



Restorative Justice as an Alternative Solution in Handling Persecution Cases at the Nias Police Station

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Abstract

This study examines the application of Restorative Justice as an alternative solution in resolving the crime of persecution at the Nias Police Station. Restorative Justice is an approach that focuses on restoring the relationship between victims and perpetrators through mediation, not just punishment. The research method used is qualitative research with a descriptive approach through interviews, observations, and document studies. The results of the study show that Restorative Justice is applied in cases of minor persecution through several stages, namely case identification, agreement between the victim and the perpetrator, mediation involving community leaders, and the making of a peace agreement. This approach has proven effective in reducing the burden on the criminal justice system and providing more inclusive justice for victims and perpetrators. However, its implementation still faces obstacles, such as lack of public understanding, disagreements between victims and perpetrators, unclear regulations, and customary influences that burden perpetrators. In addition, there is resistance from the police who still tend to rely on the conventional judicial system. To increase its effectiveness, wider socialization, training for police officers, and the preparation of clearer technical guidelines are needed. With this strategy, Restorative Justice can be a more optimal approach in resolving the crime of persecution in a fair and sustainable manner.

Introduction

Restorative justice has become one of the approaches that is getting more and more attention in the criminal justice system in Indonesia. This concept offers alternative solutions in resolving legal cases, including criminal acts of persecution (Gultom & Manalu, 2023; Ahmad et al., 2024; Alam et al., 2024; Hamzani et al., 2025). In the midst of various problems faced by law enforcement officials, such as the accumulation of cases, limited resources, and psychological impacts on victims and perpetrators, restorative justice is present as a more humane and just solution.

Restorative justice focuses on restoring relationships between victims, perpetrators, and the community (Andriyanti, 2020; Umbreit, 2023; Lin et al., 2023). This approach is different from the conventional criminal justice system which is more judgment-oriented. In practice, restorative justice allows the parties involved in a case to sit together, have a dialogue, and find a solution that is acceptable to all parties. Thus, justice is not only understood as a punishment, but also as an effort to recover for the victim and social responsibility for the perpetrator.

In Indonesia, the concept of restorative justice has been accommodated in various regulations, such as Police Regulation Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice (Safitri et al., 2023). This regulation provides a legal basis for police officers to resolve certain cases through a more flexible mechanism. In cases of persecution, for example, restorative justice settlements can reduce the burden on the justice system, while

providing satisfaction to victims who want faster settlements that have a positive impact on their lives. The Nias Police is one of the police institutions that has begun to apply the concept of restorative justice in handling cases of persecution. As a region with strong social and cultural characteristics, Nias offers both challenges and opportunities in the implementation of this approach. The people of Nias are known to have high family values, so mediation and deliberation-based settlement can be more easily accepted by local residents.

However, the application of restorative justice in persecution cases is not always easy. There are various obstacles that can arise, such as an imbalance of power between victims and perpetrators, uncertainty in the implementation of the agreement reached, and the potential for abuse by certain parties. Therefore, the success of this approach is highly dependent on the active role of the police, the community, and the support of the existing legal system. In many cases of persecution, victims often experience deep physical and psychological trauma. Therefore, the restorative justice approach must ensure that the rights of victims are protected (Zahrah & Taun, 2023; Kiswanto & Mashdurohatun, 2021). The mediation process must be carried out transparently and supported by competent parties, such as neutral mediators and psychologists who can assist victims in the recovery process.

In addition, this approach also demands active responsibility from the perpetrator. Not only apologizing, but there must also be concrete actions that show the seriousness of the perpetrator to correct the mistake. For example, perpetrators may be required to compensate victims, participate in rehabilitation programs, or perform social work as a form of responsibility for their actions. The success of the implementation of restorative justice also depends on community involvement. Support from indigenous leaders, religious leaders, and local communities can strengthen the effectiveness of this approach. In areas like Nias, where indigenous values are still very strong, the involvement of these stakeholders could be a key factor in achieving a just and sustainable settlement.

On the other hand, there are concerns that restorative justice can be used as a tool to avoid the legal process that should be running. Therefore, it is important to ensure that this approach does not replace criminal law in cases of a serious or repetitive nature. The supervision mechanism must be strengthened so that restorative justice is not abused by parties with certain interests. In the context of the Nias Police, the implementation of restorative justice requires synergy between various parties, including the police, prosecutor's office, courts, and civil society organizations. With good coordination, this approach can be applied effectively without ignoring the principle of justice for all parties.

In addition, training for police officers is an important aspect in the implementation of restorative justice (Manthovani et al., 2023; Robinson et al., 2021; Lodi et al., 2021). Police trained in mediation and conflict resolution can better carry out this process, so that the results achieved truly reflect justice for victims and perpetrators. Research and evaluation of cases that have been resolved through restorative justice also need to be carried out. With comprehensive data, the Nias Police can identify patterns of success and challenges faced, so that this approach can continue to be improved.

In the midst of the increasing number of cases of persecution, restorative justice can be a more effective solution compared to the retributive approach. By prioritizing dialogue and mutual agreement, this approach can create a more positive long-term impact on society. However, the application of restorative justice must not override the principle of justice. If in a case it is found that this approach cannot provide a sense of justice for the victim, then formal legal channels must still be taken. Therefore, flexibility in implementation is the main key in determining when restorative justice can be used and when the conventional justice system

must continue to run (Cao & Van Vu, 2024; Hall et al., 2021). In practice, restorative justice can also help reduce recidivism or recidivism (Sons, 2024). With a more personal and socially responsible-based approach, perpetrators have the opportunity to truly realize the impact of their actions and not repeat the same mistakes in the future.

Furthermore, this approach can also strengthen social relations in society. In many cases, conflicts that lead to persecution often start from small, unresolved problems. With the restorative justice mechanism, the community can learn to resolve conflicts peacefully before they develop into criminal acts. With the various benefits offered, restorative justice can be an effective strategy in handling persecution cases at the Nias Police. However, this approach must be implemented with great caution and strict supervision so as not to be abused or create new injustices. Through a more in-depth study, it is hoped that the concept of restorative justice can continue to be developed and applied more widely in various regions in Indonesia. Thus, the criminal justice system in Indonesia can become more adaptive, oriented towards substantive justice, and able to provide a more humane solution for all parties involved in a legal case.

Methods

This study uses a qualitative research method with a descriptive approach (Agustianti et al., 2022). This method was chosen to describe and analyze in depth the application of restorative justice in resolving persecution cases at the Nias Police Station. The descriptive approach aims to provide a clear picture of the process, obstacles, and effectiveness of the implementation of restorative justice in the criminal justice system at the police level.

This research was conducted at the Nias Police, as one of the police institutions that began to apply restorative justice in resolving persecution cases. The selection of this location is based on the consideration that the Nias region has distinctive social and cultural characteristics, which can affect the effectiveness of the implementation of this approach. The research time took place, starting from the data collection stage to the analysis of research results.

The subject of this research is the process of implementing restorative justice in the case of persecution at the Nias Police. To obtain comprehensive data, the research informants consisted of: Police officers at the Nias Police, especially those who handle persecution cases through a restorative justice approach: a) Victims of persecution whose cases have been resolved through the restorative justice mechanism; b) The perpetrators of the persecution are involved in resolving cases with a restorative justice approach; c) Community leaders, traditional leaders, and religious leaders who play a role in the mediation and case resolution process; d) Academics or legal practitioners who have an understanding of the concept of restorative justice and its implementation in Indonesia. The research informants were selected using the purposive sampling technique, which is the selection of informants based on the consideration that they have relevant and in-depth information related to the research object.

In this study, the data collection techniques used include (Jogiyanto Hartono, 2018): a) In-depth Interview. Interviews were conducted directly with police officers, victims, perpetrators, and community leaders involved in the restorative justice process. Interviews are semi-structured, allowing researchers to dig into information flexibly and in-depth; b) Observation. Observation was made by directly observing how the restorative justice process was applied in handling persecution cases at the Nias Police. This observation includes aspects such as the stages of case resolution, the dynamics of interaction between victims and perpetrators, and the role of mediators in the settlement process; c) Documentation. Documentation is used to complete the research data by collecting various related documents, such as case reports, police regulations on restorative justice, mediation minutes, and records of case settlement results.

The data that has been collected are analyzed using qualitative analysis techniques of the Miles and Huberman model (Miles & Huberman, 1992), which includes three main stages: a) Data Reduction. At this stage, the data obtained from interviews, observations, and documentation are reduced by selecting relevant information, eliminating irrelevant data, and arranging categories based on research themes; b) Data Display. The reduced data is presented in the form of descriptive narratives, tables, or diagrams to facilitate understanding of the patterns and main findings in the research.

Drawing Conclusions and Verification. After the data was analyzed, the researcher drew conclusions based on the pattern of findings that emerged. This conclusion is then verified by triangulating data, namely comparing the results of interviews, observations, and documentation to ensure the validity of the information

Results and Discussion

Application of the Restorative Justice Concept in the Settlement of Persecution Crimes by the Nias Police

The application of the concept of Restorative Justice in persecution cases at the Nias Police is carried out through an approach that prioritizes familial settlement with mediation between the victim and the perpetrator. The Nias Police take advantage of this approach to reduce the burden on the criminal justice system and provide opportunities for perpetrators and victims to find more equitable solutions.

Table 1. Stages of the Implementation of Restorative Justice in Persecution Cases at the Nias Police Station

Stages	Explanation
Case Identification	The police assess whether the case is eligible to be resolved under Restorative Justice based on existing regulations.
Consent of Victims and Perpetrators	Restorative Justice can only be carried out if the victim and the perpetrator agree to resolve the case outside the formal judicial channel.
Mediation	A meeting was held between the victim, the perpetrator, the family, and community leaders to find the best solution that is fair for both parties.
Peace Accord	If mediation is successful, a peace agreement letter is made that lists the compensation that the perpetrator must give to the victim.
Termination of Legal Proceedings	If all parties agree, the investigator will issue a Letter of Decision to Stop the Investigation (SP3) as a form of case resolution.

The application of Restorative Justice has proven to be effective, especially in cases of minor persecution, where the perpetrator is willing to take responsibility and the victim can accept a peaceful settlement. In some cases, the perpetrator is required to pay the victim's medical expenses or provide compensation in other forms

The application of the concept of Restorative Justice in the settlement of criminal acts of persecution at the Nias Police is one of the alternative strategies in the criminal justice system that aims to create more inclusive and humanist justice. Based on the results of the research, this approach is carried out in several stages, namely case identification, agreement between the victim and the perpetrator, mediation process, peace agreement, and termination of the legal process if all parties have reached an agreement

The concept of Restorative Justice emphasizes the restoration of relationships between perpetrators, victims, and the community, as stated by (Zehr, 1990) In his theory of restorative justice which states that justice is not only oriented to punishment, but also to the recovery of losses suffered by victims and social reintegration for perpetrators. This model is contrary to the retributive justice approach which focuses more on punishing perpetrators alone without considering the aspect of social recovery.

In the context of the Nias Police, the application of Restorative Justice is mainly used in cases of minor persecution, where the perpetrator has the awareness to take responsibility for his actions and the victim is willing to accept a peaceful settlement. This is in line with the Regulation of the National Police Chief Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice, which states that the settlement of cases through this approach must pay attention to the agreement of both parties and aspects of social interests. In some cases, the perpetrator is required to compensate the victim in the form of medical expenses or other forms of restitution

This research is in line with the findings (Rahardjo, 2009) which shows that Restorative Justice can reduce the burden on the criminal justice system and increase the sense of justice for victims, especially in cases that have strong social aspects. In addition, research conducted by (Syahrin, 2018) It also shows that the implementation of Restorative Justice in several regions in Indonesia is able to reduce the rate of recidivism or repetition of criminal acts, because perpetrators get the opportunity to improve themselves through a more humane mechanism of dialogue and conflict resolution.

However, although this approach provides many benefits, its implementation still requires strict supervision so that it is not misused for certain interests. In some cases, there are concerns that restorative justice could be used to circumvent legal proceedings for perpetrators who should have received heavier sanctions. Therefore, the Nias Police continue to implement a strict selection mechanism in determining cases that can be solved through this approach.

Obstacles in the Implementation of Restorative Justice at the Nias Police Station

Although the concept of Restorative Justice has many advantages, its application in the Nias Police faces several obstacles. These obstacles can be grouped as follows:

Table 2. Obstacles to the Implementation of Restorative Justice at the Nias Police Station

Obstacles	Explanation
Disagreement between the victim and the perpetrator	Many victims or their families refuse to settle cases through Restorative Justice and prefer formal legal processes.
Lack of Community Understanding	Many people do not understand the concept of Restorative Justice so they still consider the legal route as the only way to solve the problem
Regulatory Limitations	The absence of clear technical guidelines often makes it difficult for officials to implement Restorative Justice, especially in determining the categories of cases that can be resolved with this approach.
Cultural and Social Factors	Some cases face obstacles due to customary pressures that require large compensation payments, which often burden the perpetrators
Resistance of Law Enforcement Officials	Some officials are still more accustomed to the conventional legal approach and consider Restorative Justice as a form of weakening the law

Despite these obstacles, the Nias Police continue to strive to increase the effectiveness of the implementation of Restorative Justice by socializing to the community, training for police officers, and collaborating with community leaders and traditional leaders in resolving cases of persecution.

Although Restorative Justice has many advantages in resolving persecution cases outside the formal judicial route, its application in the Nias Police cannot be separated from various obstacles. The results of the study show that some of the main factors that are obstacles in the application of this concept include disagreements between victims and perpetrators, lack of public understanding of this concept, regulatory limitations, cultural and social factors, and resistance from law enforcement officials. One of the main obstacles is the lack of public understanding of the concept of Restorative Justice. Many people still have the perception that the settlement of criminal cases can only be done through formal courts. This is in line with the findings (Adinata, 2022) which states that people in Indonesia generally still have a more inclined mindset towards a retributive approach, where criminal punishment is considered the only legitimate form of justice. To overcome this, the Nias Police need to conduct more intensive socialization about the benefits and mechanisms of Restorative Justice to the community.

In addition, there is a factor of disagreement between the victim and the perpetrator, where in some cases, the victim or his family still wants the perpetrator to be processed legally because he feels that justice can only be achieved through criminal punishment. This is in accordance with research (Tampinongkol, 2024) which shows that in cases of persecution involving severe physical injury, victims tend to reject peaceful settlements because they feel that the perpetrator must accept stricter legal consequences. Another factor that is an obstacle is the limitations of regulations and technical guidelines in the implementation of Restorative Justice. Although there is a National Police Chief Regulation Number 8 of 2021 (Jainah & Suhery, 2022), many police officers still have difficulty interpreting this regulation, especially in determining which cases can be resolved through this mechanism. (Mahendra, 2022) In his research, he highlighted that ambiguity in regulations often leads to uncertainty in the implementation of Restorative Justice, so law enforcement officials prefer to continue using conventional approaches.

The cultural aspect is also a challenge in the application of this concept in Nias. In some cases, indigenous peoples have their own settlement mechanisms that may not always be in line with the principles of Restorative Justice governed in positive law. Some customs require the payment of considerable compensation to the victim, which in many cases is burdensome for the perpetrator and his family. This shows that there is a difference between the customary conflict resolution mechanism and the Restorative Justice approach which is based on more flexible mediation and agreement. Finally, resistance from the police is also a challenge in the application of this concept. Most police officers are still accustomed to the conventional criminal justice system based on investigation and prosecution. In some cases, there is a perception that Restorative Justice weakens the function of law enforcement and provides opportunities for perpetrators of crimes to evade punishment. This is in line with research (Adinata, 2022) found that most law enforcement officials in Indonesia still have a retributive paradigm, so they tend to be less supportive of the Restorative Justice approach.

Conclusion

The application of Restorative Justice in the settlement of criminal acts of persecution at the Nias Police has proven to be an effective alternative solution, especially in minor cases. The process involves mediation between the victim and the perpetrator with the aim of restoring

the relationship and avoiding heavier criminal sanctions. This approach is in accordance with the National Police Chief's Regulation Number 8 of 2021 which emphasizes restoration-based justice. However, its implementation still faces obstacles, such as lack of public understanding, disagreement between victims and perpetrators, unclear regulations, and customary influences that burden perpetrators. Resistance from law enforcement officials is also a challenge in wider implementation. In order to be more optimal, intensive socialization, training of officials in mediation, and the preparation of clearer technical guidelines are needed. With these efforts, Restorative Justice can become a model for more inclusive, fair, and effective criminal settlement in the future.

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