

Implementation of Restorative Justice in the Settlement of Juvenile Assault Offenses as Street Crimes at the Banda Aceh City Police

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Abstract: Restorative justice is an approach to resolving legal cases that involves the offender and the victim in order to achieve a fair settlement by emphasizing the fulfillment of the rights and obligations of the parties based on humanitarian aspects and more dignified and just legal protection. The implementation of restorative justice in this study is carried out in cases of assault committed by children as perpetrators of street crime at the Banda Aceh Police Resort (Polresta Banda Aceh), focusing on the resolution process of several cases between 2023 to 2025. This study aims to examine how restorative justice is implemented in handling cases of child-perpetrated assault as street crime at Polresta Banda Aceh and to identify the obstacles faced in its effectiveness. This study employs a juridical empirical method with statute approach and conceptual approach. Data are collected through interviews with responsible parties at Polresta Banda Aceh and are analyzed descriptively to provide a detailed overview of the implementation of regulations in practice. The findings indicate that Polresta Banda Aceh has attempted to implement restorative justice through penal mediation involving the offender, the victim, and other related parties. However, not all cases are successfully resolved as expected. Out of 9 cases handled, only 3 cases are successfully resolved through restorative justice, while 6 cases are referred to formal judicial proceedings. The implementation still faces several obstacles, including limited family support, the failure to reach an agreement between the offender and the victim, and the lack of optimal support from customary institutions for children. Although the procedures have been carried out in accordance with existing regulations, this condition indicates a gap between legal norms that require diversion and their implementation in practice. Therefore, it is necessary to enhance the capacity of law enforcement officers through specialized training, accompanied by public education, as well as integrating customary law values, in order to ensure that restorative justice is implemented more effectively.

Keywords: Restorative Justice; Criminal Offense of Assault; Juvenile Offenders; Banda Aceh City Police.

Abstrak: Restorative justice merupakan suatu pendekatan penyelesaian perkara hukum yang melibatkan pelaku dan korban untuk mencapai penyelesaian yang adil dengan menekankan pemenuhan hak dan kewajiban para pihak pada aspek kemanusiaan dan perlindungan hukum yang lebih bermartabat dan berkeadilan. Penerapan restorative justice pada penelitian ini dilaksanakan dalam kasus penanganan tindak pidana penganiayaan yang dilakukan oleh anak sebagai pelaku street crime di Polresta Banda Aceh, dengan fokus pada proses penyelesaian sejumlah perkara dari tahun 2023-2025. Penelitian ini bertujuan untuk mengkaji bagaimana pelaksanaan restorative justice dalam penanganan tindak pidana penganiayaan anak sebagai pelaku kejahatan jalanan di Polresta Banda Aceh serta mengidentifikasi kendala yang dihadapi dalam efektivitas penerapannya. Metode yang digunakan adalah yuridis empiris dengan

pendekatan perundang-undangan dan konseptual. Teknik pengumpulan data diperoleh melalui wawancara dengan pihak yang bertanggung jawab di Polresta Banda Aceh. Data dianalisis secara deskriptif untuk memberikan gambaran yang detail terkait implementasi peraturan di lapangan. Hasil penelitian menunjukkan bahwa Polresta Banda Aceh telah mengupayakan restorative justice melalui mediasi penal yang melibatkan pelaku, korban dan pihak lainnya. Namun, dalam penyelesaian ini tidak semuanya kasus terlaksana sebagaimana yang diharapkan. Dari 9 perkara yang ditangani, hanya 3 perkara yang berhasil diselesaikan dengan restorative justice, sehingga 6 perkara harus dilimpahkan ke proses peradilan formal. Penerapannya masih menghadapi kendala seperti keterbatasan dukungan keluarga, tidak tercapainya kesepakatan antara pelaku dan korban, serta belum optimalnya dukungan pengadilan adat terhadap individu anak. Meskipun prosedur telah sesuai aturan, kondisi ini menunjukkan adanya kesenjangan antara norma hukum yang mewajibkan diversi dengan implementasinya di lapangan, sehingga diperlukan peningkatan kapasitas peran aparat penegak hukum melalui pelatihan khusus disertai kegiatan edukasi kepada masyarakat serta mengintergrasikan nilai hukum adat, agar restorative justice berjalan lebih efektif.

Kata Kunci: Restorative Justice; Tindak Pidana Penganiayaan; Anak Sebagai Pelaku; Polresta Banda Aceh.

Introduction

The Preamble of the 1945 Constitution of the Republic of Indonesia (UD 1945) states that one of the objectives of the establishment of this state is to realize public welfare and to educate the life of the nation. Educating the life of the nation inherently encompasses the concept of the child, as efforts to educate the nation are primarily carried out through an educational process undertaken almost entirely by children. Children are explicitly mentioned in Article 28B paragraph (2) of the 1945 Constitution, which affirms that every child has the right to live, grow, develop, and be protected from violence and discrimination.¹

Social development, technological advancement, and the dynamics of social interactions influence the behavior of children and adolescents, which subsequently drives the emergence of various forms of juvenile delinquency.² This condition is associated with the rise in street crimes, namely criminal offenses in public spaces often accompanied by violence, such as theft with the threat of violence (365 KUHP), assault (351 KUHP), and public violence (170 KUHP). In many cases, juvenile offenders do not fully comprehend the legal consequences of their actions.³ Therefore, when a child

¹ M. A. Syahrin, "Penerapan Prinsip Keadilan Restoratif Dalam Sistem Peradilan Pidana Terpadu." *Majalah Hukum Nasional*, Vol. 48, No. 1, (2018): pp. 97-114

² Holymey Angelique, Desire Lapod, Noldy Mohede, "Analisis Yuridis Perlindungan Hukum Bagi Anak dengan Diversi Berdasarkan Undang-undang No 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak." *Ejournal Unsrat*, Vol. 12 No. 5, (2024): pp. 1-13

³ Hendri Tauhid, Zainal Abidin Pakpahan, "Tantangan Kepolisian Dalam Penanggulangan Tindakan Premanisme Pada Kejahatan Jalanan (Street Crime)" *Jurnal USM Law Riview*, Vol. 7, no. 2 (2024): pp. 986-1005.

commits an act classified as a criminal offense, the state is obligated to intervene and provide handling that focuses not solely on sanctions, but rather on the rehabilitation and protection of the child as the nation's future generation.⁴

In Indonesia, the application of restorative justice for children in conflict with the law is normatively regulated under Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. This regulation asserts that law enforcement officers are mandatorily required to pursue diversion at every stage of the juvenile justice process. Several regions have demonstrated success in implementing the diversion approach, whereby children who commit criminal offenses are not required to be processed through formal judicial channels. Diversion, in principle, actualizes restorative justice aimed at providing protection to children involved in legal issues.⁵

Pursuant to Article 1 paragraph (6) of Law No. 11 of 2012 on the Juvenile Criminal Justice System, law enforcement authorities are bound to prioritize diversion through a restorative justice approach for children facing criminal proceedings.⁶ By implementing restorative justice, this law emphasizes that the legal framework should deliver a just and sustainable resolution, addressing the victim's interests while granting the offender a chance for self-improvement.⁷

The Indonesian National Police (Polri) has issued Police Regulation No. 8 of 2021 as a procedural guideline for resolving criminal cases via restorative justice, aligning with the Chief of National Police Circular Letter No. SE/8/VII/2018 dated July 27, 2018.⁸ Article 1 point 3 of Police Regulation No. 8 of 2021 defines restorative justice as a dispute resolution mechanism involving the perpetrator, the victim's family, community leaders, customary leaders, religious leaders, and other stakeholders. The goal is to achieve a fair outcome through a peace agreement, ultimately aiming to restore the situation to its original state.⁹

Locally, Aceh has adopted restorative justice as the primary policy for managing assault cases committed by juveniles. According to the National Police Commission

⁴ Rosa Deva, "Analisis Penerapan Restorative Justice Dalam Tindak Pidana Penganiayaan Anak Disabilitas Yang Dilakukan Oleh Anak Sebagai Pelaku Di Lingkungan Sekolah Menengah." *Jurnal Ilmiah Mahasiswa Hukum (JIMHUM)*, Vol. 1, No. 3 (2021): pp. 1–8.

⁵ Fauzan Sugama, "Efektivitas Penerapan Restorative Justice Dalam Penyelesaian Tindak Pidana Anak Di Indonesia." *JIMMI: Jurnal Ilmiah Mahasiswa Multidisiplin*, Vol. 1, No. 3 (2024): pp. 306–316.

⁶ Lamintang PAF, *Kejahatan Terhadap Nyawa dan Tubuh*, (Jakarta: Sinar Grafika, 2010), p. 90

⁷ Rizki Kevin, Christian Simanjuntak, and Ridho Perdana, "Analisis Yuridis Restorative Justice Dalam Perkara Tawuran Antar Pelajar Di Kota Medan." *Jurnal Interpretasi Hukum*, Vol. 5, No. 3 (2024): pp. 1312–1317.

⁸ Zainudin Hasan Et Al., "Analisis Faktor Penyebab Terjadinya Penganiayaan Yang Dilakukan Oleh Pelaku Anak Dibawah Umur Di Kabupaten Pesawaran." *Jurnal Pembangunan Hukum Indonesia*, Vol. 4, No. 2 (2023): pp. 233–238.

⁹ Afina Anindita, Ektya Putri, And Aidul Fitriadi Azhari, "Implementasi Prinsip Restorative Justice Tindak Pidana Penganiayaan Pada Tingkat Penyidikan (Studi Kasus Di Polresta Surakarta)." *Unes Law Review*, Vol. 6, No. 3 (2024): pp. 8539–8553.

(Kompolnas) records from 2023 to 2025 regarding the handling of children in conflict with the law across the Aceh Regional Police jurisdiction bolstered by district-level police data approximately 40 juvenile assault cases were settled via diversionary and restorative measures, predominantly for first-time offenders. Such practices strongly resonate with the "best interests of the child" principle enshrined in the Juvenile Criminal Justice System Act.¹⁰

The trajectory of juvenile-perpetrated street crimes in Banda Aceh City displays a persistent annual trend. In 2023, the Banda Aceh Police prosecuted a gang assault by minors against a peer near the Lamnyong Bridge through the juvenile justice framework.¹¹ Subsequently, in 2024, juvenile participation in violent offenses was highlighted by a severe sharp weapon attack on a local resident, resulting in the indictment of suspects aged 15 to 17.¹² By 2025, further instances of street violence and assault emerged involving adolescents, some linked to motorcycle gangs.¹³ These recurring events underscore the annual prevalence of juvenile street crime in Banda Aceh, which significantly breeds public anxiety and undermines societal order.

As an example of handling street crime in suburban areas unexposed by the media, investigators at the Banda Aceh City Police successfully resolved a case of street robbery and assault committed by a juvenile attending an Islamic boarding school through a restorative justice approach. During the mediation process, the perpetrator agreed to provide restitution and issue a direct apology to the victim, which was subsequently accepted, leading to an amicable settlement. Conversely, investigators acknowledge that technical competence in implementing restorative justice is not yet uniform, resulting in an uneven mechanism that, in certain cases, is executed merely as a formality.¹⁴

The discourse on restorative justice within the juvenile criminal justice system indicates that, normatively, this approach is oriented toward restoring the relationship between the offender and the victim. Fredella Bunga Filonia (2024) asserts that in practice, restorative justice is frequently misunderstood as merely a peaceful settlement, thereby potentially neglecting substantive justice. In line with this, Afina Anindita (2024) demonstrates that the success of its application at the investigation stage relies heavily on the investigators' capacity to facilitate dialogue among the parties.

¹⁰ Hasil wawancara dengan Aipda Jamil, Kasubnit Unit PPA Polresta Banda, Pada 8 Agustus 2025

¹¹ <https://www.acehonline.co/news/penganiayaan-anak-di-bawah-umur-ditangkap-polisi-di-banda-aceh/index.html>, di akses pada tanggal 8 Juli 2025

¹² <https://tribrataneews-resbandaaceh.aceh.polri.go.id/polresta-banda-aceh-tetapkan-enam-tersangka-tindak-pidana-kekerasan-berat-di-banda-aceh/>, di akses pada tanggal 8 Juli 2025

¹³ <https://aceh.antaraneews.com/berita/392636/pelaku-pembacokan-di-depan-pasar-aceh-ditangkap-semuanya-pelajar> di akses pada tanggal 21 Oktober 2025

¹⁴ Hasil wawancara dengan Aipda Jamil, Kasubnit Unit PPA Polresta Banda, Pada 8 Agustus 2025

Beyond institutional factors, socio-cultural elements play a crucial role in the success of restorative justice. Srigandawati (2025) emphasizes that the community's legal culture and social acceptance significantly influence its effectiveness. In Aceh, restorative justice aligns with customary law traditions and the Islamic principle of *islah* (reconciliation), both of which prioritize peaceful dispute resolution. Rizki (2023) further argues that restorative justice embodies the values of substantive justice in Islamic law. Viewed through the theoretical framework of Soerjono Soekanto, for the law to be applied effectively, several factors must be fulfilled: the law itself, the law enforcement apparatus, facilities, society, and the culture living and developing within the community.¹⁵

Several previous studies have discussed the application of restorative justice within the juvenile criminal justice system. Heru Setiawan (2024) examined its application at the Banda Aceh City Police and found that while the mediation mechanism was operational, it still faced various obstacles. Muammar Chalis (2025) highlighted the impediments to juvenile diversion at the police level, whereas Maulana Ficky Albaba (2025) discussed law enforcement regarding minors from a juridical perspective. These three prior studies generally addressed restorative justice within the broad context of the juvenile justice system, without specifically examining assault cases committed by juveniles as street crime perpetrators within the local context of Aceh. Furthermore, those studies tended to be descriptive and lacked the integration of theoretical analysis, particularly concerning the effectiveness of restorative justice.

This research aims to examine the implementation of restorative justice in handling the criminal offense of assault by juveniles as street crime perpetrators at the Banda Aceh City Police. It also seeks to correlate this implementation with the social factors, legal culture, and institutional limitations that influence its success. Therefore, an evaluation is necessary to identify obstacles at the investigation stage to enhance the effectiveness of restorative justice implementation and strengthen public trust in the police institution

This research contributes to enriching the literature on the application of restorative justice within the juvenile criminal justice system by highlighting the discrepancy between legal norms and actual field practices. The context of the Banda Aceh City Police is highly relevant, as it reflects the complex interaction between formal law, social values, and local culture. Ultimately, this study not only portrays ongoing practices but also serves as a foundation for developing a justice approach that is more responsive, equitable, and oriented toward child protection.

¹⁵ Soerjono Soekanto, *Faktor yang Mempengaruhi Penegakan Hukum*, (Jakarta: Rajawali Pers, 2009): p. 12

Method

This study employs an empirical juridical method, analyzing the practical application of law within society and its alignment with prevailing statutory frameworks.¹⁶ By utilizing statute approach and conceptual approach, the research evaluates the consistency between restorative justice regulations and the actual handling of juvenile delinquency at the Banda Aceh City Police.¹⁷

Data for this research are categorized into primary and secondary sources. Primary data was gathered through field research, specifically through structured, in-depth interviews. Using a purposive sampling technique, two informants were selected based on their direct authority and involvement in juvenile cases: one investigator from the Women and Children Protection Unit (PPA) and one from the General Crimes Investigation Unit (Jantanras). These primary findings are complemented by secondary data obtained through comprehensive library research, encompassing legislation, academic books, and legal journals.¹⁸

The data collection process involved structured interviews to obtain accurate information regarding the implementation of restorative justice, alongside a documentation study of relevant case reports to substantiate the empirical findings. All gathered information was then subjected to a qualitative-descriptive analysis, which allowed for a detailed and factual exploration of the conditions observed in the field.¹⁹

To ensure the validity of the findings, the study applied both source and method triangulation. Source triangulation involved cross referencing and verifying data between informants specifically the investigators to ensure consistency. Simultaneously, method triangulation was conducted by correlating interview results with case documentation and literature reviews, all of which were further validated against relevant legal theories and statutory regulations.

Discussion

A. The Concept of Restorative Justice in the Juvenile Criminal Justice System

The concept of restorative justice emerged from the necessity to reform a rigid and retributive criminal justice system. In the traditional framework, the perpetrator is positioned as the primary target, while the victim is often marginalized and relegated to merely serving as a piece of evidence. Such an approach frequently fails to deliver a sense

¹⁶ Soerjono Soekanto, *Pengantar Penelitian hukum*, (Jakarta : UI Press, 2019), p.105.

¹⁷ Johnny Ibrahim, *teori dan Metodologi Penelitian hukum Normatif*, (Malang: Bayu Media Publishing, 2008), p. 300

¹⁸ Bambang Sunggono, *Metodologi Penelitian Hukum*, (Jakarta: Rajawali Pers, 2020), p. 42.

¹⁹ Sugiyono, *Metode Penelitian Kualitatif*, (Bandung: Alfabeta, 2022), p. 125.

of substantive justice, as the victim's suffering is not genuinely addressed and the broader social impacts are consequently ignored.²⁰

According to Howard Zehr, restorative justice is a process designed to involve all parties affected by an offense, aiming to collectively identify the issues, needs, and ensuing responsibilities to heal the situation and restore everything to its proper state.²¹ In the context of juveniles within the criminal justice system, this approach is highly relevant and crucial. Children are in a developmental stage characterized by physical, psychological, and social immaturity. A rigid and repressive formal judicial process has the potential to inflict long-term negative consequences, including psychological trauma, social stigma, and the disruption of a child's growth and development outcomes that fundamentally contradict the core principles of child protection.²²

The principle of the "best interests of the child" serves as the primary foundation of restorative justice within the juvenile criminal justice system. This approach emphasizes the fulfillment of the child's emotional, social, and moral developmental needs.²³ Restorative justice perceives crime not merely as a violation of state law, but rather as a social wound that harms the victim, the offender, and the community at large. Therefore, case resolution from a restorative justice perspective is not solely about punishment; it is directed toward efforts to heal the pain, repair the damage to social ties, and restore the relationships fractured by the incident.

From a regulation standpoint, Indonesia has integrated this concept into its national legal system through Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. This law unequivocally mandates the implementation of diversion at every stage of the juvenile case examination process, from the investigation level up to the trial. Article 1 paragraph (6) of Law No. 11 of 2012 defines restorative justice as the resolution of a criminal case involving the perpetrator, victim, families, and other relevant parties to collectively seek a just settlement, focusing on restoration to the original state and the achievement of justice without retaliatory intent. Furthermore, Article 7 stipulates that diversion must be pursued if the offense committed by the juvenile meets the conditions outlined in Article 7 paragraph (2) of the Juvenile Criminal Justice System Law, namely:

1. The criminal offense carries a penalty of less than 7 years of imprisonment.

²⁰Anita Zulfiani, "Restorative Justice Dan Penjatuhan Pidana Pada Anak". *Journal of Multidisciplinary and Development*, Vol. 5, No. 4 (2023): pp. 284–299.

²¹ Howard Zehr, *The Little Book of Restorative Justice: Revised and Updated*. (New York: Good Books, 2002), p. 18.

²²Arilasman Cornelius, Beniharmoni Harefa, "Penerapan Restorative Justice dalam Undang-undang Peradilan Pidana Anak". *Jurnal Yuridis*, Vol. 8, No. 1 (2021): pp. 83–101.

²³ Mashendra, "Study of the implementation restoration concept in the criminal justice system in Indonesia." *SASI*, Vol.30, No. 4 (2024): pp. 339– 354.

2. The act does not constitute a repetition of a criminal offense (recidivism).²⁴

These regulations were formulated with the objective of prioritizing rehabilitative sanctions for juveniles, focusing on restoration and guidance rather than mere punishment. This rehabilitative approach is vital for children in conflict with the law, enabling them to comprehend their mistakes and develop the necessary skills to contribute positively to society.²⁵

At the regional level, the reinforcement of this approach is supported by Aceh Regional Regulation (Qanun Aceh) Number 11 of 2008 concerning Child Protection. This Qanun provides room for the settlement of juvenile criminal cases outside formal courts, emphasizing the best interests of the child through customary law approaches and cultural values. The implementation of diversion and restorative justice is conducted by involving customary figures, religious leaders, community leaders, and child protection agencies. This regulation is positioned as an integral part of regional development within the framework of Aceh's special autonomy and distinctiveness within the Unitary State of the Republic of Indonesia.²⁶

The execution of restorative justice in handling criminal cases involving juvenile offenders constitutes a form of legal protection that aligns with Article 25 of Law Number 35 of 2014 concerning Child Protection. This article declares that the community's obligation and responsibility in protecting children are actualized through the active participation of the public in the administration of child protection. Moreover, child protection fundamentally aims to ensure that every child is safeguarded against all forms of violence and discriminatory treatment.²⁷

B. Implementation of Restorative Justice for Juvenile Offenders of Assault within the Jurisdiction of the Banda Aceh City Police

The efforts to apply restorative justice in handling assault cases are executed by investigators utilizing their discretionary authority. This is stipulated in Article 1 letter (I) in conjunction with (jo.) Article 18 of Law Number 2 of 2002 concerning the Indonesian National Police, and the Chief of National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice.²⁸ This

²⁴ Undang-undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak, Pasal 7 Ayat 2

²⁵ Yolanda Febriani, Asep Suherman, "Efektivitas UU No . 11 Tahun 2012 (SPPA) Terhadap Batas Minimum Usia Pidana Anak Berdasarkan Hukum Positif Di Indonesia." *Jurnal Kajian Hukum Dan Kebijakan Publik*, Vol. 2, No. 1 (2024): pp. 347–359.

²⁶ Yusrizal "Penerapan restorative Justice terhadap anak yang berhadapan dengan hukum (Studi Penelitian di Kota Banda Aceh." *Jurnal Hukum Samudra Keadilan*, Vol. 16, No. 2 (2021): pp. 320–332.

²⁷ Erma Hari Alijana, "Peran Masyarakat Dalam Undang-Undang Perlindungan Anak" *BHAKTI HUKUM Jurnal Pengabdian Kepada Masyarakat*, Vol. 1, No. 1 (2022): pp. 38–46.

²⁸ Sri Herlina, "Implementasi Prinsip Restorative Justice Pada Perkara Tindak Pidana Penganiayaan Di Polresta Banjarmasin." *Jurnal Kolaboratif Sains*, Vol. 8, No. 1 (2025): pp. 696–707.

authority provides a space for investigators to resolve criminal cases through deliberation as an alternative outside the formal judicial process.

The Banda Aceh City Police execute their duties through internal working units, one of which is the Criminal Investigation Unit (Sat Reskrim), which is authorized to handle law enforcement and juvenile crimes. Specifically, the Women and Children Protection Unit (PPA) holds the authority to provide protection services to victims and enforce the law against offenders.²⁹Naturally, cases involving juveniles as perpetrators of assault in Banda Aceh City fall under the responsibility of this unit.

Based on the statement of Aipda Jamil, the Head of the Sub-Unit (Kasubnit) of the Women and Children Protection Unit at the Banda Aceh City Police, the handling of juveniles who commit assault is implemented through a diversion mechanism utilizing a restorative justice approach. The stages are carried out through a mediation process involving the families of the perpetrator and the victim, the Correctional Center (Bapas), the Social Services Agency (Dinas Sosial), village officials, and the investigating officers handling the case.³⁰

From the information obtained by the researcher through an interview with investigator Oki Supriadi of the General Crimes Unit (Unit Jantanras) at the Banda Aceh City Police, it was revealed that reports of prior assault offenses occurring in public spaces (street crime) in Banda Aceh City encompass various forms of acts. These include physical violence such as sharp weapon attacks, street robberies, punching, and kicking, as well as verbal violence ranging from swearing to insults.³¹

Table. 1
Statistics of Juvenile Assault Cases in Street Crimes at the Banda Aceh City Police

No.	Tahun	Jumlah Kasus	Diversi	Dilimpahkan
1.	2023	3 Kasus	2	1
2.	2024	4 Kasus	1	3
3.	2025	2 Kasus	0	2
	Total	9 Kasus	3	6

Source: Data from the Criminal Investigation Unit of the Banda Aceh City Police, Banda Aceh City, 2025.

²⁹ Perkapolri Nomor 10 Tahun 2007 tentang Organisasi dan Tata Kerja Unit Pelayanan Perempuan dan Anak (Unit PPA) di Lingkungan Polri, Pasal 4

³⁰ Hasil Wawancara Aipda Jamil, Kasubnit Unit PPA Polresta Banda Aceh, Pada 7 Juli 2025

³¹ Hasil wawancara dengan Bapak Oki, Penyidik Unit Jantanras Polresta Banda Aceh Pada 26 Juni 2025

Data regarding the handling of assault cases committed by juveniles as street crime perpetrators at the Banda Aceh City Police during the 2023–2025 period demonstrates fluctuating dynamics. In 2023, there were 3 recorded juvenile assault cases, comprising 2 cases resolved through diversion mechanisms and 1 case remitted to the court. In 2024, the number of cases increased to 4, with only 1 case successfully diverted, while the remaining cases were forwarded to formal judicial proceedings. In 2025, 2 juvenile assault cases were handled, both of which proceeded to the formal justice system. Overall, out of the 9 cases handled during the research period, only 3 cases (33.3%) were successfully resolved through diversion, whereas 6 cases (66.7%) were processed through the formal justice system. This condition indicates that the implementation of restorative justice at the Banda Aceh City Police has not yet operated optimally.

Aipda Jamil stated that the number of cases involving juveniles as criminal offenders tends to increase annually. This rise is influenced by population growth, heightened social activity, and shifts in juvenile social interactions that increasingly lean toward gang affiliations and late-night outings, which potentially trigger criminal acts. These findings indicate that social factors and environmental influences play a significant role in the occurrence of a criminal offense.³²

The application of restorative justice is executed by observing applicable legal provisions and ensuring the protection of the rights of both the offender and the victim, ensuring it does not negatively impact the child's development. The primary focus is on restoring the relationship between the parties and preventing recidivism through a fair process that involves all relevant individuals. Investigators from the Women and Children Protection Unit of the Criminal Investigation Department (Unit PPA Satreskrim Idik IV) at the Banda Aceh City Police implement restorative justice through a series of stages. This process begins with receiving the report of the assault offense, followed by a preliminary examination to ensure the elements of the crime are fulfilled, and summoning the parents or guardians of the juvenile offender. Subsequently, the investigators coordinate with the Correctional Center (Bapas) to conduct mediation involving the community as a basis for considering the feasibility of diversion. If the victim consents, the investigator facilitates a mediation process aimed at reaching an amicable settlement.³³

During the mediation process, the investigator functions not merely as a law enforcement officer, but also as a mediator who seeks to delve into the offender's background, encourage the admission of guilt, and ensure the fulfillment of the victim's

³² Hasil Wawancara dengan Aipda Jamil, Kasubnit Unit PPA Polresta Banda Aceh, Pada 7 Juli 2025

³³ Hasil Wawancara dengan Aipda Jamil, Kasubnit Unit PPA Polresta Banda Aceh, Pada 8 Agustus 2025

rights. The resulting agreement may encompass an apology, restitution, or other forms of voluntarily agreed upon responsibilities. If this consensus is successfully achieved and formalized in an amicable settlement agreement, the investigator subsequently issues a Warrant to Terminate the Investigation (SP3). This signifies the cessation of the investigation, thereby declaring the case resolved without resorting to formal sanctions.³⁴

The police retain responsibility even when a case is settled outside the judicial process, ensuring that the juvenile offender does not repeat the same behavior. The Banda Aceh City Police implement subsequent guidance and supervision through educative social responsibilities, such as mandatory reporting, counseling, or community service, in accordance with the deliberative agreement. The execution of this phase involves the Correctional Center (Bapas), social workers, and the juvenile's family.³⁵

Furthermore, Aipda Jamil stated that in handling assault cases involving juveniles as street crime perpetrators, prioritizing a restorative justice approach for children in conflict with the law is imperative. However, this approach is not always successfully implemented; if the statutory penalty threat exceeds the 7 year limit and victim consent is not obtained, formal legal procedures must proceed based on various considerations.³⁶

The success rate of restorative justice implementation in juvenile assault cases as street crimes at the Banda Aceh City Police remains relatively low, influenced by several constraints. These failure factors originate from both the perpetrators and the victims, which include:

1. The familial conditions of the juvenile offenders, who often come from troubled or broken homes, coupled with economic limitations in providing restitution for the victim's medical expenses, making a peace agreement difficult to realize.
2. The minimal willingness of the offenders and their families to take responsibility and admit fault, despite the fact that the success of restorative justice relies heavily on good faith.
3. Rejection from the victims and the community, who hold the perspective that every criminal offender, whether a juvenile or an adult, must be subjected to punitive sanctions for their actions.
4. Normative regulatory limitations, specifically the diversion provisions in the Juvenile Criminal Justice System Law, which mandate a statutory penalty

³⁴ Hasil Wawancara dengan Aipda Jamil, Kasubnit Unit PPA Polresta Banda Aceh, Pada 7 Juli 2025

³⁵ Muammar Chalis, Nahara Eriyanti, "Hambatan Diversi Terhadap Anak Yang Melakukan Tindak Pidana Pencurian Di Polresta Banda Aceh." *Journal Syntax*, Vol. 7, No. 6 (2025): pp. 905– 916.

³⁶ Hasil Wawancara dengan Aipda Jamil, Kasubnit Unit PPA Polresta Banda Aceh, Pada 7 Juli 2025

threat of under 7 years and require that the perpetrator is not a repeat offender (recidivist). These become operational obstacles, as in practice, the Banda Aceh City Police frequently encounter cases with penalty threats exceeding these stipulations.

5. The support of village officials and the understanding of Acehnese legal culture have not been evenly integrated.³⁷

Based on field observations, the implementation of restorative justice in handling juvenile crimes, particularly assault cases, continues to face various hurdles. Not every case can be resolved through peaceful approaches like diversion. Several cases must invariably proceed to the trial stage because the perpetrator and the victim fail to reach an agreement, or the victim insists on pursuing formal prosecution.

C. Analysis of the Implementation of Restorative Justice by the Banda Aceh City Police in Assault Cases Involving Juveniles as Street Crime Perpetrators

The implementation of restorative justice in handling criminal offenses of assault by juveniles as street crime perpetrators within the jurisdiction of the Banda Aceh City Police (Polresta Banda Aceh) reveals a significant discrepancy between legal norms and field practices. Normatively, the Indonesian juvenile criminal justice system mandates diversion as a primary manifestation of restorative justice. However, data collected from 2023 to 2025 indicates that only three cases (33.3%) were successfully resolved through restorative mechanisms, while the majority of cases proceeded through formal judicial channels.

Three distinct patterns have emerged in the application of restorative justice at the Banda Aceh City Police: first, successful implementation through mutual agreement; second, instances where the process stalled due to victim refusal; and third, cases remitted directly to formal justice for failing to meet the normative criteria for diversion. These patterns demonstrate that the success of restorative justice is determined not solely by legal regulations, but also by the social, psychological, and cultural dynamics of the involved parties. The low success rate suggests that restorative justice has not been fully internalized within investigative practices. To measure the extent of legal efficacy, this study applies Soerjono Soekanto legal effectiveness theory, which evaluates five primary factors; the substance of the law, the law enforcement apparatus, supporting facilities, the community's condition, and the prevailing legal culture.

Regarding the legal substance, the regulatory framework for restorative justice in the juvenile justice system is fundamentally adequate, particularly through the mandatory

³⁷ Hasil Wawancara dengan Aipda Jamil, Kasubnit Unit PPA Polresta Banda Aceh, Pada 7 Juli 2025

diversion clause. Nonetheless, the normative restrictions specifically the requirement that the offense must carry a statutory penalty threat of less than seven years and the offender must not be a recidivist pose significant practical hurdles in assault cases.³⁸ This rigidity prevents numerous cases from being resolved via a restorative approach, which ultimately hinders the full realization of child protection goals and highlights the overly inflexible nature of current legal stipulations.

Regarding the law enforcement apparatus, the Banda Aceh City Police have endeavored to implement restorative justice through penal mediation. In this process, investigators also act as mediators between the perpetrators and victims, involving various relevant parties. However, its implementation is hindered by the officers' limited capacity to manage the emotional dynamics and potential conflicts that may arise during the dialogue, as well as their varying levels of comprehensive understanding. Consequently, this mechanism is frequently executed merely as a procedural formality. This renders the success of restorative justice heavily reliant on the individual quality of the officers a problematic situation that risks creating legal uncertainty across different cases.³⁹

In terms of facilities and infrastructure, the Banda Aceh City Police currently lack a designated Restorative Justice House specifically functioning as a mediation facility and a center for managing documentation and evaluating the implementation of restorative justice. Information regarding case settlements is not systematically recorded. This condition makes it difficult to quantitatively assess the performance of peaceful dispute resolutions.⁴⁰ As a result, coordination among relevant units remains ineffective, and the settlement of juvenile cases tends to lean toward formal procedures. Therefore, establishing a Restorative Justice House at the police level is a pressing necessity to enhance the effectiveness of diversion and to guarantee the best interests of the child.

From the community's perspective, investigators from the General Crimes Unit Jantanras revealed a low acceptance rate for restorative justice. Often, segments of society and the victims' families harbor concerns that agreeing to a peaceful settlement might be perceived as lenient or that the perpetrator will simply repeat the offense.⁴¹ This finding indicates that the successful implementation of restorative justice fundamentally requires the support of a community legal culture that understands that justice is not always synonymous with punitive measures

³⁸ Undang-undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak

³⁹ Heru Setiawan, Marlia Sastro, "Penerapan Keadilan Restorasi (Restorative Justice) Terhadap Penyelesaian Kasus Penganiayaan Di Polresta Banda Aceh." *Jurnal Hukum Cendekia*, Vol. 2, No. 3 (2024): pp. 636–649.

⁴⁰ Komisi Kepolisian Nasional (Kopolnas). *Evaluasi Implementasi Restorative Justice di Polda Aceh*. (Banda Aceh: Laporan Internal, 2023).

⁴¹ Hasil Wawancara dengan Oki Supriadi Penyidik Unit Jantanras pada 26 Juni 2025

Within the context of legal culture, Aceh possesses significant potential to support the application of restorative justice through the local traditions of *islah* (reconciliation) and village deliberations, both of which emphasize peace and the restoration of relationships. These values are inherently aligned and can operate harmoniously with restorative justice principles; they are even normatively recognized in Aceh Regional Regulation (Qanun Aceh) Number 11 of 2008 concerning Child Protection. In practice, however, this harmonious potential has not been optimally realized due to a lack of consistent integration into formal legal mechanisms. The involvement of village officials and the application of customary mechanisms remain limited, demonstrating a persistent gap between state law and the living social practices within the community.⁴²

Within the local context, the restorative justice approach is highly compatible with the needs of the Acehnese society. The Islamic and customary values thriving within the community, particularly the concept of peaceful reconciliation (*islah*), strongly reinforce the acceptance of this method. Since it does not clash with local culture and beliefs, restorative justice is generally more well received, thereby offering greater room for community participation in dispute resolution. Ultimately, this can foster lasting peace and minimize the likelihood of future conflicts.

The successful execution of restorative justice in juvenile cases serves to minimize subjective biases in law enforcement. However, the existing gap between field practices and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System reveals that diversion-based restorative justice has not reached its optimal potential. Although the procedures at the Banda Aceh City Police generally comply with Law Number 2 of 2002 on the Indonesian National Police and are supported by internal restorative justice guidelines their practical implementation still encounters various hurdles. This indicates that the challenges are not merely individual but stem from the lack of a cohesive system bridging formal legal frameworks with social realities. While this approach theoretically promotes voluntariness and equality, achieving balance between the victim and the offender in practice remains difficult, often turning the process into a mere formality. Therefore, to ensure restorative justice operates effectively and justly, it is crucial to strengthen regulations, improve institutional capacity, raise legal awareness, and better integrate Acehnese customary law.

Conclusion

Based on the research findings, the application of restorative justice in handling the criminal offense of assault by juveniles as street crime perpetrators at the Banda Aceh

⁴² Budi Bahreisy, "Peran Lembaga Adat Di Aceh Dalam penyelesaian Perkara Anak Yang Berkonflik Dengan Hukum," *Jurnal Penelitian Hukum De Jure*, Vol. 20, No. 10 (2020): pp. 25–36.

City Police has been executed in accordance with prevailing regulations, specifically through the diversion mechanism. However, in practice, this implementation has not operated optimally, as evidenced by the low success rate of case settlements using the restorative justice approach. This underperformance is attributed to various factors, including the failure to reach a mutual agreement between the offender and the victim, the economic limitations of the offender's family, the influence of the social environment, and the low level of public acceptance.

Furthermore, the research indicates that the effectiveness of restorative justice is determined not solely by the existence of legal regulation, but is equally influenced by the readiness of law enforcement officers, institutional support, and the community's legal culture. In the context of Aceh, the existence of customary law such as *islah* (peaceful reconciliation) and village deliberations actually holds profound potential to bolster the application of restorative justice. Nevertheless, these local mechanisms have not been optimally integrated into the formal legal framework.

This research provides theoretical implications by strengthening the application of restorative justice and legal effectiveness theories, showing that its success depends not only on legal norms but also on social, cultural, and institutional factors. It also offers practical and policy implications by recommending improved investigator capacity, the establishment of restorative justice houses, and stronger involvement of village officials and customary institutions. Thus, restorative justice is not only legally valid but also more effective, responsive, and recovery oriented for children in conflict with the law.

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