

Implementation of Penal Mediation in Resolution of Criminal Acts Under Article 170 of the Kuhp at the Sleman City Police Resort

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ABSTRACT: The settlement of criminal cases in Indonesia is still dominated by the classical paradigm that places the court as the sole forum for settlement. In practice, many criminal cases are also settled outside the court system through alternative approaches such as penal mediation. The thesis aims to determine and analyze the suitability of the role of investigators at the Sleman Police Headquarters in resolving criminal acts under Article 170 of the Criminal Code with Indonesian National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice. The implementation of penal mediation can provide justice, linked to the recovery of victims after mediation in the settlement of criminal acts under Article 170 of the Criminal Code at the Sleman Police Headquarters. This research is empirical legal research with a sociological approach to law. The data sources used in this research are primary data obtained from case studies of criminal acts under Article 170 of the Criminal Code and informants, where the subjects provided answers related to the questions asked by the researcher in interviews related to the issues being studied. Reasoning. The results of the study show that Sleman Police investigators have carried out mediation tasks in accordance with applicable procedures and legal norms. The implementation of penal mediation in the settlement of criminal acts under Article 170 of the Criminal Code at the Sleman Police has proven to be able to provide justice for the parties, especially the victims, through a restorative justice approach. The penal mediation process provides victims with a space to convey the losses and impacts they have experienced. The agreement reached in penal mediation is not only oriented towards resolving the case, but also towards restoring the social and psychological relationships of the victims.

KEYWORDS: Implementation, Victims; Penal Mediation; Investigators; Restorative Justice

I. INTRODUCTION

The general view on legal resolution of criminal offenses still holds to the old paradigm that criminal cases cannot be resolved outside of court proceedings. In fact, criminal cases in Indonesia are often resolved outside of court proceedings. Penal mediation has become a form of criminal case resolution desired by communities involved in disputes or conflicts between members of the community. Several countries have implemented criminal mediation as an alternative to criminal case resolution, and it has been implemented well and has had a positive impact on victims, perpetrators, and society in general. Countries that have implemented criminal mediation include European countries such as Belgium, Poland, Austria, Germany, France, the United States, Japan, Canada, Norway, Denmark, Australia, and Finland.

Criminal mediation has been recognized since the issuance of the Chief of Police Letter No. Pol: B/3022/XII/2009/SDEOPS dated December 14, 2009, concerning the Handling of Cases through Alternative Dispute Resolution (ADR). The Chief of Police Letter emphasizes that the settlement of cases through ADR must be agreed upon by the parties involved in the case, but if no agreement is reached, the criminal case will be settled through criminal proceedings in court. Based on this, criminal mediation is actually very good to be implemented in resolving criminal cases, especially violent crimes, namely through an agreement between the victim and the perpetrator. In an effort to provide justice for the parties involved in criminal cases, especially crimes under Article 170 of the Criminal Code, both victims and perpetrators should be introduced to the mechanisms of mediation and restorative justice. As one of the efforts to address this issue, penal mediation has been practiced as an alternative dispute resolution in various countries and has yielded positive results for victims, perpetrators, and society.

Criminal law, as a type of public law, is also constantly evolving and undergoing reform. One aspect of the development of criminal law in terms of criminal law enforcement has undergone significant renewal in line with the development of society's needs for law. Criminal law renewal is carried out using a policy approach. This is because the essential element of criminal law renewal is part of legal policy in general, and specifically part of criminal law policy (penal policy).

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One form of reform in Indonesian criminal law is the implementation of penal mediation. Penal mediation is a form of criminal case resolution that is carried out outside the formal criminal justice process. This reform certainly opens up broad opportunities for the growth of values within society, making criminal law more flexible and reaffirming criminal law as the *ultimum remedium*. The problem that arises in the implementation of penal mediation is the absence of regulations regarding this mechanism in positive law (*ius constitutum*)

The probability of implementing penal mediation depends on the values that grow and develop within Indonesian society, given that Indonesia has developed living values that serve as guidelines for the community in resolving the problems it faces. Penal mediation is closely related to restorative justice. Both are integral to fulfilling justice for the parties involved in criminal cases, especially minor offenses. The implementation of penal mediation aims to provide balanced benefits for the parties involved in criminal cases, both victims and perpetrators.

Criminal mediation aims to bring together perpetrators of criminal acts and victims to find a better resolution to criminal cases than through the criminal justice system. Criminal mediation is often referred to as “Victim Offender Mediation” (VOM), *Täter Opfer Ausgleich* (TOA), or Offender Victim Arrangement (OVA). Criminal mediation is an alternative to resolving criminal cases outside of the criminal justice system that has considerable potential for development, given several considerations, one of which is that the United Nations has recommended criminal mediation as an alternative means of resolving criminal cases to reduce the negative impact of criminal proceedings in court.

The legal framework for provisional criminal mediation is currently regulated in Indonesian positive law under Regulation of the Indonesian National Police No. 8 of 2021, which was enacted on August 19, 2021, and came into effect on August 20, 2021, concerning “Handling Criminal Offenses Based on Restorative Justice.” This regulation aims to provide a new approach to law enforcement, with a focus on restoring the original situation and balancing the protection and interests of victims and perpetrators of criminal acts, oriented towards punishment.

The implementation of Indonesian National Police Regulation No. 8 of 2021 includes the development of mediation mechanisms to resolve cases informally, although not all cases can be resolved in this manner. This regulation emerged in response to the legal needs of the community, which desires fairer and more humane resolutions. Restorative justice is expected to accommodate the norms and values that apply in society, as well as provide legal certainty.

II. RESEARCH PROBLEM

- a. Have investigators at the Sleman City Police Station who act as mediators in mediation carried out their roles in accordance with Indonesian National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice?
- b. How can the implementation of penal mediation provide justice, in relation to the recovery of victims after mediation in the settlement of criminal acts under Article 170 of the Criminal Code at the Sleman City Police?

III. RESEARCH METHODS

In this study, the author conducted empirical legal research, which is often synonymous with field research. The approach used in this study is a sociological approach to law. The problem approach in this study is a legal case study approach, which is the application of qualitative legal sociology with reference to explanations or descriptions of specific legal events whose resolution is through the Regulation of the Chief of the Indonesian National Police Indonesia Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice. The type of data used in this study is primarily primary data. Primary data in this study consists of case studies of criminal offenses under Article 170 of the Criminal Code and direct interviews with informants, namely investigators who serve as facilitators in case studies and victims of criminal offenses under Article 170 of the Criminal Code. There is also secondary data consisting of primary and secondary legal materials. The data collection technique used is data collection conducted through closed question and answer sessions/intimate interviews to obtain the required data. A literature study of primary and secondary legal materials was conducted by searching for and collecting laws and regulations related to the title of this study. The analysis method used in this study was a systematic analysis of qualitative data (data in the form of descriptions/words), which was then analyzed qualitatively to describe the research results.

IV. LITERATURE REVIEW

1. Understanding Restorative Justice and Penal Mediation in Criminal Case Resolution

Restorative justice is a method of resolving criminal cases outside of court. The process of resolving criminal acts through a restorative justice approach requires each individual to play an active role in problem solving, with the state providing support to individuals or communities who wish to resolve their conflicts. The restorative justice perspective is that individuals play a role and take responsibility in collective conflict resolution, rather than placing the burden on the state. The main aspects of restorative justice are as follows:

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- a. Reparation is not about winning or losing, accusations or revenge, but about justice;
- b. Restoring relationships, not punishing criminals for their mistakes and correcting them in a number of ways, but through a process of open and direct communication between the victim and the criminal, which has the potential to change the way they relate to each other;
- c. Reintegration, at its broadest level, provides a forum where children and parents can obtain a fair process. The aim is for them to learn about the consequences of violence and crime and understand the impact of their behavior on others.

The main principle of restorative justice is to shift the resolution of criminal cases from imprisonment as a form of retribution to restoration or returning the situation to the way it was before the crime occurred.

In the traditional criminal justice system, perpetrators are usually punished with imprisonment or fines, but victims often feel that these punishments do not provide full justice and that there are still long-term effects. Criminal cases based on restorative justice can be resolved during the execution of criminal investigation, inquiry, or investigation functions, as stipulated in Article 2 paragraph (1) of the Indonesian National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice. The process of resolving criminal cases through restorative justice must meet several requirements, both general and specific, in order to be carried out effectively. These general requirements apply to the handling of criminal acts in criminal investigation, inquiry, or investigation activities. Specific requirements can only be applied during the handling of criminal cases in the investigation or inquiry process.

Resolving legal issues through mediation is a win-win solution where no party wins or loses, so disputes do not drag on and can improve relations between the disputing parties. There are many advantages to resolving disputes through mediation, including low cost, speed, satisfaction for the disputing parties due to its cooperative nature, prevention of cases piling up in court, elimination of grudges, strengthening of relationships, and strengthening and maximization of the function of judicial institutions in dispute resolution alongside the adjudicative process of the courts. One of the efforts to implement restorative justice that can be carried out by the police in maximizing resolution using the Penal mediation mechanism. The resolution of these cases can be carried out by the police as the main guard of the criminal justice system, with their authority, namely their discretion in resolving a criminal case.

2. Criminal Offense under Article 170 of the Criminal Code

The criminal act of joint violence committed in public is a criminal act regulated in Book II Chapter V of the Criminal Code concerning crimes against public order, which consists of Articles 154 to 182, and the criminal act of joint violence committed in public is contained in Article 170. The contents of Article 170 of the Criminal Code are as follows:

a. Paragraph (1):

Anyone who commits violence against a person or property in public shall be punished imprisonment for a maximum of five years and six months.

b. Paragraph (2) The guilty party shall be punished:

- 1) With imprisonment for a maximum of seven years, if he deliberately damages property or if the violence he commits causes injury.
- 2) With imprisonment for a maximum of nine years, if the violence causes serious injury to the body.
- 3) With imprisonment for a maximum of twelve years, if the violence causes death.

c. Paragraph (3) of Article 89 of the Criminal Code does not apply.

This article regulates criminal acts, namely violence against persons or property, resulting in injury or damage. The elements of the criminal act of violence in public contained in this article are as follows:

1) Committing violence.

“Committing violence means using physical force or strength in an unlawful manner, such as hitting with force or with any kind of weapon, kicking, punching, and so on.”

2) Together.

Together means that the act of violence must be committed by at least two or more people. People who only follow and do not actually participate in the violence cannot be charged under this article.

3) Against a person.

The violence must be directed at a person, although it is not the case that a person commits violence against themselves or their own property as an end in itself; if it is a means or an attempt to achieve something, it may also occur.

4) In public.

The violence is committed in public, because this crime is included in the category of crimes against public order. In public means in a place where the public can see it.

According to Adhi Wibowo, criminal acts under Article 170 of the Criminal Code, or the term in the Criminal Code for criminal acts of violence committed together in public, can be classified as collective violence, because the acts of violence are committed

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in groups. Collective crimes usually have several characteristics, such as transferring individual identity and responsibility to group identity and responsibility, the relationship between individuals and the masses becomes very impersonal, suggestive in nature, and contagious.

Transmissibility collective criminal acts have several types, including:

1) Primitive mass violence

Primitive mass violence is non-political mass violence or violence that is limited to a specific community, such as schoolyard fights and brawls between schoolchildren.

2) Reactionary mass violence

Reactionary mass violence is generally a reaction against the authorities. The perpetrators and supporters do not necessarily come from a single community but can be anyone who feels concerned about a collective goal that opposes a policy considered unfair and dishonest.

3) Modern collective

A tool for achieving the economic and political goals of a well organized organization

V. RESULT AND DISCUSSION

a. The role of investigators at the Sleman Police Headquarters in conducting penal mediation.

Penal mediation has been implemented in practice by police institutions, based on the Chief of Police Circular Letter No. SE/8/VII/2018 on the Application of Restorative Justice. Restorative justice is an approach in the criminal justice system that focuses on recovery and reconciliation, not just on punishment. In the settlement of criminal cases, this restorative justice approach is applied in accordance with the material and formal requirements that must be met, as stipulated in various regulations that accommodate case settlement through mediation, which provides space for the restoration of relationships and more humane justice for both parties. The restorative justice process involves several stages. Parties involved in conflicts or legal violations (victims, perpetrators, and the community) will be invited to understand what restorative justice is and how this process can help them. Usually, there will be a facilitator to facilitate dialogue between the parties (elders).

Interview with the assistant investigator of the Sleman Police: BRIPKA Rizal Nurachmad S.A, SH, M.H, on March 9, 2025, at 11:00 a.m. in the General Crimes Unit room of the Sleman Police. The source stated that the legal basis used in resolving criminal acts under Article 170 of the Criminal Code is National Police Chief Regulation No. 6 of 2019 concerning criminal investigations. Mediation is carried out because there is an agreement between the parties. Mediation is effective in resolving criminal acts under Article 170 of the Criminal Code because it is based on the local wisdom of a region.

In accordance with the characteristics of the community. Initial mediation involves bringing both parties together with witnesses from each side, accompanied or witnessed by village government officials, at least at the level of the hamlet/village head along with Bhabinkamtibmas and Bhabinsa who oversee the area, or parties related to the parties involved in the case, such as educational institutions, lecturers, teachers, or even the education office. Once an agreement has been reached, mediation is submitted to the police, attended by investigators (unit heads/sub-unit heads) and assistant investigators. Investigators or assistant investigators have the authority to conduct mediation, which is then followed by a Restorative Justice case hearing, with the knowledge of the investigators' superiors, both the Head of Criminal Investigation and the Chief of Police. In accordance with Indonesian National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice, investigators at the Sleman City Police have carried out their role as mediators in the mediation of criminal cases under Article 170 of the Criminal Code. In this capacity, investigators can facilitate and act as wise mediators while adhering to legal regulations.

b. Justice for victims of criminal act under Article 170 of the Criminal Code through the implementation of penal mediation at the Sleman Police Headquarters

The implementation of penal mediation in the handling of criminal cases by law enforcement officials, in this case the police, is a manifestation of the principle of restorative justice. Penal mediation by police investigators is in line with progressive legal thinking, whereby the law is for people, not people for the law.

Based on data from the Sleman City Police Criminal Investigation Unit, three criminal cases under Article 170 of the Criminal Code were successfully mediated in 2024, and one case was unsuccessful at the Sleman City Police in 2025.

Cases that were successfully mediated based on restorative justice:

1. Case of the complaint CN

a) Police Report: LP/B/224/IV/2024/SPKT/POLRESTA SLEMAN/POLDA D.I YOGYAKARTA. Date: April 29, 2024. Victim: initials CN. Witnesses: W, Sr, S. Perpetrators: A et al.

b) Chronology.

The victim attended a PSHT organization meeting at the home of witness Wagiran in the Kalasan area of Sleman. then a dispute occurred between the victim and the perpetrator, and the perpetrator was beaten up. As a result of the incident, the victim suffered

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abrasions, a bloody nose, nausea, and dizziness, then sought treatment at the hospital and reported the incident to the Sleman Police. After the victim and witnesses were questioned, the perpetrator was summoned for questioning.

c) Penal mediation based on restorative justice

Both parties (the victim, the victim's wife, the perpetrator, the perpetrator's family, and the Sleman branch of the PSHT) met to engage in dialogue and reach a peace agreement on July 7, 2024, at the Sleman Police Headquarters. In the presence of the investigator acting as mediator, both parties agreed to reconcile and drew up a letter of reconciliation and fulfillment of the victim's rights, namely to resume PSHT training in accordance with the reconciliation agreement. The Sleman Police Headquarters issued a decree No. S.Tap/407. f/VI/2024/Reskrim, Regarding the Termination of Investigation, stipulating the termination of the investigation into the police report filed by CN as the Reporter, effective from June 7, 2024.

2. The case of the EL reporter

a. Police Report:LP/B/333/VI/2024/SPKT/POLRESTA SLEMAN/POLDA D.I YOGYAKARTA dated June 18, 2024, victim RRW, witnesses R, P, F, perpetrators R et al.

1) Chronology

The victim and witnesses were returning home from a hangout spot in the Pakem area when they encountered the perpetrators on their way home. The perpetrators threw cigarettes at the victim, hitting his right hand, and then chased him. The next day, the perpetrators and their friends met the victim and invited him to the Sempu hamlet. Upon arrival at the location, the victim and his friends were forced to take photos holding sharp weapons, namely machetes. The victim refused, and the perpetrators and their friends then attacked the victim while filming the incident on May 28, 2024, at around 9:30 p.m. The video was distributed on WhatsApp, and the victim's mother received the video and reported it to the Sleman Police.

2) Criminal mediation based on restorative justice

Both parties met at the house of the Purworejo Pakem hamlet head facilitated by the Purworejo village head for a peace dialogue, on Sunday, June 16, 2024 at around 16.00 WIB, the results of the meeting led to peace, then both parties went to the Sleman Police to meet the investigator who handled the case, in front of the investigator who acted as a mediator, both parties agreed to make peace, then made a peace agreement letter and the perpetrator provided compensation and medical expenses and apologized to the victim and the victim's family, this became a form of agreement and fulfillment of the victim's rights, then the investigator reported the results of the mediation to the investigator's superior, then the Sleman Police issued a Letter of Termination of Investigation Number: SP.Tap / Stop Sidik / 55a / / II / RES.1.6. / 2024 / Satreskrim, dated June 17, 2024

3) SAS's case

a) Police Report: LP/B/32/I/2024/SPKT/POLRESTA SLEMAN/POLDA YOGYAKARTA, Victim SAS, witnesses A, H, Perpetrator NS et al.

b) Chronology

The victim was riding his motorcycle to buy phone credit when he was suddenly stopped by the perpetrator, who immediately grabbed the motorcycle key and said, "Why are you still in contact with Alifa?" while grabbing the victim's neck. Another perpetrator then physically assaulted the victim by hitting him with a piece of wood on the head and body. As a result, the victim suffered injuries to the head, neck, and right temple. Following the incident, the victim reported the matter to the Sleman Police Station

c) Penal mediation based on restorative justice

Both parties met at the village head's house in Beringin on Friday, February 2, 2024, at around 4 p.m., and engaged in a dialogue facilitated by the village head of Beringin Sumberhadi, Mlati, Sleman. From this meeting, both parties agreed to reconcile. On February 6, both parties went to the Sleman Police Headquarters to meet with investigators and convey their intentions and goals for reconciliation. The Sleman Police investigators handling the case acted as mediators in the mediation and successfully reached an agreement whereby the parties forgave each other, the perpetrator paid compensation, and the perpetrator promised not to repeat his actions. The mediation was then recorded in a report, and the investigators prepared an investigation report to be submitted to their superiors, a Letter of Termination of Investigation for Letter of Termination of Investigation number Letter of Termination of Investigation number Number: SP. Tap/58a/II/RES.1.6./2024/Satreskrim, dated February 6, 2024, issued by the Sleman City Police.

Results of direct interviews with victims of criminal acts under Article 170 of the Criminal Code. The average result was that victims experienced emotional distress as a result of the assault. The factor that led the victims to settle was internal factors within their own families. Emotionally, the victims did not want to reconcile, but their parents or family advised them to do so. This is because if the case were to continue, it would certainly interfere with the victims' activities or work. For victims, restorative justice offers more comprehensive recovery than simply punishing the perpetrator. By participating in this process, victims feel valued and heard, which can aid in physical and psychological healing. The success of this process depends on the willingness of the parties to cooperate and commit to resolving the issue peacefully. In cases of assault, where injuries and trauma are often difficult to heal with punishment alone, this approach gives victims the opportunity to obtain a more personal and adequate sense of justice.

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The implementation of restorative justice in assault cases also requires support from the legal system and society. Authorities must provide a legal framework that allows for the use of this approach, clarifying the criteria and procedures that must be followed. In addition, society must be prepared to support the reintegration of perpetrators into the community, which requires a paradigm shift in how perpetrators of crime are viewed. With the right approach, restorative justice can help the public be more harmonious and focus on recovery rather than retribution. The urgency of applying restorative justice in assault cases lies in its ability to restore the victim's losses in a more holistic and profound manner. Assault not only affects the victim physically, but also psychologically and socially. With a restorative approach, victims are given the opportunity to be heard and to express their emotions. In addition, restorative justice provides space for victims to obtain compensation, either in the form of an apology from the perpetrator or other forms of compensation that can help them.

Criminal acts under Article 170 of the Criminal Code handled by the Sleman Police Headquarters were certainly not all successfully resolved through restorative justice. There were also several cases that were not successfully resolved through restorative justice, including:

Cases that were unsuccessful in restorative justice at the Sleman Police Headquarters:

1. Case model A/victim D et al.

a) Police Report: LP/A/01/III/2025/SPKT/UNIT RESKRIM/POLSEK DEPOK BARAT/POLRESTA SLEMAN/POLDA D.I YOGYAKARTA. Date: March 6, 2025. Victims: MDH, M A P, AJ; Witnesses: S, W, D, A; Perpetrators: MABW et al.

b) Chronology

It began when the victims, D and M, who had known each other for some time, had a disagreement triggered by D's ex-girlfriend (W), who asked for help retrieving her belongings from D's boarding house. On March 5, 2025, at around 2:30 a.m., they met in front of BRI on Jalan Seturan Raya, Condong Catur, Catur Tunggal, Depok, Sleman. The perpetrators were attacked by the victims, then the perpetrators' friends, M, arrived and immediately attacked the victims by beating them with their bare hands. As a result of the perpetrators' actions, D suffered injuries to his face, a scrape on his left cheek, and a wound on his knee accompanied by active bleeding. A suffered a scrape on his left cheek and the base of his nose. With broken left nostrils, both victims sought treatment at JIH Hospital in Yogyakarta, after which the perpetrators and witnesses were taken to the West Depok Police Station.

c) Criminal mediation based on restorative justice

Both parties were brought to the West Depok Police Station and brought together by the West Depok Police investigators, attended by the perpetrators, victims, witnesses, victims' families, perpetrators' families, Nias traditional leaders, and the victims' legal advisors. The mediation, facilitated by the West Depok Police Station and the West Depok Police Station investigator acting as mediator, gave both parties the option of either settling the case amicably or reporting the incident to the authorities. Ultimately, the mediation proceeded smoothly, and an agreement to settle amicably was reached with a letter of agreement dated March 5, 2025. The fulfillment of the agreement involved compensating the victim's medical expenses amounting to Rp. 5,000,000.00 (five million rupiah). The victim then submitted a letter of refusal and declined to file a police report; however, the case proceeded with the issuance of a police report (Model A).

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a. A social media post on Facebook by ICJ (info cegatan jogja) on March 5, 2025, about a disturbance at the scene at 2:30 a.m. (the post has now been deleted), The issuance of a police report: LP/A/01/III/2025/SPKT/POLSEK DEPOK BARAT/POLRESTA SLEMAN/POLDA D.I YOGYAKARTA, dated March 6, 2025.

b. Decree of suspects No. 07.A/07.B/07.C/07.D, (No.: S.Tap/07.A/III/RES.1.6/2025/Sek.DPB, dated March 6, 2025),

c. Diversion agreement letter between the juvenile perpetrator named JST and the victim dated March 25, 2025,

d. Diversion report and investigator's report on the determination of diversion in juvenile case Number: B/87/III/Res.1.6./Sek.DPB, dated March 25, 2025, Diversion determination letter Number: 4/Pen.Div/2025/PN Smn, issued by the Sleman District Court on March 27, 2025.

The criminal mediation process has been running smoothly and meets the material requirements of restorative justice at the police level. However, the Sleman Police Chief, as the superior of the investigators, has discretionary authority under police regulations to grant permission to the superior investigators at the district police level, namely the Sleman Police Chief, to decide whether to terminate the investigation or continue the case. The uncertainty and lack of transparency surrounding this decision raises questions for both the perpetrator and the victim as to why restorative justice was not successful at the police level. In fact, Police Regulation No. 8 of 2021 concerns the handling of criminal acts based on restorative justice. This regulation establishing guidelines for the police in handling criminal acts with a restorative justice approach that involves victims, perpetrators, and the community in the resolution process is contrary to the criminal procedure code. Article 109 of the Criminal Procedure Code only allows the termination of investigations on technical legal grounds, but Indonesian National Police Regulation No. 8 of 2021 allows the termination of investigations on the basis of out-of-court settlements if the police decide that the investigation does not cause public unrest, lead to social conflict, or has the potential to divide the nation. This is not an objective condition, meaning that the police

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have broad discretion to decide which cases can be brought to alternative courts, raising further concerns about the accountability and integrity of the process.

In the context of restorative justice, this authority is interpreted as the basis for investigators to seek resolution of cases outside the formal criminal justice system, provided that such actions do not conflict with legal regulations, are in line with legal obligations, are appropriate, reasonable, within the scope of their authority, based on reasonable considerations, and respect human rights. In line with John Rawls' theory of justice, a just society is one that prioritizes improving the relative position of disadvantaged groups in the distribution of key social resources. The maximin principle (a key component of John Rawls' theory of justice), which requires maximum achievement in minimum conditions, enables societies to ensure stable and efficient arrangements. The maximin principle focuses on ensuring the best conditions for those in the worst position. This means that in choosing fair rules, people will choose those that ensure that the most disadvantaged in society get the best results they can get. In essence, this principle seeks to maximize the best circumstances in the worst conditions, namely ensuring that the weakest receive the fairest treatment.

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VI. CONCLUSION

1. The implementation of penal mediation based on restorative justice in the Sleman City Police Resort, where investigators act as mediators, has been carried out in accordance with Police Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice. This mechanism provides an alternative resolution to criminal cases under Article 170 of the Criminal Code outside of court. The implementation of penal mediation at the Sleman City Police Resort is also effective in line with Indonesian National Police Chief Regulation No. 6 of 2019 concerning Criminal Investigations. Investigators, acting actively, neutrally, and maintaining confidentiality, serve as mediators in facilitating meetings between the parties, victims, victims' families, perpetrators, perpetrators' families, community leaders, and related parties to reach a peace agreement in the settlement of criminal cases under Article 170 of the Criminal Code. This process successfully halted the initial investigation stage with the voluntary agreement of both parties and the achievement of a peace agreement accompanied by a statement of peace agreement, compensation or restitution, and an apology. This is an example of law enforcement that does not focus solely on punishment but also supports the restoration of social relations in the community.
2. The implementation of penal mediation in the settlement of criminal acts under Article 170 of the Criminal Code at the Sleman City Police Station provides victims with the opportunity to obtain real justice in a more personal way by receiving appropriate compensation or damages, both material and emotional. an apology from the perpetrator, and is in line with the principles of restorative justice, which prioritizes the interests of victims and focuses on their holistic recovery rather than resolution through the criminal justice system. Success depends on the willingness of both parties to compromise and engage in dialogue to discuss the case at hand, as well as the support of their respective families and community leaders in reaching a peaceful agreement on the case. The perpetrator commits to moral and social responsibility and not repeating the offense, while also opening up opportunities for the perpetrator's reintegration into society.

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