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OPTIMIZING LAW ENFORCEMENT THROUGH A RESTORATIVE JUSTICE APPROACH FOR POST-PANDEMIC COMMUNITY RECOVERY IN BOJONEGORO REGENCY, INDONESIA

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ABSTRACT

The economic instability following the Covid-19 pandemic has led to a potential increase in criminal activity within society. Addressing this challenge requires innovative approaches to law enforcement. This paper examines the application of restorative justice principles in restoring the economy of the community in Bojonegoro Regency post-pandemic. Utilizing normative-empirical research methods, this study assesses the progressive impact of restorative justice in this context. The findings indicate that restorative justice in Bojonegoro Regency has successfully shifted away from a punitive justice paradigm, leading to positive economic outcomes for the community. However, the lack of supervision remains a critical issue that needs to be addressed to enhance the implementation and further improve the economic recovery process. This case serves as a valuable example for the effective implementation of restorative justice within the Indonesian context.

Keywords: restorative justice; economic recovery; law enforcement, Bojonegoro regency.

INTRODUCTION

The common assumption that crimes must be the domain of the court followed by punishment (judicial punishment) against the perpetrator is contentious. Nowadays, there are a proposal for much better and more effective responses by the utilization of the restorative justice approach in handling criminal cases¹. It cannot be ruled out that many

¹ Gerry Johnstone, *Restorative Justice Ideas, Values, Debates* (London: Routledge, 2013).

crimes arise due to social phenomena, particularly in the lower middle class are closely related to poverty, lack of education, and low welfare.²

Restorative justice is an approach to the criminal law system that appears as an alternative to what is known as conventional justice. This is a response to the lack of a holistic and humane view, which is felt by parties involved in crimes, in the absence of a more inclusive strategy that can meet the needs of victims and consequently minimize the psychological damage of perpetrators³. Restorative justice is a common and familiar term in society, although there are different perceptions about what restorative justice means and how the concept must be applied⁴. The concept of restorative justice or recovery justice is referred to as a new approach model in efforts to resolve criminal cases⁵. Criminal justice accommodates punishment's purpose from retributive to restorative, namely from retaliation to recovery or compensation. This basic idea serves as the stimulus in the a quo regulation on law enforcement through restorative measures of justice⁶. Law enforcement through restorative justice is generally carried out by two agencies, namely the Indonesian National Police and the Attorney General's Office, starting from the lowest to up level. The implementation of the restorative justice concept in the Indonesian criminal law system is very suitable for use with the Victim approach offender mediation⁷. Moreover, this restorative justice approach prioritizes repair and return of losses caused by criminal acts⁸

Law enforcement through restorative justice has experienced significant developments, especially in Bojonegoro Regency, East Java, Indonesia. Not only is it

² Sri Endah Wahyuningsih et al., "Implementation of Restorative Justice on Elderly Actors in Criminal Law Enforcement Based on Justice Value in Indonesia," *International Journal of Social Science and Human Research* 6, no. 2 (2023): 1084–91, <https://doi.org/https://doi.org/10.47191/ijsshr/v6-i2-41>.

³ Ana M Nascimento, Joana Andrade, and Andreia de Castro Rodrigues, "The Psychological Impact of Restorative Justice Practices on Victims of Crimes—a Systematic Review," *Trauma, Violence, & Abuse* 24, no. 3 (2023): 1929–47, <https://doi.org/https://doi.org/10.1177/15248380221082085>.

⁴ Daniel W Van Ness and Karen Heetderks Strong, *Restoring Justice: An Introduction to Restorative Justice* (New York: Routledge, 2014).

⁵ Edi Ribut Harwanto, *Keadilan Restoratif Justice: Implementasi Politik Hukum Pidana Bernilai Filsafat Pancasila* (Lampung: Laduny Alifatama, 2021).

⁶ Hariman Satria, "Restorative Justice: Paradigma Baru Peradilan Pidana," *Jurnal Media Hukum* 25, no. 1 (2018): 111–23, <https://doi.org/https://doi.org/10.18196/jmh.2018.0107.111-123>.

⁷ Mochamad Bilal Sindhu Reksa and Mitro Subroto, "Penerapan Restorative Justice Dalam Sistem Pemidanaan Di Indonesia," *Jurnal Komunikasi Hukum* 9, no. 1 (2023): 1152–57, <https://garuda.kemdikbud.go.id/documents/detail/3362705>.

⁸ Helena Hestaria, Sugi Hartono, and Jodi Setianto, "Tinjauan Yuridis Penerapan Prinsip Restorative Justice Terhadap Tindak Pidana Korupsi Dalam Rangka Penyelamatan Keuangan Negara," *Jurnal Komunikasi Yustisia Universitas Pendidikan Ganesha Program Studi Ilmu Hukum* 5, no. 3 (2022): 112–28, <https://doi.org/https://doi.org/10.23887/jatayu.v5i3.51892>.

carried out by the Bojonegoro Resort Police and the Bojonegoro District Attorney, but the approach is also widely developed with the establishment of Restorative Justice Houses in several villages. Bojonegoro Regency has made a new breakthrough in an effort to realize the settlement of community cases. The district government has collaborated with several parties, i.e. the High Court by establishing a Restorative Justice House in Kauman Village, Pacul Village, Jipo Kepohbaru Village, Dolokgede Tambakrejo Village, and Pilanggede Balen Village.⁹ The efforts to improve law enforcement in the Bojonegoro region are driven by the increasing crime rates that occurred before the start of 2023. The crime rate in Bojonegoro Regency in 2022 has increased by 17,91%, with 599 cases recorded. An increase also followed the increase in the number of crimes in cases of minor crimes, namely there were 452 cases or an increase of 54,96%.¹⁰

Restorative justice can occur in various legal forms and contexts, generally involving jointly identifying and addressing losses, needs, and obligations (stakeholders of a criminal act or civil dispute) to heal and put things in the best possible way¹¹. There were several researches conducted, such as by Denovita entitled "The Effectiveness of Penal Mediation in the Investigation Process of Violent Cases from a Restorative Justice Perspective (Studies in the Bojonegoro Resort Police),"¹² Sitanggang et al., entitled "Juridical Analysis of the Implementation of Restorative Justice in Case of Narcotics Abuse in the Directorate of Drugs, Riau Islands Police"¹³, Tampubolon et al. examined renewal of the implementation of restorative justice, entitled "Termination of Prosecution

⁹ Afifah, "Kolaborasi Pemkab-Kejari, Bikin Rumah RJ Untuk Perdamaian Masalah Hukum," Pemkad Bojonegoro.go.id, 2022, <https://bojonegorokab.go.id/berita/6436/kolaborasi-pemkab-kejari-bikin-rumah-rj-untuk-perdamaian-masalah-hukum>.

¹⁰ Imam Nurcahyo, "Sepanjang 2022 Angka Kejahatan Di Bojonegoro Naik Tajam," *Kumparan.Com*, 2022, <https://kumparan.com/beritabojonegoro/sepajang-2022-angka-kejahatan-di-bojonegoro-naik-tajam-1zXo5BYSYbH/4>.

¹¹ Trevor Reed, "Restorative Justice for Indigenous Culture," *U.C.L.A. Law Review* 70, no. 2 (2023): 518–94, <https://doi.org/https://doi.org/10.2139/ssrn.4398314>.

¹² Ameilia Herpina Denovita and Hervina Puspitosari, "Efektivitas Mediasi Penal Pada Proses Penyidikan Kasus Kekerasan Perspektif Restorative Justice (Studi Di Kepolisian Resor Bojonegoro)," *Yustisia Tirtayasa* 2, no. 2 (2022): 89–105, <https://doi.org/http://dx.doi.org/10.51825/yta.v2i2.14352>.

¹³ Darsono Sitanggang, Dahlan, and Lagat Parroha Patar Siadari, "Juridical Analysis of The Application of Restorative Justice in Case of Narcotics Abuse in The Directorate of Drugs, Polda Kepri," *International Journal of Educational Review, Law And Social Sciences (IJERLAS)* 3, no. 1 (2023): 1–10, <http://radjapublika.com/index.php/IJERLAS/article/view/479>.

of Crimes Based on a Restorative Justice Approach¹⁴. These researches are only revealed the position of restorative justice as a new alternative in the settlement of criminal acts and the implementation of a restorative justice approach in the Police and Prosecutor's Office in cases of minor crimes.

The update in this research can be seen in its development to address the high crime rate in Bojonegoro, which requires extra efforts for law enforcement. It reaffirms the position of restorative justice as a suitable approach in resolving criminal cases, highlighting the interconnectedness between criminal resolution through restorative justice and community economic recovery. It also outlines the innovation in law enforcement through the restorative justice approach in Bojonegoro, exemplified by the Restorative Justice House. This becomes even more relevant in the context of post-pandemic community life. As a result, joint efforts and further research are required to overcome the problems that appear regarding optimizing law enforcement through a restorative justice approach to post-pandemic community economic recovery in Bojonegoro Regency.

RESEARCH METHOD

This article uses normative – empiris legal research methods. This method is used to find legal rules, principles, and doctrines to answer the legal issues faced and its implementation in the field¹⁵. This study describes the correlation between the settlement of criminal acts through restorative justice and the community's economy recovery, as well as to describe innovations in law enforcement through a restorative justice approach in Bojonegoro.

¹⁴ Soritua Agung Tampubolon et al., “Penghentian Penuntutan Tindak Pidana Penganiayaan Berdasarkan Pendekatan Keadilan Restoratif,” *Locus Journal of Academic Literature Review* 2, no. 3 (2023): 193–202, <https://jurnal.locusmedia.id/index.php/jalr/article/view/137>.

¹⁵ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta : Kencana Prenada Media Group , 2010).

RESEARCH OUTCOME AND DISCUSSION

1. Restorative Justice as an Alternative Law Enforcement Mechanism for Misdemeanors

Restorative Justice concept emerges as a result of the saturation of the people who see that formal law is only dominated by positivism schools of thought, so that it cannot optimally place a sense of justice in the midst of society. In addition, it is considered that the conventional and retributive justice system can no longer provide protection for human rights and transparency of public interests that is increasingly being felt. The existence of a restorative justice process as an alternative to solving criminal cases is largely determined by the awareness and knowledge of the public and the Indonesian National Police as law enforcement officers. Regarding that situation, the state has the right to impose sanctions on its citizens who violate the rules, so that the process of resolving criminal cases only prioritizes the implementation of rules that prove the perpetrator's guilt and provides punishment will not be able to accept the concept of restorative justice¹⁶.

The values and concepts of restorative justice have been formally recognized in Indonesia, for example as contained in Law Number 11 of 2012 concerning the Juvenile Justice System, Law Number 35 of 2014 concerning Child Protection, and Law Number 13 of 2006 concerning Protection of Witnesses and Victims. In addition, restorative justice is also recognized in various government policies, such as Minister of Law and Human Rights Regulation Number 15 of 2017 concerning Guidelines for the Implementation of Restorative Justice in Settlement of Civil and State Administrative Disputes within the Ministry of Law and Human Rights, and Chief of Police Regulation Number 7 of 2019 concerning Restorative Justice Services in the Indonesian National Police¹⁷ Indonesian Police also has the authority to deal with criminal acts based on a restorative justice approach, especially after the issuance of Police Regulation Number 8/2021 that there has been a comprehensive arrangement on this matter.

¹⁶ Toni Harmanto, Bagus Oktafian Abriato, and Xavier Nugraha, "Penal Mediation By Police Institution In Handling Hate Speech Through Electronic Media: A Legal Efforts To Resolve With A Restorative Justice Approach," *International Journal Of Artificial Intelligence Research* 6, no. 1 (2022): 2579–7298, <https://doi.org/10.29099/ijair.v6i1.388>.

¹⁷ Abdul Halim, "The Application of Restorative Justice in Civil Dispute Resolution: Potentials and Challenges in Indonesia," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 1 (2023): 883–90, <https://doi.org/https://doi.org/10.37680/almanhaj.v5i1.2729>.

11 Juridically, the implementation of restorative justice in the world of law enforcement in Indonesia is carried out on the basis of: 1) Republic of Indonesia **Prosecutor's Office Regulation Number 15 of 2020 concerning Termination of Prosecution based on restorative justice**, in the Police. 2) Decree of the Director **General** of the General **Judiciary Agency 1691/DJU/SK/Ps.00/12/2020 concerning Guidelines for Restorative Implementation Justice in the Public Judicial Environment**, in Court. 3) Republic of **Indonesia National Police Regulation Number 8 of 2021 concerning Handling of Crimes Based on Restorative Justice**, at the **Attorney General's Office**.

14 Restorative justice aims to repair losses caused by criminal acts by addressing the needs of victims and society. Meanwhile, the implementation of restorative justice needs to increase literacy through information dissemination, training, forming forums, making agreements, and monitoring its implementation¹⁸ Restorative justice is a law enforcement process that must involve all parties as a strategy that meets the needs of victims, recognizes danger and violence, reintegrates parties and motivates, as well as encourages perpetrators to take responsibility¹⁹. Restorative justice can be a differentiator in law enforcement in Indonesia, so that if a crime is committed by a suspect for the first time and is not a recidivist whose sentence is not more than five years, the loss is no more than 2.500.000 (two million five hundred thousand rupiahs). Reconciliation has occurred between the suspect and the victim. Then, restorative justice can also be implemented as an alternative settlement out of court to restore the original state and return intact so that there is no grudge from the litigants²⁰

18 Restorative justice means the restoration of justice. Justice has two meanings from a conceptual and procedural point of view. Conceptually, it means **the restoration of justice that does not focus on punishment, while in terms of process, it is the settlement of cases involving perpetrators and victims**. Restorative justice is a new paradigm in modern criminal law in the world, where classical criminal law is only retributive oriented. This

¹⁸ Halim.

¹⁹ Galuh Nawang Kencana, Triono Eddy, and Ida Nadirah, "Penerapan Restorative Justice Dalam Penyelesaian Perkara Tindak Pidana Pencurian Ringan (Studi Kejaksaan Negeri Binjai)," *Syntax Literate : Jurnal Ilmiah Indonesia* 8, no. 2 (2023): 841, <https://openurl.ebsco.com/EPDB%3Aged%3A14%3A20543950/detailv2?sid=ebsco%3Aplink%3Ascholar&id=ebsco%3Aged%3A162571732&cr1=c>.

²⁰ Persatuan Jaksa Indonesia, "Kajati Resmikan Rumah Restorative Justice Se-Jatim Termasuk Griyo Perdamaian Adhyaksa," pji.kejaksaan.go.id, 2022, <https://pji.kejaksaan.go.id/index.php/home/berita/2221>.

restorative justice is the newest concept in modern criminal law enforcement besides the corrective and rehabilitative justice²¹.

However, implementing restorative justice in society is challenging as the legal culture of the community itself is a very important factor to be concerned about. In the context of implementing restorative justice, the role of community legal culture is a key factor. Legal culture reflects the norms, values and beliefs associated with the legal system in a society. Strengthening the legal culture of society is important in building understanding, participation, and support for the concept of restorative justice²² Indonesian society has a very diverse legal culture, which is influenced by historical factors, religion, traditions, social values, and the existing customary law system. The legal culture of Indonesian society includes views, attitudes, norms, and practices related to law and justice.

One aspect of the legal culture of society in Indonesia is the focus on punishment and it is used as a reflection of justice. This concept involves the perspective that justice can only be realized through the implementation of strict punishment to the perpetrators of crimes. In addition, security and order are considered very important in the legal culture of Indonesian society²³ In fact, the concept of restorative justice is a form of customary law that has existed for a long time in Indonesian society. So that the adoption of the concept of restorative justice in the renewal of criminal law is important to fulfill a sense of justice that is in line with the concept of customary law, namely by restoring damaged conditions in order to realize an agreement after a crime has occurred and minimize its impact²⁴

²¹ Eddy O.S Hiariej, "Pengertian Restorative Justice Sacara Konsep Dan Secara Proses" (KompasTV, 2022), <https://www.youtube.com/watch?v=-mv7t-ng24k>.

²² Adwi Mulyana Hadi, Anik Iftitah, and Syahrul Alamsyah, "Restorative Justice Through Strengthening Community Legal Culture in Indonesia: Challenges and Opportunity," *Mulawarman Law Review* 8, no. 1 (2023): 32–44, <https://doi.org/https://doi.org/10.30872/MULREV.V8I1.1140>.

²³ Henny Saida Flora, "Pendekatan Restorative Justice Dalam Penyelesaian Perkara Pidana Dalam Sistem Peradilan Pidana Di Indonesia," *Jurnal Law Pro Justitia* 2, no. 2 (2017): 41–60, <https://ejournal-medan.uph.edu/lpj/article/view/247>.

²⁴ Septa Chandra, "Politik Hukum Pengadopsian Restorative Justice Dalam Pembaharuan Hukum Pidana," *Fiat Justitia: Jurnal Ilmu Hukum* 8, no. 2 (2015): 255–77, <https://doi.org/https://doi.org/10.25041/fiatjustisia.v8no2.301>.

2. Restorative Justice at the Bojonegoro District and the Restorative Justice House

The restorative justice at the State Attorney's Office of the Republic of Indonesia is based on the Attorney General's Regulation of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution based on restorative justice. As outlined in the regulation, the concept of justice has five principles, namely the principles of justice, public interest, proportionality, punishment as a last resort, and simple, fast, low cost. The Bojonegoro State Attorney's Office in this case also resolves criminal cases using the concept of restorative justice, namely the settlement of criminal cases involving perpetrators, victims, families of perpetrators/victims, and other related parties, then jointly seeks a fair settlement by emphasizing restoration to the original state and not to seek retaliation²⁵.

Currently, enforcement through restorative justice in Bojonegoro Regency has been carried out at the Bojonegoro Police, District Attorney, Restorative Justice House in Jipo, Dolokgede, and Pilanggede villages. Whereas, in the District Court, it has not yet been implemented, as well as in RRJ Kauman Village (directly directed to the Attorney's Office), RRJ Pacul Village (has not yet implemented regarding the undisbursed funding budget). The requirements for submitting a case that can be resolved through restorative justice at the Bojonegoro Attorney's Office are in accordance with the provisions listed in Articles 4, 5 and 6 of Attorney General's Regulation Number 15 of 2020, including: 1) The suspect has committed a crime for the first time, 2) The crime is only threatened with fined or threatened with imprisonment of not more than 5 years, 3) Crime of not more than Rp. 2.500.000. 4) There is reconciliation between the victim and the suspect (according to Article 4 (2) point g).

Halim, as the Head of the General Crimes Section of the Bojonegoro Prosecutor's Office, revealed that the mechanism for submitting law enforcement is restorative justice at the Bojonegoro District Attorney's Office, which starts after the investigator (from the police) submits the case file (P21) to the prosecutor's office (stage two), then the public prosecutor (JPU) analyzes it. If the case can be resolved in a restorative manner justice (have fulfilled the requirements of article 5), then the public prosecutor will summon the

²⁵ (Halim, 2023)

parties for the mediation process and continue the next process (Article 8). Meanwhile, the procedures for resolving Restorative Justice crimes at the Bojonegoro District Attorney's Office can be described in the following steps²⁶. The case file enters in stage 2 (from the investigator);

- a. The public prosecutor analyzes whether the case can be resolved in restorative justice, usually cases 351 and 362, 363 of the Criminal Code;
- b. The public prosecutor will summon the parties to mediate peace (can be rejected and accepted by the victim) if they agree to make peace then next;
- c. The public prosecutor, assisted by village officials, make a video profile of the suspect's family (went directly to the suspect's residence);
- d. The State Prosecutor will forward the administrative files to the high prosecutor's office;
- e. The Attorney General's Office will forward the files to the Attorney General's Office (the case will be heard by the Junior Attorney General) according to the file;
- f. The exposure was carried out virtually which was attended by JAM (Junior Attorney General)-Pindum of the Indonesian Attorney General's Office which the prosecutor's office attended, section on criminal law in each region who submitted a restorative justice which will later be examined one by one according to the video and file administration that has been sent;
- g. Deputy Attorney General for General Crimes at the Indonesian Attorney General's Office will present the results of the Termination of Prosecution based on restorative justice;
- h. If the results are approved (termination of prosecution based on restorative justice), the head of the district attorney's office as the public prosecutor issues a Decision Letter on Termination of Prosecution (SKP2) within a maximum of two days after the approval is received.

The Bojonegoro District Attorney's Office, starting from the beginning of implementing restorative justice, has completed seventeen RJ cases which were divided

²⁶ (Halim, 2023)

in 2020 totaling one case, in 2021 there were two cases, in 2022 it increased by ten cases, and in 2023 until August, there were four cases, which has been resolved based on restorative justice at the Bojonegoro District Attorney. Settlement of cases with the justice-recovery approach taken at the Bojonegoro Prosecutor's Office has had an extraordinary impact on the people involved because it functions to protect the interests of victims and law, avoids negative stigma about unfair law enforcement, avoids elements of retaliation, responds to community harmony, as well as maintaining decency and public order in the Bojonegoro Regency area. As well as a faster turnaround time, only in the range of one week to fourteen working days.

Equally, Bojonegoro Regency has made a breakthrough collaborated with several parties, especially the High Court, by establishing a Restorative Justice House. It involves village governments in five places in Bojonegoro City, namely Kauman Village and Pacul Village, then, Jipo Village in Kepohbaru District, Dolokgede Village in Tambakrejo District and Pilanggede Village in Balen District²⁷ Restorative Justice House issued this justice in accordance with the instructions of the Secretary of the Deputy Attorney General for General Crimes Number: B-783/E.1/Es.2/03/2022 dated March 14, 2022 concerning Restorative Justice Houses.²⁸

According to the Head of the Bojonegoro District Prosecutor's Office "Badrut Tamam", the most important goal of establishing a Restorative Justice House is how society can redevelop legal issues through a restorative justice approach. An approach that uses conscience to create peace and tranquility by prioritizing the role of the village head/*lurah*, religious figures, and traditional figures in the local area. Thus, the atmosphere of life, especially in rural areas, will be peaceful even though there are legal problems. Applying the concept of restorative justice by inviting the village government as a partner is the right choice because the village is considering knowing more about the community's social situation. Restorative Justice is an approach to settling parties with an interest in certain violations and meet to resolve issues with conscience first. This concept is the implementation of the second and fourth principles of Pancasila²⁹.

²⁷ Afifah, "Kolaborasi Pemkab-Kejari, Bikin Rumah RJ Untuk Perdamaian Masalah Hukum."

²⁸ (Halim, 2023)

²⁹ Afifah, "Pemdes Jadi Garda Terdepan Implementasi Restorative Justice Yang Humanis," Pemkab Bojonegoro.go.id, 2022, <https://bojonegorokab.go.id/berita/6674/pemdes-jadi-garda-terdepan-implementasi-restorative-justice-yang-humanis>.

This Restorative Justice House Concept was initiated by the Bojonegoro Regency Government, then translated by the Village Community Empowerment Office in collaboration with the Village Government and the Bojonegoro District Attorney. Restorative Justice House in Bojonegoro aims to uphold humane law as a form of sense of crisis of social problems in society. This restorative justice approach links with sub-districts, village heads, and village officials who feel directly that justice exists for the lowest strata of society and that peace, as well as the best solution that can be sought. The village head acts as a parent in their respective areas, so the village head must be someone who understands the social situation of his environment.

The implementation of the value of restorative justice in Restorative Justice Houses adheres to the family principle and prioritizes a balanced solution for both parties who are stumbling on minor criminal cases. Using restorative justice here, law enforcement is intended to prevent prolonged conflicts among local communities. Bojonegoro Regency, as a pioneer in implementing restorative justice, which Restorative Justice House has carried out can be described as follows:

a) Jipo Village Restorative Houses, Kepohbaru, Bojonegoro

Restorative Justice Houses (RRJ) in Jipo Village, Kepohbaru District, Bojonegoro, is inseparable from instructions from the Bojonegoro District Attorney. RRJ Jipo is ready to serve all criminal problems whose solutions fall under the authority of the village area. The Jipo Village community with cases that want to be resolved through a restorative justice mechanism must meet the requirements needed to resolve crimes through a restorative justice approach as stipulated in the provisions of the law. In RRJ Jipo, there are no special requirements, in essence, there must be perpetrators, victims, and mediators although it does not have a complete management structure. However, RRJ Jipo is here to be ready if there are problems between people under the control of the village head.

Restorative Justice in solving crimes in RRJ Jipo Village follows the direction of the prosecutor's office. Restorative Justice has been implemented here, and will start handling one case at the end of 2022. The impact of resolving crimes through restorative justice is very positive for many parties. Besides easing society, achieving peace is faster and easier. Mechanism of restorative justice settlement in Restorative Justice House is bringing together all interested parties and solving it by mutual deliberation to get justice

that can be accepted by both parties. As for the flow/procedure for settling cases through restorative justice in RRJ Jipo Village, namely arranging mediation at the neighborhood association (*RT*) level. If later it is felt that there is no peace then the mediation process will continue, led directly by the local head of people association (*RW*). If there is still no way reconciliation at the *RW* level, then it will proceed to the village where it is located at the village hall.

The parties involved in the settlement of criminal acts through Restorative Justice include the head of the *RT*, *RW*, *Kasun* (village administrative head), *Babinsa* (military office), village officials, and the police. The advantages of Restorative Justice House means that cases that arise can be resolved at the lowest level first, starting from the *RT/RW* to the village. RRJ Jipo once handled land issues that led to violence, which initially involved a dispute between the two parties. The third party reported this to the police, who in the end the police returned the problem to the village head and resolved it at the village hall with a peaceful deliberation system by prioritizing the principle of restorative justice.

b) Pilanggede Balen Village Restorative Justice Houses

Restorative Justice House at Pilanggede Village is located in Pilanggede Village, Balen Bojonegoro District, aims to process and resolve non-litigation criminal cases by prioritizing deliberation. The legal basis for implementing the principles of restorative justice in the RRJ is referring to the provisions of the Criminal Code (*KUHP*) and instructions from the Bojonegoro District Attorney to establish the concept of law enforcement from the bottom up to this Restorative Justice House. RRJ Pilanggede Village is intended for all people involved in legal cases or disputes requiring settlement.

The implementation of the Restorative concept Justice in the settlement of criminal acts in the RRJ Pilanggede Village according to the instructions from the prosecutor's office is already in force. In Pilanggede Village, there has never been a crime-related case during the ratification of the Restorative justice. Even though the impact of resolving criminal acts through Restorative Justice can provide benefits and facilities for the local community. The purpose of establishing a Restorative Justice House is to create a forum for resolving all criminal problems in society and for deliberations to reach consensus to create harmony and peace in society so that people can live together. In its

implementation, the parties involved in the settlement of criminal acts through Restorative Justice is the perpetrator, victim, the head of *RT*, *RW*, village head, apparatus, Village Consultative Body (*BPD*), and community leaders.

c) Dolokgede Village Restorative Justice House (RRJ), Tambakrejo District

Restorative Justice House of Dolokgede Village is one of the five Restorative Justice House set in Bojonegoro Regency. According to Rudik Krisdayanti's presentation, the legal basis for implementing the principle of justice is Articles 310 and 205 of the Criminal Code and Supreme Court Regulation Number 2 of 2012 concerning Adjustment of the Limits for Misdemeanor Crimes and their Amount to the Criminal Code. Meanwhile, the basis for establishing RRJ here is an instruction letter from the Head of the Bojonegoro Regency Community and Village Empowerment Service (DPMD) dated March 30, 2022, Number 005/560/412.211/2022.

The reason of the establishment of Restorative Justice Houses is based on instructions from the Tambakrejo Sub-District Head on March 31, 2022. This instruction is a follow-up to the formation of Restorative Justice House by the Bojonegoro District Attorney in several villages in Bojonegoro Regency. The background for the formation of the Restorative Justice House is that there are several cases of mild types and losses that are also very light, which should have been resolved peacefully by the several parties involved, but were instead sued through legal channels where the impact of taking these legal routes takes time and costs. Therefore, it is necessary to have a house of peace to provide adequate and peaceful protection for the people of Dolokgede Village and society in common.

Regarding the technicality of submitting a case, litigants can submit it directly by reporting it to the village government by bringing administrative requirements in the form of an *E-KTP* or electronic ID and then filling out the case reporting format that has been provided. Requirements needed when filing a lawsuit for settlement of criminal acts through a restorative justice approach at Restorative Justice House is that the person in the case must surrender or show the identity of the person and the story of the series of events. Enforcement through restorative justice in the RRJ House of Dolokgede Village can be reached by everyone from anywhere, from the village or sub-district to seek a settlement through this peace house so that case payments here are not only explicitly

aimed at Dolokgede residents or the scope of the Tambakrejo sub-district. Even so, it can also be reached by the people around Purwosari, Ngambon, and Ngasem.

The process is started with case registration, the mechanism for settling criminal cases through restorative justice at the RRJ House in Dolokgede Village. Subsequently, after the administrative files are completed, village officials will arrange a case settlement schedule and summon *Babinsa*, *Babinkamtibmas* (community police officer), Village Head, and parties involved in litigation so that later mediation can be carried out to resolve the problem. The summons and mediation are typically carried out within one day after the case is registered. After that, when the mediation is successful, the matter in question will not be brought into the realm of law. It's been more than a year Restorative Justice House in Dolokgede Village only resolved problems in two times, namely cases related to decency and theft, which were resolved through restorative justice so that there was peace between the parties, causing criminal acts did not enter the realm of litigation which required a protracted process.

d) Kauman Village Restorative Justice House (RRJ)

Kauman Village Restorative Justice House (RRJ) is located in Kauman Village, Bojonegoro District, one of the villages entrusted with establishing a Restorative Justice House in Bojonegoro Regency. It was established to assist law enforcement by solving small problems to reduce the legal stigma that is sharp downwards and blunt upwards. Restorative Justice House in Kauman Village is intended for all involved in cases or legal disputes requiring settlement. The Kauman Village Government only plays a role as a provider of place facilities in carrying out restorative justice enforcement through Restorative Justice House. However, since its establishment in 2022, Kauman Village Restorative Justice House has never handled cases that were resolved through a Restorative Justice approach.

e) Pacul Village Restorative Justice House (RRJ)

Pacul Village is one of the villages mandated to organize Restorative Justice House besides four other villages. Pacul is a village located in the Bojonegoro sub-district, Bojonegoro Regency, East Java, Indonesia. It has never been operational, after encouragement from the government and the prosecutor's office to build a Restorative

Justice House. Therefore, it can be said that RRJ has never enforced the law through restorative justice measures as in other areas.

f) Bojonegoro Police Station

Case handling data handled by Satreskrim (Police Station) of Bojonegoro, period 2021 to 2023

NO	YEAR	NUMBER OF CASE	DESCRIPTION
1	2020	497	Total Number of cases
2	2021	461	Total Number of cases
3	2022	579	Total Number of cases
4	2023 (Period January- Augustus)	279	Total Number of cases

Source: Satreskrim Polres Bojonegoro

Based on an interview with Andy Saktiyono, namely the general criminal unit of the Bojonegoro police, the Bojonegoro police has resolved 163 cases with the Restorative Justice pathway, the highest in 2022 was 135 cases, consisting of theft, persecution, fraud, embezzlement, and illegal logging. According to Andy, Restorative Justice is a special instrument for law enforcement issued related to post-pandemic community economic recovery. This is because, with Restorative Justice, the perpetrators and victims can return to their original condition without going through litigation in court, and settlement through Restorative Justice is free of charge.

According to Andy, the challenge of law enforcement through Restorative Justice is to change the mindset of the community so that they do not repeat the same mistakes, because most people underestimate that if they commit a criminal offense, it will be resolved by Restorative Justice and do not get a heavy sentenced.

g) The Bojonegoro District Attorney's Office

The legal basis for the application of Restorative Justice principles in the prosecutor's office is the Regulation of the Prosecutor's Office of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution based on Restorative Justice. Based on the results of interviews with Arfan Halim, namely the head of the general crime section of the Bojonegoro district attorney's office said that the Bojonegoro prosecutor's

office has completed Restorative Justice in 17 cases and the highest was in 2022 with 10 cases.

According to Arfan, the flow of settlement of Restorative Justice crimes in the Bojonegoro prosecutor's office is:

1. Phase 2 case files (from investigators)
2. The public prosecutor (analyzing) whether the case can be resolved by restorative justice, usually cases originating from 351 and 362, 363 Criminal Code that can be
3. The public prosecutor will summon the parties to conduct a peace mediation (which can be rejected and accepted by the victim) if they agree to make peace, then next
4. The public prosecutor, assisted by village officials to make a video profile of the suspect's family (visit the suspect's residence directly)
5. The head of the district prosecutor's office will forward the administrative file to the high prosecutor's office.
6. The High Prosecutor's Office will forward the file to the Attorney General's Office (the case will be heard by the Deputy Attorney General) following the file.
7. The expose is conducted virtually and is attended by the young attorney general. The general criminal section of the Attorney General's Office of the Republic of Indonesia which is attended by the prosecutor's office, prosecutor's office, and public prosecutor's office in each region that submits restorative justice which will be seen one by one according to the video and administrative files that have been sent.
8. The Deputy Attorney General for General Crimes of the Indonesian Attorney General's Office will present the results of the termination of prosecution of cases based on restorative justice.
9. The approved result (termination of prosecution based on restorative justice) then the head of the district attorney's branch or the head of the district attorney's office as the public prosecutor issues a Decree of Termination of Prosecution (SKP2) within a maximum of 2 days from the approval received

Arfin Halim also said that the concept of Restorative Justice can help restore the national economy, especially in the Bojonegoro area because it is free of charge. With the issuance of the instruction, the launch of the Restorative Justice House following the Instruction of the Secretary of the Deputy Attorney General for General Crimes Number: B-783/E.1/Es.2/03/2022 dated March 14, 2022, concerning the Restorative Justice House shows the role and attitude of the prosecutor's office in helping restore the national economy.

In addition, there are challenges to law enforcement through Restorative Justice, namely:

1. Human resources need to be added to the Restorative Justice House that has been established so that it can be optimal in serving.
2. Challenges during the process of making a video profile of the perpetrator who will be displayed in the video conference with the Deputy Attorney General in his home environment (if the perpetrator of the crime is out of town / far from the Prosecutor's Office).
3. The most important element is also the existence of peace between the victim and the suspect (following Article 4 (2) point g. If this is not fulfilled, the case cannot be processed and the case file will go to court

Therefore, the steps prepared or taken by the Bojonegoro District Attorney's Office in:

1. Always trying to succeed in the mediation process when there are cases that qualify for Restorative Justice
2. Maximizing the function of the Restorative Justice house
3. Competing with prosecutors under the East Java High Prosecutor's Office for Restorative Justice settlement, because there are special rewards for those with a high number of Restorative Justice settlements. Which last year the Bojonegoro District Attorney's Office was in second place after the Surabaya District Attorney's Office.
4. Currently the East Java High Prosecutor's Office has established 949 Restorative Justice Houses. Among them 630 Restorative Justice Houses in the High School, Vocational, and SLB School Environment in East Java (March 1, 2023, East Java High Prosecutor's Office established a school restorative justice house), 4

Restorative Justice Houses on Campus, and 319 Restorative Justice houses in village and sub-district environments.

3. Restorative Justice for Post-Pandemic Community Economic Recovery in Bojonegoro

The Covid-19 pandemic has hit all countries in the world, not only in terms of public health, but also the economy in general. Governments around the world have taken steps to reduce the impact of this pandemic and promote economic recovery through a series of measures, including focusing budgets and resources³⁰. In overcoming the Covid-19 pandemic, governments in various countries have implemented measures that focus on health and social issues, thereby reducing the focus on other areas that may be less urgent. The legal sector is one of the sectors affected by government policies during this pandemic and economic recovery.

The Covid-19 pandemic has also slowed down the rate of economic growth in Indonesia, which was previously providing a significant increase. As a result, several business sectors in the community experienced a decrease, so the state issued a legal policy to take steps to resolve it. Legal politics as a form of government policy in an effort to restore the national economy is a necessity that must receive great attention³¹. Legal policy formulation will be very helpful in overcoming the impact of the Covid pandemic, especially through strengthening the formal legal sector.

The Covid-19 pandemic has had overall implications for society and government in every country. In order to deal with Covid-19, the Indonesian government has implemented three legal instruments to be the preventive measures to prevent the spread of the Covid-19 outbreak, including: 1) Presidential Decree Number 11 of 2020 concerning Stipulation of a Public Health Emergency for Corona Virus Disease 2019 (Covid -19); 2) Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating the Management of Corona Virus

³⁰ Retno Wiranti, Noor Aisyah Amini, and Deswin Nur, "Dampak Pandemi Covid-19 Dan Pemulihan Ekonomi Terhadap Penegakan Hukum Dan Kebijakan Persaingan Usaha Di ASEAN," *Jurnal Persaingan Usaha* 1, no. 1 (2021): 54–69, <https://doi.org/https://doi.org/10.55869/kppu.v1i1.12>.

³¹ Mustafa Lutfi, Supriyadi, and Aditya Prastian, "Politik Hukum Pemulihan Ekonomi Nasional Akibat Pandemi Covid-19 Perspektif Konstitusi Ekonomi," *De Jure: Jurnal Hukum & Syariah* 13, no. 2 (2021): 203–21, <https://doi.org/https://doi.org/10.18860/j-fsh.v13i2.10384>.

Disease 2019, and; 3) Government Regulation Number 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling a Pandemic³². This regulation is used as an effort to strengthen the legal sector in handling a pandemic.

As of August 2022, the Covid-19 pandemic in Indonesia was slowly under control thereby encouraging improvements in the country's economic conditions, marked by sustainable economic growth of more than 5% until the third quarter of 2022. The strengthening of national economic conditions was also demonstrated by the achievement of a state budget deficit in 2022 which is still at 2,38%, inflation is controlled at 5,51%, and the unemployment rate drops to 5,86%. This achievement shows that there has been intensive effectiveness and coordination of government policies³³.

Bojonegoro Regency itself is inseparable from the dynamics caused by the pandemic. It is noted that the non-oil and gas of Gross Regional Domestic Product of Bojonegoro Regency in 2021 grew at 3,55%. This growth shows that the economy in Bojonegoro apart from the oil and gas sector can run and move well. This increase is in accordance with the release of the Central Statistics Agency (*BPS*) which was published in March 2022. Previously in 2020, Bojonegoro Regency's non-oil and gas GRDP was -1,09% due to the Covid-19 pandemic. So that the achievement of positive growth of 3,55% in 2021 shows that the real sector is able to move post-pandemic until it enters 2023³⁴. Developments and efforts to restore the post-pandemic economy in the Bojonegoro region must be accompanied by community welfare. Economic growth should not only benefit the privileged, leading to inequalities on the other side. Legal instruments are also necessary to control and prevent the occurrence of criminal activities or crimes amidst the local community's economic recovery efforts.

³² **Muhamad Beni Kurniawan**, "Politik Hukum Pemerintah Dalam Penanganan Pandemi Covid-19 Ditinjau Dari Perspektif Hak Asasi Atas Kesehatan." *Jurnal HAM* 12, no. 1 (April 22, 2021): 37–56. <https://doi.org/10.30641/ham.2021.12.37-56>.

³³ Haryo Limanseto, "Siaran Pers No. HM.4.6/26/SET.M.EKON.3/01/2023 : Gelar Rakornas Transisi Penanganan Covid-19 Dan Pemulihan Ekonomi Nasional, Pemerintah Rumuskan Berbagai Kebijakan Transisi Pasca Pandemi," Kementerian Koordinator Bidang Perekonomian Republik Indonesia, 2023, <https://www.ekon.go.id/publikasi/detail/4882/gelar-rakornas-transisi-penanganan-covid-19-dan-pemulihan-ekonomi-nasional-pemerintah-rumuskan-berbagai-kebijakan-transisi-pasca-pandemi>.

³⁴ Pemkad Bojonegoro, "PDRB Bojonegoro Non Migas Tumbuh Positif 3,55%, Investasi Terus Meningkat," Pemkad Bojonegoro.go.id, 2022, <https://bojonegorokab.go.id/berita/6978/pdrb-bojonegoro-non-migas-tumbuh-positif-355-investasi-terus-meningkat#:~:text=%E2%80%9CSementara%20untuk%20pertumbuhan%20ekonomi%20migas,50%25%20dari%20struktur%20PDRB%20Bojonegoro.>

Based on the latest data at the beginning of 2023, the crime rate in Bojonegoro Regency has experienced a significant jump compared to previous years. This is of course a problem when the government is trying to restore people's economic conditions in various ways at the same time. The crime rate in Bojonegoro Regency in 2022 has increased by 17,91%, with 599 cases occurring. The increase in the number of crimes was also followed by an increase in cases of minor crimes, that there were 452 cases or an increase of 54,96%³⁵. The increase in cases of misdemeanor crimes in Bojonegoro Regency must be followed by efforts to improve enforcement or settlement, especially if it can be realized using a restorative justice approach.

The condition of law enforcement using a restorative justice approach in Bojonegoro Regency is generally consistent, with only a slight increase during the Covid-19 pandemic; however, the figure is still below that of areas around Bojonegoro, such as Tuban or Lamongan based on exposure from the Surabaya High Prosecutor's Office. Most of the increase in the number of criminal acts has been resolved either through conventional punishment mechanisms or using restorative justice. As of mid-2023, the Bojonegoro State Prosecutor's Office has been able to resolve seventeen criminal cases that can be found through restorative justice mechanisms³⁶. In addition, the completion through restorative justice at the Bojonegoro Resort Police and Restorative Justice House, which of course has a systemic impact on law enforcement in the Bojonegoro region, especially in overcoming community economic recovery.

Restorative justice is carried out with more emphasis on solving problems between parties in social relations, using the principle of peace, integrated with the process of meeting, discussing, and actively participating in deciding criminal matters. The advantage of a restorative justice approach is that the public is provided the space to handle their legal issues in a manner perceived as fairer. It eliminates the prosecution and trial process, avoids the imposition of prison sentences, prevents the burden of excess inmates on prison capacity (over population), and saves the state's financial budget so that it can be allocated for other purposes.

³⁵ Nurcahyo, "Sepanjang 2022 Angka Kejahatan Di Bojonegoro Naik Tajam."

³⁶ (Halim, 2023)

Restorative justice in Bojonegoro, carried out by the District Attorney's Office and RRJ in general, has succeeded in breaking the old paradigm in society about the dark side of implementing punishment-oriented justice. This concept implementation can also make it easier for the parties to maintain and improve their economy both individually and in groups because after the settlement of a case, the perpetrators of crimes will be returned to their homes, to always be directly guarded and supervised by the community so that the perpetrators do not repeat their actions and they can return to its original state before the incident. The fundamental benefit of law enforcement using restorative justice is that enforcement does not need to be brought to the courtroom, leading to restorative justice.

The restorative justice carried out by the Bojonegoro State Prosecutor's Office, help restore the national economy, especially in the Bojonegoro area because where there is no charge at all and speed of completion in resolving cases.³⁷ So that parties seeking justice do not have to spend a lot of costs and can shift their focus to their own needs and those of their families. With so many post-pandemic cases that have been successfully resolved through restorative justice, it has accelerated an area to recover from the pandemic because its people have received justice efficiently and effectively.

Even though it has been running for more than three years, law enforcement through restorative justice in Bojonegoro still has challenges, namely: 1) Human resources that need to be added and improved even more with the existence of Restorative Justice House, which has been established in five villages, its presence must be more optimal in serving people who need the justice; 2) Obstacles in the process of making a video profile of the perpetrator which will be displayed in an online exposure (video conference) with the Junior General Attorney in his home environment (especially if the perpetrator of the crime is out of town or far from the Attorney General's Office); and 3) The difficulty of reconciliation between the victim and the suspect (according to Article 4 (2) point g), if this is not fulfilled, then the case cannot be resolved and the case file will go to court.

Another challenge that still surrounds the strengthening of law enforcement through restorative justice is experienced by Restorative Justice House in five villages; that is, there are often families of perpetrators or victims who do not desire reconciliation,

³⁷ (Halim, 2023)

necessitating the continuation of the case through a judicial mechanism. Additionally, public needs to be more regarding restorative justice and its inherent positive values is lacking. Moreover, out of five established Restorative Justice House, only three have successfully implemented this concept: RRJ in Pilanggede Village, RRJ in Jipo Village, and RRJ in Dolokgede Village. In fact, two RRJs have already been able to resolve their community's criminal cases using this restorative justice, namely RRJ Jipo Village and RRJ Dolokgede Village. Meanwhile, the RRJ for Kauman Village has yet to start because it is more often handed back to the Attorney General's Office and the RRJ for Pacul Village has also yet to start because it is still waiting for the budget. The implementation problems that occur in some of the RRJs must be addressed to realize stakeholders' aspirations and big expectations for humane law enforcement in the Bojonegoro region. The problems faced by five Restorative Justice Houses in Bojonegoro, as described above, require the district government's and state prosecutors' assistance. Bearing in mind that establishing the RRJ is a good mandate, it is necessary to further improve the monitoring mechanism and regulation of its derivatives.

Optimizing the role of restorative justice within the Bojonegoro State Prosecutor's Office, institutionally, the Bojonegoro Prosecutor's Office always strives to maximize the mediation process so that it is successful when there are cases that meet the requirements to be resolved. The Bojonegoro District Attorney's Office also continues to encourage and maximize the function of the Restorative Justice House in various villages, does not rule out the possibility of multiplying in other villages. Institutionally, they also actively compete with the prosecutors who are under the East Java High Court for the settlement of restorative justice, considering that there is a special reward for the Prosecutor's Office who has succeeded in resolving many cases through restorative justice. In 2022, law enforcement through restorative justice carried out by the Bojonegoro State Attorney will rank second after the Surabaya District Attorney.

In reality, the law is often unresponsive to address the needs of a very diverse and developing society. The problems of society with all its dynamics are always one step ahead of the stipulated (written) law. Thus, the efforts are needed through evaluation and innovation so that the law can go hand in hand with the needs of the people who always keep up with the times so rapidly. In the matter of restorative law enforcement justice,

regulation for the sake of regulations that have been produced by each authorized institution (police, prosecutors, and so on) must be ensured to run properly in order to answer the community's need to access a deeper concept of justice with a restorative mechanism.

The restorative justice approach to the settlement of minor crimes has brought expectation for the people of Bojonegoro because all negative assumptions about poor law enforcement will decrease. Even though the number of misdemeanor crimes in Bojonegoro Regency has tended to increase during the pandemic era, these conditions have not significantly affected the increase in criminal cases. The large number of settlements of criminal acts through Restorative Justice that have been successfully implemented will certainly be in line with the conveniences obtained for the parties dragged down. With the ease of time and cost, the parties will return to their original condition where they can continue their lives without the need to be held hostage by a long and expensive process. This situation is the opening door for returning to earn a living for the family, developing self-potential, and so on. So that economically, the parties who were previously involved in the case will be able to realize all their needs in peace, especially after the pandemic requires efforts that are not easy to restore the economy.

The more settlements using restorative justice, the more people and groups of people who are free from the shackles of retributive justice. This is of course in line with the main objective of the National Economic Recovery program, which is to protect, maintain, and increase the economic capacity of the community, particularly business actors, in running their business during the pandemic. The existence of legal instruments to optimize restorative implementation justice in Bojonegoro Regency has an indirect impact on the Post-Pandemic Community Economic Recovery. The expectation is that after the pandemic, the community will return to focusing on recovering their economy and preventing them from acting in violation of statutory provisions.

CONCLUSION

Law enforcement in Bojonegoro Regency has generally followed a restorative justice approach, with a slight increase observed during the Covid-19 pandemic. The

majority of criminal cases have been resolved through either traditional punitive measures or restorative justice interventions. The implementation of restorative justice in Bojonegoro Regency involves collaboration between the Bojonegoro Police, District Attorney, and Restorative Justice Houses in Jipo Village, Dolokgede Village, and Pilanggede Village. This collaborative effort has successfully challenged the traditional punitive justice mindset within the community. As a result, more individuals and groups have been able to move away from retributive justice practices. However, to ensure sustained success and further improvement, ongoing monitoring and evaluation are essential. This is particularly crucial for the economic recovery of the post-pandemic community in the Bojonegoro region, as restoring the economy post-pandemic presents significant challenges that require careful consideration and effort from all involved parties.

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