station

Restorative Justice emphasizes the restoration of the relationship between the victim and the offender through mutual agreement. The victim has the right to express the losses suffered, while the perpetrator is provided an opportunity to make amends through compensation, peace, social work, or other

agreed-upon means. In Indonesia, the law enforcement process with a Restorative Justice approach is carried out by the National Police in accordance with Police Regulation Number 8 of 2021.

This regulation serves as the primary reference for resolving cases through the investigation and examination of criminal offenses, with the aim of providing legal certainty. Additionally, it governs the termination of investigations (SPP-Lidik) and the closure of investigations (SP3) based on legal considerations in line with the principles of restorative justice.

Restorative justice is an approach to resolving criminal offenses that involves multiple parties in seeking a fair solution through peace and the restoration of the original situation. However, this approach cannot be utilized in certain cases, such as terrorism, crimes against state security, corruption, criminal offenses involving loss of life, and cases that may lead to public unrest. The approach is also not applicable if the case has the potential to incite social conflict, radicalism, separatism, or if the perpetrator is a repeat offender as determined by a court decision.

Regarding the case that occurred on Monday, July 23, 2018, in Cibalagung RT. 003, RW. 004, Pasirjaya Village, West Bogor Subdistrict, Bogor City, it involved a reported individual disseminating video recordings containing pornography on social media platforms such as Twitter, Online, and XNXX.COM. The chronology of the case spans from 2011 until 2018, during which witness Ms. PK had a close relationship with Mr. Br. BES. While dating Mr. Br. BES, specifically in mid-2017, Mr. Br. BES was conducting practice at sea due to his studies at STIP (College of Shipping Science).

At that time Br. BES asked sdr. PK to make a video recording containing immorality. After making the video recording, sdr. PK sent the Video Recording via Line. After sending the video recording sdr. PK asked to delete the video recording, but Br. BES did not delete it on the grounds that it was for personal consumption. During the special relationship of sdr. PK has sent video recordings repeatedly.

After there is no special relationship, the video recording is spread on social media. The first video of Sdr. PK wearing a Pink-colored negligee with floral patterns, wearing a black bra Viral on social media Twitter with user ID @indo bokep (AKUN: Tante Siska, ID @ Ye_kaes (AKUN Ye Ka Es) and ID @ ILOVEMYBITCH69 (AKUN: hypebitchesss). The video is sdr. PK sent via social media via Line to Br. BES with the contact name on Line HONEY on Monday, October 23, 2017 at around 10:47 PM or around 22:47 WIB.

In this research case study, the application of Restorative Justice is carried out based on the provisions of Article 45 Paragraph (1) Jo Article 27 Paragraph (1) of Law Number 19 Year 2016 which regulates criminal acts related to the distribution, transmission, and creation of electronic information or electronic documents that violate decency. Such actions are subject to a maximum imprisonment of 6 years and/or a maximum fine of Rp1,000,000,000.00.

Implementation of Restorative Justice as an Alternative Strategy for Settlement of Social Media Pornography Cases Reported at Bogor City Police Station

Restorative justice is a form of law enforcement that promotes a human-centered approach to justice. It is implemented as a strategy in the 2020-2024 National Medium-Term Development Plan (RPJMN) within the criminal justice system. The principle behind restorative justice is to foster harmony, rather than focusing solely on winning or punishing individuals. In Indonesia, the principles of restorative justice have been widely adopted. According to data from the National Police, investigators across various regions have routinely employed this approach. Since the issuance of the National Police Chief's circular letter number SE/2/II/2021 on February 19, 2021, at least 1,864 cases have been resolved restoratively without the need for a formal trial, as of July 2022. Restorative justice is not only deeply rooted in Indonesia's cultural practices but also a government priority. However, its implementation still

faces differing perceptions from both the community and law enforcement officials. Without a common standardization regarding restorative justice, there may be a gap in its application.

Restorative justice principles have been applied by law enforcement agencies in Indonesia as a method of conflict resolution, focusing on repairing the harm caused. This approach involves dialogue and mediation between the offender, victim, family, and other relevant parties. The ultimate goal is to reach a fair and balanced agreement in resolving criminal cases for all parties involved. The principle of restoring the original conditions and building good relationships within the community is the main focus of restorative justice. The application of restorative justice initially started with out-of-court programs, such as victim-offender mediation (VOM), which was first implemented in Canada in the 1970s. However, it is important to note that the internet also has negative impacts, such as the easy dissemination of pornographic content, which can cause harm if not used wisely.

The spread of pornographic videos over the internet, known as cyber pornography, has a rapid rate of spread, thus increasing the risk of exposure to pornographic content. This phenomenon is an unacceptable problem in the context of Indonesian society based on Pancasila, as it can damage the morals, economy and culture of the nation. Unrest over cyber pornography and other cyber crimes has become a concern of various groups in society. Cyber pornography is an act of crime that occurs through computer networks, specifically in this case, the act of pornography. The internet allows pornographic content to be easily expressed digitally as a form of sexual gratification.

Cyber pornography, included in crimes against decency, is regulated in detail in Article 282 of the Criminal Code (KUHP). The distribution of pornographic videos via the internet is also regulated by Law Number 11/2008 on Electronic Information and Transactions (UU ITE), which has been amended by Law Number 19/2016. The definition of pornography is clearly stated in Article 1 Point 1 of Law Number 44 of 2008 on Pornography (Pornography Law). The dissemination of pornographic content on the internet is prohibited under Article 27 paragraph (1) in conjunction with Article 45 paragraph (1) of the ITE Law, which prohibits the dissemination of immoral material such as cyber pornography due to the ease of dissemination.

The crime of pornography in the form of cyber pornography is contrary to the basic values of the Indonesian nation contained in Pancasila. Exposure to pornographic content, especially videos, can have negative impacts such as brain disorders, hormonal changes, and psychiatric disorders. Children are vulnerable because they do not have the ability to sort out information properly.

The internet has the potential to be an unlimited source of knowledge, but its careless use can result in negative thinking due to access to inappropriate content. In a legal context, the internet is also a means that is often used to commit illegal acts.

However, when looking from the victim's perspective, the most important thing is how best to relieve the trauma experienced by the victim, such as through treatment and building new relationships with other partners. It is important to not only consider the perspective of the general public, but the just law in this case involves the relationship between the perpetrator and the victim. Therefore, the implementation of Restorative Justice is the best solution in solving this problem, but it must be carried out in accordance with established procedures, especially in terms of the application of Restorative Justice in relation to the ITE Law and National Police Chief Regulation Number 8 of 2021.

The Factors Influencing the Implementation of Restorative Justice as an Alternative Strategy for Settlement of Cases Involving Social Media Pornography Reported at Bogor City Police Station

The advancement of science has provided convenience for humans in various activities through technological development. Rapidly evolving technology, especially the internet, has facilitated various

aspects of human life, including business, government, education, and daily needs. The internet has brought about social, cultural, and economic transformations by providing unlimited access and eliminating geographical barriers. However, alongside its benefits, the internet has also given rise to new forms of crime known as cybercrime.

The proliferation of pornographic content through the internet has a detrimental impact, particularly on the moral development of children who are not yet capable of comprehending such content. Despite the exploitation of women and children by the pornography industry for profit, law enforcement efforts related to cyber pornography in Indonesia have not been fully optimized. The focus of law enforcement often revolves around meeting regulatory requirements rather than prioritizing the welfare and justice of society.

The lack of a precise definition of pornography in Indonesian law creates room for interpretation, which can be exploited as a legal loophole. Divergent views have emerged regarding whether cyber pornography should be considered merely as an aspect of freedom of expression. This lack of definitional clarity leads to incomplete understanding and is often perceived as legal uncertainty in enforcing this crime.

However, it is important to note that law enforcement should not be deemed trapped in legal uncertainty due to the ambiguous understanding and limitations in defining and comprehending cyber pornography. This paper will discuss regulations and laws pertaining to the enforcement of pornography and cyber pornography, covering various statutes ranging from the Criminal Code to relevant laws.

The implementation of Restorative Justice as an alternative case resolution strategy can be influenced by certain factors that can hinder the law enforcement process. These factors are as follows:

1. Factors that affect law enforcement are limitations in the legal regulations themselves. Although the Criminal Procedure Code (KUHAP) authorizes investigators to stop investigations in some situations, it does not regulate the authority of investigators to resolve cases outside the court by applying Restorative Justice, nor does it regulate the rights of victims.
2. Law enforcers have a significant role in law enforcement. However, some investigators still lack experience in paying attention to the psychological conditions of women and children who are victims of crime. This has resulted in the mediation process of investigators not reaching an optimal level. So it is necessary to have training and seminars for members related to Restorative Justice.
3. Facilities that support law enforcement play an important role. To properly implement Restorative Justice and diversion, investigators need to improve their abilities and skills through seminars and activities related to mediation. However, the influence of facilities and infrastructure on the implementation of Restorative Justice in resolving criminal offenses is still considered insufficient.
4. Community factors, which include the environment in which the law is applied, have a significant influence. The lack of public awareness in complying with laws and regulations indicates a low level of compliance. The level of public compliance with the law reflects the function of law in society. A narrow understanding of law enforcement, where the responsibility is only considered to be that of the legal apparatus, should not be correct. Law enforcement involves all legally competent adult citizens, who have an obligation to support law enforcement.
5. Cultural factors, including the work, creation and taste that underlie human interaction in group life, have an influence on law enforcement. The lack of community attitudes and values, as well as the awareness of the community and law enforcement officials to comply with the law, shows that a strong law-abiding culture has not been formed..

Legal culture plays an important role in law enforcement with cooperation in crime prevention. In the context of legal culture, there are factors that influence the settlement of criminal cases through Restorative Justice.

Factors that support the application of Restorative Justice in the settlement of criminal cases, especially by the police, are regulated in regulations regarding police discretion contained in Law Number 2 of 2002 concerning the Indonesian National Police. Article 18 of the law gives police officers the freedom to act according to their judgment in the public interest, with due regard to laws and regulations and the code of ethics of the police profession.

In addition, arrangements regarding Restorative Justice are also contained in the Regulation of the Indonesian National Police Number 8 of 2021 concerning Handling Crimes Based on Restorative Justice.

The material requirements regulated in Article 5 of Police Regulation Number 8 of 2021 consist of several things, including:

- a. Does not cause inconvenience or rejection from the community
- b. Does not cause social conflict
- c. Does not have the potential to divide national unity
- d. Does not have the characteristics of radicalism and separatism
- e. Not a repeat offender according to a court decision, and
- f. Does not include criminal acts of terrorism, criminal acts against state security, criminal acts of corruption, and criminal acts that threaten a person's life.

Regarding formal requirements, it is explained in Article 6 paragraph (1) of Police Regulation Number 8 of 2021 as follows:

The formal requirements referred to in Article 4 letter b include:

- a. The realization of peace between the two parties, except for drug offenses.
- b. Fulfillment of victims' rights and perpetrators' responsibilities, except for drug crimes.

Conclusion

Based on the discussion, the following conclusions can be drawn:

1. Restorative Justice can be applied to resolve criminal offenses involving pornography on social media that are reported to the Bogor City Police. In the context of resolving such crimes, Restorative Justice aims to achieve justice for both the victims and the perpetrators. Law enforcement officials adopt this approach by not only focusing on justice for the victims but also providing opportunities for the perpetrators to rectify their actions. This is achieved not only through criminal punishment, such as imprisonment, but also through other means that create a sense of deterrence and prevent the repetition of such acts. The concept of justice in pornography cases is subjective and relative, as individual views and opinions can vary.

In the context of Restorative Justice, the restoration of the relationship between the victim and the perpetrator takes precedence. This restoration can be achieved through agreements between the victim and the perpetrator, allowing the victim to express their losses and giving the perpetrator an opportunity to make amends through mechanisms such as compensation, reconciliation, social work, or other mutually agreed-upon actions.

2. The application of Restorative Justice as an alternative method for resolving pornography cases at the Bogor City Police Station has been effective. The law enforcement process follows the regulations outlined in Police Regulation Number 8 of 2021. Case resolution involves the perpetrator, victim, family, and other relevant parties, aiming to achieve a fair settlement and restore the original situation through mutual agreements.

From the victim's perspective, it is crucial to address the trauma experienced, which can be accomplished through appropriate treatment and establishing new relationships. Additionally, it is important to consider the broader community's views and ensure that the applied laws are fair in the relationship between the perpetrator and the victim.

Therefore, the implementation of Restorative Justice is the recommended approach for solving these issues, provided that the established procedures are followed, especially the specific requirements for Restorative Justice in cases related to information technology and electronic transactions, as outlined in National Police Chief Regulation Number 8 of 2021.

3. There are two factors that influence the implementation of Restorative Justice as an alternative strategy in resolving cases involving pornography reported at Bogor City Police Station, they are:

a. Inhibiting Factors:

- i. One of the influencing factors is the lack of regulation in KUHAP related to the authority of investigators in resolving cases outside the court session through the application of Restorative Justice, as well as the absence of regulation regarding the rights of victims.
- ii. One of the influencing factors is the lack of experience of law enforcement in paying attention to the psychological conditions of women and children victims of criminal acts. Therefore, the mediation process carried out by investigators has not reached an optimal level.
- iii. One of the influencing factors is the availability of facilities that still do not meet the optimal level to support law enforcement. To improve the ability of law enforcers, relevant training and seminars are needed.
- iv. Community factors, which include the environment in which the law is applied, still show a lack of public awareness in complying with laws and regulations and a low level of compliance.
- v. Cultural factors, which include the work, imagination, and values that form the basis of daily human interaction, also reflect the lack of attitudes and values applied by society. Public awareness and law enforcement officials in complying with the law are still inadequate, so that a strong culture of obeying the law has not been created.

b. Supporting Factors:

- i. Regulation on police discretion is set out in Law No. 2 of 2002 on the Indonesian National Police, article 18, which provides law enforcement, particularly the police, with support in their efforts to uphold Restorative Justice in the resolution of criminal cases of a general nature. This article stipulates that police officers of the Republic of Indonesia have the authority to act according to their own opinion in the public interest.
- ii. Regulation of the Indonesian National Police Number 8 of 2021 also regulates the use of restorative justice principles in dealing with criminal offenses..

Suggestion

1. In the application of Restorative Justice, particularly for investigators, it is important to have the ability to evaluate cases from various perspectives, including those of the victims, perpetrators, and the law. Investigators should consider the short-term, medium-term, and long-term consequences for both victims and perpetrators if Restorative Justice is applied in a case.
2. The Bogor City Police Criminal Investigation Unit must strictly adhere to the regulations outlined in Indonesian National Police Regulation Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice. It is crucial to meet both the material and

formal requirements, as well as fulfill the general and special conditions specified in the regulation. Additionally, the unit needs to conduct socialization activities to raise public awareness about the importance of Restorative Justice in resolving criminal cases in Bogor City.

3. As a way to overcome inhibiting factors, investigators from the Bogor City Police Criminal Investigation Unit should attend seminars or training sessions related to Restorative Justice. This will help them understand the essence, benefits, and proper procedures for applying Restorative Justice. Furthermore, investigators must be capable of providing special treatment to female and child victims during the examination process. Moreover, investigators should provide explanations to relevant parties regarding whether the case at hand can be resolved through Restorative Justice or not. They should also educate the public about the correct and effective mechanisms of Restorative Justice to enhance legal awareness. As a leader, it is important to provide adequate facilities, such as a "Justice Room," which serves as a suitable space for meetings between the two parties and for the implementation of Restorative Justice itself..

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