



Consideration of Investigators in Carrying Out Restorative Justice to Resolve Cases of Persecution Criminal Acts Committed at the Cilegon Resort Police

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Abstract

Diversity and Justice is a norm in the Criminal Justice System in Indonesia, as stipulated in Law Number 2012 concerning the Juvenile Justice System. This study intends to determine what considerations investigators examine while implementing Restorative Justice to solve cases of criminal persecution committed by the Cilegon Resort Police. This research design uses descriptive analysis. This is a qualitative descriptive research. The case approach will be utilized, and using this approach, the author will conduct an analysis based on the standards or guidelines that are common in legal practice. The findings of this study indicate that the application of Restorative Justice in the resolution of minor offenses of persecution is seen as an effective innovation in case resolution and is carried out in accordance with applicable legal principles. The existence of a crime of persecution has the potential to not be resolved with a restorative approach if it is based on Article 5 of the Political Party 8/2021, because it has the potential to conflict with material needs. However, the National Police must examine the circumstances of the persecution holistically, as the sentencing and the consequences of the sanctions are not comparable. Therefore, the Police are required to wisely examine the existence of this persecution in a comprehensive manner.

Keywords: *Investigator; Restorative Justice; Crime of Persecution*

Introduction

In accordance with the provisions of paragraph three of article one of the Constitution of the Republic of Indonesia from 1945, Indonesia represents a constitutional state. This indicates that under the Unitary State of the Republic of Indonesia, it is necessary to uphold the law, which serves as an instrument or method of carrying out activities in all aspects of national life and state. This was believed to be a law that protects human rights and ensures that everyone has an equal standing in the eyes of the law.

As the primary agency responsible for the implementation of criminal law, the Police Agency was charged with the responsibility of determining whether a particular act should be discontinued or should continue to be investigated as part of the criminal justice process. Article 18 paragraph (1) of Law Number 2 of 2002 concerning the Indonesian National Police which reads "in the interest of the public and society, officials of the Indonesian National Police in carrying out their functions, duties and authorities may act according to their own judgement". Whereas in paragraph (2), the implementation of the provisions as referred to in paragraph (1) can only be carried out in very necessary circumstances by taking into account the laws and regulations, as well as the Code of Professional Ethics of the National Police of the Republic of Indonesia, in this case the authority of the police in carrying out policing, namely as an action taken not to take legal action with the aim of public interest, humanity, provide enlightenment or education to the community, and discretionary actions can be carried out by any member of the police force who serves or handles a case or problem within the scope of his duties and authorities (Dahniel, 2009).

In Indonesia, the execution of punishments or crimes against perpetrators of persecution cases, law enforcers tend to process the crime by ensnaring and punishing the perpetrators of imprisonment without seeing how the cause of the persecution case could occur, in which law enforcers can make efforts Restorative Justice with the mediation of the parties between the perpetrator and the victim without having to carry out a criminal law process but by giving a penalty/compensation or medical expenses that have been suffered by the victim.

If a criminal act was committed, it should be followed by a criminal threat, the contents of which has been governed by the Criminal Code. Nevertheless, the Cilegon Police did not apply the requirements in accordance with the specification in article 351 of the Criminal Code. The Cilegon Police Department used the Restorative Justice approach to resolve the case peacefully, as outlined in article 12 of Perkap No. 6 of 2019 concerning Investigation of Criminal Acts and Republic of Indonesia National Police Regulation No. 8 of 2021 concerning Handling of Crimes Based on Restorative Justice. Restorative justice was an approach to criminal law that incorporates a variety of traditional values. This would be based on two indicators: the values upon which it is founded and the mechanisms it provides. This serves as the premise for reconsidering the existence of restorative justice. This technique was indeed believed to be as old as criminal law itself.

In addition to imprisonment, which has impacts for the convict's family, it was believed that the current system does not relieve or treat the victim. In addition, the legal process was lengthy. In contrast, the emphasis of the restorative approach has been on conflict resolution.

The Criminal Code Bill also addresses the concept of Restorative Justice by introducing an alternative criminal system consisting of social work punishment and supervision punishment. In conclusion, Restorative Justice considers the interests of crime victims, of criminals, and of society simultaneously.

In Indonesia, the Restorative Justice approach was common in customary law communities, religious groups, and other social relations by reconciling victims and offenders, with or without the involvement of police and prosecutorial authorities.

From the different ideas and models of Restorative Justice, the dialogue process between the perpetrator and the victim represents the approach's basic capital and the most crucial aspect of its application. Direct communication between perpetrators and victims enables victims to convey their emotions, as well as their hopes for the fulfillment of their rights and desires for the resolution of criminal cases. Through the process of dialogue, it was intended that criminals will indeed be moved to self-correct, recognize their errors, and accept responsibility as a result of committing a crime with full

knowledge. The community could also engage in realizing the agreement's outcomes and monitoring its implementation through this dialogue process.

Individual factors, such as those originating within the perpetrator, were a type of factor that might impact the occurrence of the crime of persecution. There were also family and environmental influences, often known as external factors, which seem to be factors that do not originate within the actor. It is also possible for it to originate from personal circumstances, culture, resources, or the mass media. From the perspective of children or students who were still in a phase that tends to prioritize emotional attitudes and aggressive behavior, they consider their behaviors as a method to demonstrate their identity in front of others.

In general, only civil disputes could be resolved outside of court, but in practice, criminal cases were indeed frequently resolved outside of court through the discretion of various law enforcement officials or through deliberation/peace mechanisms or pardon institutions in society (family deliberations); village deliberations; customary deliberations; etc. So far, there seems to be no formal legal foundation for settling criminal cases outside of court, so cases frequently occur where there has been an informal settlement (although through customary law methods), but the case was still being processed in court according to relevant regulations.

Based on the background above, this study intends to determine what considerations investigators examine while implementing Restorative Justice to solve cases of criminal persecution committed by the Cilegon City Resort Police.

Formulation Problem

1. What are the investigators' considerations in providing Restorative Justice for persecution criminal cases in the Cilegon Police?

Theoretical Basis

Concept Theory

Law enforcement refers to a process to make legal wishes come true (Rahardjo, 2010). In order to realize law enforcement there were 3 elements that should be considered, namely; Legal certainty (*rechtssicherheit*), Benefit (*zweckmassigkeit*), and Justice (*gerechtigkeit*). Legal clarity, discipline and legal protection could be achieved if law enforcement was done during the renewal period and the current universality could be implemented, harmony, balancing and harmony in the form of legal life between ordinary etiquette based on real values that live in civilized society. As a method or activity expedition that includes various parties including the community in the framework of achieving goals, it is mandatory or absolute to see the strengthening of criminal law as a criminal justice system. Meanwhile, there were several aspects that affect the legal strengthening stage, namely: initial; the aspect of the stipulation itself, namely the parties who wish to be limited to law, second; The aspect of strengthening the law is the parties who make or practice law, third; Aspects of suggestions or facilities that support legal strengthening, fourth; The community aspect is the area where the law is legal or applied, fifth; The aspect of culture is as a result of creation, creation and taste which is based on the intention of people in social life.

Restorative Justice Concept

The concept of Restorative Justice was basically contains a measure of justice which no longer refers to the theory of retaliation that is proportional from the victim to the perpetrator (whether physically, psychologically or punishment), but the painful act was healed by providing support to the victim and requiring the perpetrator to be responsible, with the help family and community when needed. Restorative Justice was a process in which parties with an interest in certain violations meet together to solve problems by jointly resolving the consequences of these violations for the benefit of the future (Pranis, 1998).

Crime Concept

A criminal act was refers to a criminal offense. There were several terms that could be used for criminal acts, including offenses, criminal acts, criminal events, acts that may be punished, criminal offenses, criminal acts and so on. A criminal act means an act whose perpetrators could be subject to criminal penalties (Santoso & Wahid, 2000).

The term crime comes from a term known in Dutch criminal law, namely *strafbaarfeit*. Although this term was contained in WvS Netherlands or based on the concordance principle, the term also applies to WvS Netherlands Indies (KUHP). However, there was no official explanation of what was meant by *strafbaarfeit*. Hence, legal experts has tried to provide the meaning and term, but until now there has been no uniformity of opinion about what was meant by *strafbaarfeit* (Chazawi, 2011).

Research Methods

This research design uses descriptive analysis. In other words, the data collected was not in the form of numerical data, but data that comes from interviews with respondents, Cilegon Police document data that supports the purpose of using a qualitative approach so that the author could describe the reality behind the phenomena that occur related to the Application of Restorative Justice Values in Crime Persecution and Persecution in the Cilegon Police area. In this study, the author matched reality with the prevailing theory using a qualitative descriptive method. As such, this was a qualitative descriptive research.

The method used was the case approach, with this approach the author could analyze based on the norms or principles in legal practice. In addition, this study uses a statute approach, that research uses an initial basis using analysis.

a. Primary Legal Materials

- 1) The Criminal Code
- 2) Law Number 4 of 1979 Concerning Child Welfare
- 3) Law Number 11 of 2012 concerning the Juvenile Criminal Justice System
- 4) Law Number 35 of 2014 Concerning Child Protection
- 5) Police Regulation Number 8 of 2021 concerning Handling of Crimes based on Restorative Justice

b. Secondary Legal Materials

- 1) Books that discuss Restorative Justice
- 2) Books that discuss the crime of persecution
- 3) Articles and writings related to Restorative Justice and persecution

This research approach also involves a descriptive approach, so in analyzing the data that was collected, hence statistical tests were not used but non-statistical. The analysis used in this study was a qualitative prescriptive analysis.

Results and Discussion

National Police (Polri) initiatives by presenting the Regulation of the State Police of the Republic of Indonesia Number 08 of 2021 Concerning the Handling of Crimes Based on Restorative Justice, specifically by requesting authorized investigators to prioritize the settlement of cases outside of court using the Restorative Justice procedure.

In line with the mechanism in Article 14 paragraph 1 of Police Regulation No. 8 of 2021 concerning Handling of Crimes Based on Restorative Justice, that the Investigator was obliged to facilitate both parties if the two parties agree to make peace and the Two Victims have withdrawn the reports against the two perpetrators.

Furthermore, after all the victims' rights and all the mechanism requirements have been passed, according to Article 18 paragraph 1 Police Regulation No. 8 of 2021 concerning Handling of Crimes Based on Restorative Justice is the process of releasing the two perpetrators, of course the release of the two perpetrators is waiting for all the restoration of the victim's rights to be fulfilled and waiting for a warrant termination of the Investigation by the Investigator after holding a special case post-mediation.

Everyone who takes care of children should pay attention to and carry out their obligations, which were the rights of their pet children. Article 2 Law no. 4 of 1979 concerning Child Welfare stipulates that children's rights were in the form of: welfare, care, care, guidance, services to develop abilities and social life, maintenance and protection of the environment both during the womb and after birth, protection from the environment that can harm its growth and development.

Article 15 of Law Number 35 of 2014 stipulates that every child has the right to receive protection from:

- a. Abuse in political activities
- b. Participation in armed conflict
- c. Involvement in social unrest
- d. Involvement in events that contain elements of violence
- e. Involvement in war, and
- f. Sexual crimes

In Article 2 of Law no. 4 of 1979 concerning Child Welfare, it is stated that:

- 1.Children have the right to welfare, care, care and guidance based on affection, both within their families and in special care to grow and develop normally.
- 2.Children have the right to services to develop their abilities and social life, in accordance with the culture and personality of the nation, to become good and useful citizens.
- 3.Children have the right to care and protection, both during the womb and after birth.
- 4.Children have the right to protection against the environment that can harm or hinder growth and development in a reasonable manner.

The Child Protection Act has stated protection for children, but in practice there were differences in the protection of children who were victims of criminal acts in cases of persecution.

Persecution was an act that violates the legitimate need for the human body. In the criminal code, it was stated that mild persecution was regulated in Article 351 of the Criminal Code, Article 352 of the Criminal Code, and Article 353 of the Criminal Code. As for serious crimes were regulated in Article 352 of the Criminal Code. According to Article 354 of the Criminal Code, the intentional persecution crimes was regulated in Article 355 of the Criminal Code and unintentional persecution crimes was regulated in Article 356 of the Criminal Code.

According to the provisions of Article 108 paragraph (1) of the Criminal Code, after the police receive information about the report they received from the victim, the police follow up by making an investigation report (BAP).

In addition to Article 6 of the Criminal Procedure Code which regulates the stages of investigation and investigation into reports of criminal acts, it was also regulated in the Regulation of the Indonesian National Police Number 6 of 2019 concerning Investigation of Criminal Acts. Criminal Juncto Circular Letter of the Chief of Police Number 6 SE/8/VII/2008 concerning Implementation of Steps to Restore Justice in Criminal Cases.

Following were some of the regulations for settlement of criminal cases that regulate the application of judicial restorative measures in criminal cases, including: (Zulfikar, 2021)

1. Article 76 paragraph (1) of the Criminal Code;
2. Article 7 Paragraph (1) Law no. 11 of 2012;
3. Article 15 Paragraph (2) Law no. 42 of 1999; and
4. Article 51 paragraph (7) of Law no. 21 of 2001.

According to Jonlar Purba in his book entitled “Law Enforcement Against Petty Crime with Restorative Justice” (in (Senen, 2021)), Restorative Justice has several forms of methodology such as the law being implemented in a number of countries, including:

1. Reconciliation of perpetrators and victims
2. Family group meeting
3. Recovery meeting
4. Community Judicial Council
5. Recovery Circle or Penalty Recovery System

In the Indonesian criminal justice system, there was no basis for mediation. There were only a few implicit rules that open up the possibility of reconciliation. As such, there was also no specific criminal mediation exist. Due to the absence of Article 82 of the Indonesian Criminal Code (KUHP), this article does not clearly explain the possibility of reconciliation between the perpetrator and the victim. In general, Article 1 Paragraph 7, Article 76, Paragraph 1, Article 89, Paragraph 4 and Article 96 of the Republic of Indonesia Law No. 39 of 1999 concerning rights, gives authority to Komnas HAM (National Commission on Human Rights) to mediate in cases of violations of human rights and against children as stipulated in the Law of the Republic of Indonesia No. 11 of 2012 concerning the juvenile justice system. From an operational perspective, rules regarding criminal mediation could be seen in Sheriff's Letter No. B/3022/XII/2009/SDEOPS dated 14 December 2009 concerning the handling of criminal cases through Alternative Dispute Resolution, Sheriff's Local Regulation No. 7 of 2008 concerning Basic Guidelines for Strategy and Implementation of Public Policy in the Implementation of Police Functions, Presidential Instruction of the Republic of Indonesia No. 8 of 2002 concerning the Provision of Legal Certainty to debtors who have fulfilled their obligations or were legally suing against the non-fulfillment of debtor obligations on the basis of settlement of shareholder obligations. Consequently, criminal mediation was not used for any type of crime or punishing a specific crime.

Implementing Restorative Justice was intended to restore or compensate for losses experienced by victims, acknowledge criminals' faults against victims and society, and most importantly, restore normal conditions. Restorative Justice aimed to empower victims, perpetrators, communities to solve a problem by using awareness as a basis for improving social life. With Restorative Justice, a kid with legal issues would be tried in accordance with what is best for the child. However, Restorative Justice cannot be fully applied to children facing the law, Restorative Justice has limitations on its application as regulated in Article 7 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, as well as factors derived from the parties.

Based on findings at the Cilegon Police Resort, in applying Restorative Justice to children who commit criminal acts of persecution, investigators has several considerations, both internal and external factors:

1) Internal Factors

a. Child Age

The age of the child was very decisive in this Restorative Justice system, because it relates to whether it can be enforced or not, the requirement for this Restorative Justice to be implemented is for children under 18 years of age.

b. Criminal Sanctions

Restorative justice can be applied only to criminal acts whose punishment is under 7 years in accordance with Article 7 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, so that according to investigators the cases of persecution above can be applied to Restorative Justice.

c. Not a Recidivist

Restorative Justice cannot be applied to a child who already has recidivism status in accordance with Article 7 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

So, according to investigators, the perpetrators have fulfilled the requirements for the application of Restorative Justice as stipulated in Article 7 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

d. The Attitude of the Perpetrator

Investigators in considering this case whether Restorative Justice can be carried out or not must see whether the perpetrator realized the mistake and regretted what he had done. The purpose of Restorative Justice itself was to educate so that perpetrators can realize and regret their mistakes, so according to investigators if there was no remorse from the perpetrators then Restorative Justice cannot be applied.

With the consideration that the perpetrator had admitted his actions, the investigator chose to resolve the persecution case with Restorative Justice.

e. There is Consent from the Victim and the Victim's Family

Requests to carry out Restorative Justice should have the consent of the victim, that the victim agrees to settle with Restorative Justice, because the victim was the party that gets the impact of the act of persecution.

Having the consent of the victim and his family was a form of requesting direct accountability to the victim, not to the state. Thus, the consent of the victim became one of the judge's considerations in resolving this persecution case with Restorative Justice.

f. Community Approval and Support

Approval and support from the community was very important, because the community also received the impact of the persecution case above, although it didn't have a direct impact.

2) External Factors**a) The Principle of the Best Interests of the Child**

Regarding children who were in conflict with the law, investigators were of the opinion that the interests of the child should always be prioritized, if a prison sentence was imposed on a child it may not necessarily make the child aware. If we look at the mechanism of resolving the problem by means of Retorative Justice, it can make the perpetrators of the crime more aware of the mistakes they have made, because the perpetrators were encouraged to be responsible for what they have done, by way of discussing amicably between the parties, if it should be compared to giving punishment to both perpetrators in prison or other punishments only limited to revenge only.

Looking at it from the child's point of view, a child has the right to get protection for his development, even though the child has committed a repeat crime, because basically a child commits a crime that does not arise purely from their own mind, but rather it was a process of imitating what was were around. A crime can occur because of 3 things, namely:

- 1) Because criminal behavior can be learned, the more often a child sees criminal behavior, the more likely the child is to do what they see.
- 2) Because of interaction, interacting with a criminal can influence the child's mindset.
- 3) In an intimate personal group, by entering a child into a group that incidentally is a criminal, the child will do what his group does.

Thus, a prison sentence will enable the child to associate with other offenders, and there was no assurance that the child will not grow even more mischievous.

b) Benefits

The theory of utilities was a theory which says that the law aims solely at what was beneficial to people. In this case, if the law was enforced to fulfill legal certainty but cannot provide benefits to the person concerned, then the purpose of the law itself will not be realized. Therefore, a child who was given a prison sanction will not necessarily realize his mistake and will not repeat his actions, on the contrary, being imprisoned for the child actually allows the trigger for the child to repeat the crime again after leaving prison. When viewed from this theory, not providing a restorative approach to children in conflict with the law has several disadvantages, including:

1) More Serious Crime Triggers

With imprisonment the child will make the child learn behaviors in prison (prisonization), and this will be practiced when he has been released or has completed his sentence, this was what can trigger the child to repeat the crime again. Although this absorption was not always perfect, it can be assumed that absorption by an inmate leads to bad ways of life. It was in these circumstances that a prison can be described as a school of crime. In addition, prisonization has a negative impact on children who will be imprisoned because imprisonment will provide learning to become more professional criminals or commit more serious crimes.

2) The Future of Children and Child Development Will Be Damaged

In solving problems related to children, one cannot use the theory of retaliation, because the theory of retaliation here will only damage the future of the child because he has to accept the retaliation

provided by law which was basically retaliation, not repair. In addition, there was still a lack or limited facilities, both in the education provided and teaching staff. Prison education was still very concerning in terms of teaching methods, book facilities provided, not only in the field of education but also in terms of health issues, both psychological and mental health. In Article 2 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System it states that, "To the child as much as possible should be avoided from retaliation".

c. Labelling

Imprisoning a child will have a negative impact on the child, such as exclusion from society and rejection from society. The community rejects the presence of former child convicts, related to the view given by the community where a child who has served prison time was still referred to as a naughty child and has bad behavior so that the community rejects his presence, because the community was worried that if the child will repeat the same crime and will teach bad lessons to other children. In addition, the negative label given to children will damage self-confidence and self-esteem, the child will see himself as others think,

From the investigator's considerations, both internal and external factors, the authors assume that it was appropriate to carry out Restorative Justice against children who commit criminal acts of persecution, especially cases 1 and 2 because from the investigator's considerations, the conditions that should be met in carrying out Restorative Justice were met as explained by the author in the discussion regarding the conditions for implementing Restorative Justice. Meanwhile, for Case 3, Restorative Justice cannot be applied because it does not meet the requirements set out in Article 7 paragraph (2).

The consideration of the scales carried out by the investigator was also in accordance with Article 7 paragraph (2) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System regarding the requirements for the application of Restorative Justice and was also in accordance with Article 2 concerning principles in the juvenile criminal justice system which prioritize the interests of the child for the future and growth and development of the child. The investigator's considerations were also in accordance with the provisions of Article 2 concerning the principles and objectives of child protection in Law Number 35 of 2014 concerning Child Protection, which prioritizes the interests of the child, the child's survival and the child's growth and development.

The Republic of Indonesia National Police Regulation Number 08 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice does not only state the material criteria for cases that can be resolved with restorative justice. There were also formal requirements that investigators should meet in order for cases to be resolved with restorative justice. This was stated in article 6, namely:

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

- Peace from both parties, except for drug crimes.
- Fulfillment of victims' rights and perpetrators' responsibilities, except for drug crimes.

Reconciliation as referred to in paragraph (1) letter a was evidenced by a peace agreement signed by the parties.

Fulfillment of victims' rights and perpetrators' responsibilities as referred to in paragraph (1) letter b, can be in the form of: - returning goods;

- compensation;
- reimburse costs incurred as a result of the Crime; and/or
- compensate for the damage caused by the crime.

The fulfillment of the rights referred to in paragraph (3) was proven by a statement in accordance with the agreement signed by the victim.

The format of the peace agreement as referred to in paragraph (2), and the statement letter as referred to in paragraph (4), was listed in the Appendix which was an integral part of this Police Regulation.

Issuance of the Chief of Police Circular Letter Number 08 of 2018 concerning the Implementation of Restorative Justice in Settlement of Criminal Cases was a form of strengthening carried out by the Police so that they can carry out their main duties. The issuance of this circular letter was driven by community developments regarding a sense of justice. Indeed, the application of settlements outside the court has become a method that was widely used by foreign countries as well as in Indonesia, which has received the umbrella of the Law on settlement, namely Law Number 35 of 2014 concerning Child Protection. In this law, one form of restorative justice was carried out by diversion against child suspects. Thus, with this diversion there was a considerable opportunity for child suspects and perpetrators to be resolved out of court in general.

Issuance of the Chief of Police Circular Number 08 of 2018 concerning the Implementation of Restorative Justice in Settlement of Criminal Cases still refers to the objectives of the law, namely justice, legal certainty and benefit while still prioritizing the principles of justice that were simple, fast and low cost. With the issuance of this circular letter, the way law enforcement in Indonesia follows the development of the sense of justice that exists in Indonesian society, especially the development of the principle of restorative justice (restorative justice) where this reflects justice was the balance of life when a crime occurs, the crime destroys the existing balance of life. With this method, how are efforts to restore the original state which has been damaged by crime, causing an imbalance in life. Therefore, This settlement model emphasizes a balance that is rebuilt with the awareness of the perpetrator to admit mistakes and apologize to the victim, returning the damage or loss that has been suffered by the perpetrator so that it can be like its original state or condition at least resemble the original condition. Thus, it was expected to fulfill the victim's sense of justice.

Polri accommodates and provides solutions for legal certainty by utilizing the right sense of justice for the community with the issuance of the Chief of Police Circular Number 08 of 2018 concerning the Application of restorative justice in the settlement of criminal cases. In order to strengthen the legal basis for investigators with the Indonesian National Police, a Republic of Indonesia National Police Regulation Number 08 of 2021 concerning Handling of Crimes Based on Restorative Justice has been issued. Information from the Jepara Police Criminal Investigation Agency states the following:

With these rules, the implementation of Restorative Justice carried out by the National Police can unify the understanding and application of Restorative Justice cases. The application of this method was very clear, not only from the amicable statements of the two parties, but also the legal provisions should be requested in both the investigation, prosecution and trial processes. As such, in the future the authority of the victim was lost.

The Restorative Justice Policy in the Investigation Process for Perpetrators of Violent Theft Crimes in the Indonesian National Police was able to:(Suka & Gunarto, 2018)

- Understand the scope of duties and authorities of the Police regarding restorative justice.
- Knowing the publication of the Chief of Police Circular Number 08 of 2018 concerning the Implementation of Restorative Justice in Settlement of Criminal Cases.
- Able to translate and discuss procedures carried out in handling cases with the completion of restorative justice methods.

- Able to answer the policies taken by investigators/assistant investigators to discuss restorative justice issues.

Currently, the implementation of the juvenile criminal justice system tends to be impartial to children, this is in line with the increasing number of crimes committed by children, and the many considerations of judges in decisions that imprison child perpetrators. Currently the implementation of the juvenile criminal justice system tends to be impartial to children, this is in line with the increasing number of crimes committed by children, and the many considerations of judges in decisions that imprison child perpetrators. Based on research, the imprisonment policy for children in conflict with the law (delinquency) shows a detrimental tendency for children's mental development in the future. This detrimental tendency was the result of the influence of punishment in the form of stigma (Hadisuprpto, 2003).

The term juvenile justice system was a term used to mean a number of institutions that were members of the court, including the police, prosecutors and legal advisors, supervisory agencies, juvenile correctional institutions and child development facilities. In the juvenile criminal justice system, there were activities of investigating and terminating cases involving the interests of the child, namely all activities carried out by the police, prosecutors, judges and other officials, should be based on a principle, namely for the welfare of the children and children's interests (Wahyudi, 2009).

The criminal justice process was a juridical process that was clearly regulated in law, where law enforcement was carried out with due regard to freedom of expression by making decisions based on certain beliefs. In this case children's rights should also be considered in handling cases related to children, especially those related to legal protection of children which cover broader aspects.

Since the promulgation of the Law on the Juvenile Justice System, legal settlements for children in conflict with the law have increasingly prioritized the values of justice, welfare, and upholding the protection of human rights for children. Nuances of Restorative Justice (Afif, 2015), as mandated in this law, was a charge that really brings fresh air in the framework of solving criminal acts. Hence, the settlement was no longer aimed at mere retribution but more emphasis on returning it to its original state (Soetodjo, 2010).

An important note in completing the next diversion was that the diversion was not always successful. Diversion can only be attempted and offered to the parties based on an agreement and the fulfillment of the diversion conditions. Successful diversion has the consequence that the parties should carry out the decision voluntarily and sincerely in accordance with the points of the agreement set forth in the form of a decision issued by the Head of the local District Court. If the agreement and diversion conditions are not met, then the case will be returned and processed formally (Astuti, 2017).

Law enforcement efforts mean efforts to ensure that the existence of laws that were recognized in society can be upheld. According to (Hartono, 2016), that the balance of society which has been disrupted (because of not implementing or violating a rule of law) should be returned to its original state in order to create an orderly, peaceful and secure atmosphere which was a guarantee for human life. survive. Therefore, in order for human protection to be maintained (justiabelen), the law should be upheld even if the sky falls, both under normal or peaceful conditions, or when there was a violation of the law (Chandra, 2014).

Law enforcement of acts of persecution that applies the principles of restorative justice was perfected by the Chief of Police Circular Number 8 of 2018 (SE 8/2018) concerning the Application of Restorative Justice in Settlement of Criminal Cases. In SE 8/2018 it was explained that the principle of Restorative Justice cannot be interpreted as a way of settling cases peacefully, but more broadly in fulfilling the sense of justice of all parties involved in criminal cases through efforts involving victims,

perpetrators and the local community as well as investigators/investigators as mediators. Meanwhile, the settlement of cases, one of which was in the form of a peace agreement and the revocation of the right to sue from the victim, needs to request a judge's decision through the public prosecutor to cancel the authority to sue from the victims and public prosecutors.

The police need not only play a role in repressive law enforcement. This was because the percentage of Polri's work which is repressive in nature is smaller than the percentage of Polri's performance which is preventive in nature, even smaller than the percentage of Polri's work which is preemptive. Such a combination of Polri's roles implies that Polri's work differs with "firefighters" who work after a disaster has occurred, but they should always precede the onset of a disaster by prioritizing preventive and pre-emptive actions rather than repressive ones.

One case that shows positive results from the justice system with the concept of Restorative Justice was the case of persecution committed by children. The perpetrators of persecution could not be detained and an examination was carried out by the Correctional Center which recommended mediating the child. Mediation involves the Correctional Center, investigators as facilitators, victims and suspects as well as community leaders and mentors. From the results of the mediation, it was agreed that the child would not be criminally prosecuted but instead be rehabilitated or returned to his parents to be fostered under the supervision of the Correctional and Correctional Center after the child knows his mistake and promises not to repeat it and was committed to being better in his education. Meanwhile, the victim wanted the perpetrator to apologize to restore his good name and promised not to commit persecution so as not to defame other people in the future. If one looks closely here, it is in the interests of the child to be able to improve himself and continue his education without being labeled as the perpetrator of the crime and the victim can also continue his activities with his good name. This shows that a Restorative Justice strategy would be significantly more effective in resolving instances involving minimal losses or minor crimes.

Conclusion

The role of investigators in solving persecution criminal acts committed by children in the Cilegon Criminal Investigation Department (CID) of Cilegon Resort Police was regulated in the Criminal Procedure Code and Law No.11 of 2012 concerning the Juvenile Criminal Justice System concerning the duties and authorities of investigators as well as the process of conducting investigations of children who commit criminal acts and the implementation of the role of investigators is realized by having been resolved properly which is resolved through diversion or forwarded to the Prosecutor's Office. As such, investigators must always follow the Criminal Procedure Code and the Juvenile Criminal Justice System Law, and the police must make attempts to deal with criminal crimes of persecution which performed by children in a variety of methods, including pre-emptive, preventive, and repressive measures. Consequently, the police need to increase socialization efforts to the community, especially to children regarding sanctions and the dangers of such crimes (i.e. persecution criminal crimes). In addition, there is a need to raise the POLRI's budget so that members' ability to carry out their tasks is not limited by costs or infrastructure and facilities.

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Legislation

The Criminal Code.

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Law Number 4 of (1979) Concerning Child Welfare.

Law Number 11 of (2012) concerning the Juvenile Criminal Justice System.

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