

Implementation of Restorative Justice in the Resolution of Theft Crimes Committed by Minors at the Denpasar City Police Resort

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ABSTRACT

This study aims to (1) identify and analyze the implementation of Restorative Justice in resolving theft crimes committed by children at the Denpasar City Resort Police, and (2) identify and analyze the obstacles and efforts made by investigators in applying Restorative Justice. This research uses an empirical legal method with a descriptive approach. The research was conducted at the Denpasar City Resort Police. Data collection techniques included document study, observation, and interviews. The sampling technique used was non-probability sampling with purposive sampling for subject selection. The data were analyzed using qualitative techniques. The results showed that (1) the implementation of Restorative Justice in resolving child theft crimes at the Denpasar City Resort Police was in accordance with Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, but the process has not been fully effective due to communication barriers and lack of mutual understanding between the involved parties. (2) The obstacles encountered are classified into internal obstacles, such as legal limitations, lack of inter-agency coordination, and insufficient facilities and infrastructure; and external obstacles, including the child as perpetrator, the victim's unwillingness to reconcile, difficulty in finding witnesses, and public perception. The efforts made by investigators include building intensive communication and mutual understanding with all involved parties to support the successful implementation of restorative approaches.

Keywords: *Child Abuse, Balinese Customary Law, National Law, Restorative Justice, Denpasar City*

1. INTRODUCTION

Law plays an important role in creating order and justice in society. One form of crime regulated in the Indonesian Criminal Code (KUHP) is theft, as stipulated in Article 362 of the KUHP. However, over time, perpetrators of theft are not only adults but also include minors. Children as perpetrators of criminal acts require special treatment within the justice system [1], [2]. The Law of the Republic of Indonesia Number 11 of 2012 about the Juvenile Criminal Justice System (UU SPPA) governs diversion, which entails redirecting juvenile cases from the formal criminal justice procedure to alternate resolutions outside the criminal court. The objective of diversion is to shield children from the adverse stigma associated with legal processes and to offer them avenues for rehabilitation [3].

Indonesia's criminal justice system has so far emphasized a retributive approach, which focuses on punishing offenders as a form of retribution for their actions [4]. This approach is considered insufficient in resolving the root causes of crime, as it is more oriented toward the perpetrator and punishment, while the needs of victims, families, and communities are often overlooked [5]. In this setting, the introduction of the Restorative Justice idea offers a significant alternative, presenting a new paradigm in handling criminal acts. Restorative Justice emphasises the remediation of harm inflicted by criminal acts, engaging the victim, the offender, and the community as primary participants in the conflict resolution process [6], [7].

Restorative Justice is not an entirely new concept. It evolved from traditional conflict resolution practices based on deliberation, reconciliation, and restoration of social relationships [8],

[9]. In Indonesia, the values of restorative justice have long existed in local culture, such as the principles of consensus-based deliberation, village meetings, and family reconciliation. The formal incorporation of restorative justice into the legal framework received explicit acknowledgement through several regulations, including Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA), Indonesian National Police Regulation Number 8 of 2021, and the Joint Decree issued by the Supreme Court, the Attorney General's Office, and the Indonesian National Police in 2020, which establishes the legal basis for the application of restorative justice in Indonesia.

The application of restorative justice emphasizes active participation among the offender, the victim, both parties' families, and the community in a dialogical process to resolve the case peacefully. The primary goal of this approach is to create a genuine sense of justice, rather than merely achieving administrative case closure. In practice, Restorative Justice can be implemented through mechanisms such as penal mediation, peace agreements, and diversion—particularly in cases considered minor and that meet legal requirements. This aims to protect offenders, especially minors, from the adverse effects of the penal system, such as stigmatization, loss of future prospects, and psychological distress [10].

In cases involving minors in conflict with the law, the application of Restorative Justice is especially crucial. Children are individuals undergoing growth and development, and all forms of legal handling must consider the principle of protection and the best interests of the child [11]. Therefore, a juvenile justice system that prioritizes Restorative Justice aims not only to uphold the law but also to restore the child's life so they can function socially, emotionally, and morally in society. Thus, Restorative Justice holds strategic value in preventing children from becoming repeat offenders (recidivists) in the future.

However, the implementation of Restorative Justice at the level of law enforcement officers still faces various challenges, including limited understanding among officers, inadequate legal infrastructure, lack of community involvement, and resistance from victims or their families who demand punishment as a form of justice. Therefore, a thorough evaluation is needed regarding the effectiveness of applying restorative justice principles, especially in cases involving juvenile offenders such as theft. Through comprehensive research and study, it is hoped that the restorative justice approach can be optimized as a middle ground between law enforcement and the protection of human rights, particularly for children in conflict with the law.

The application of restorative justice in the juvenile criminal justice system emphasizes restoring the original state and achieving a balance between the offender, the victim, and the community. This aligns with the principle of child protection that prioritizes the best interests of the child, as outlined in the UU SPPA.

Table 1. Crime Data in Denpasar City in 2024

Data Types	2023	2024	Information
Total Crime Cases	1,085 1,801	1,801	An increase of 66%
Types of Crime Dominant	Theft	Theft	Including theft by children
Child Perpetrator Category Involved	Yes	Yes	Children involved in theft cases

Source: BPS Denpasar City

In 2024, the Denpasar City Police recorded a total of 1,801 criminal cases, an increase of 66% compared to the previous year, which saw 1,085 cases. Of these, theft was the most dominant type of crime, including cases committed by minors. This rise in crime indicates that despite various efforts by law enforcement such as routine patrols and outreach programs a more comprehensive approach is still needed, particularly regarding child protection and the application of restorative justice. The fact that children continue to be involved in theft-related crimes highlights the crucial role of families, schools, and communities in supervising and shaping children's character. In addition, a thorough evaluation of diversion implementation at the police level is needed to make it more effective in preventing minors from directly entering the formal criminal justice system.

In responding to this phenomenon, the police have an important role through various holistic prevention efforts. Pre-emptive actions involve persuasive approaches, such as building communication with families, community leaders, and the child's surrounding environment to create a strong social support system. Preventive measures include outreach and public education activities, particularly in schools and areas vulnerable to juvenile crime, to raise awareness of the legal and social consequences of criminal acts. Meanwhile, repressive actions are carried out in the form of investigations, arrests, and area patrols as legal enforcement steps when preventive efforts fail. However, repressive measures against minors must be carried out based on the principle of child protection and must still prioritize recovery.

Criminal Justice System (UU SPPA), its implementation in the field still faces various obstacles. Several cases of theft committed by minors failed to be resolved through diversion and were instead continued through formal judicial proceedings. This raises concerns about the potential negative impacts on children's development, including stigmatization and the loss of future opportunities. Therefore, a comprehensive evaluation and capacity-building for law enforcement officers and relevant stakeholders are necessary to ensure that restorative justice is effectively implemented. Increasing public and family awareness of the importance of restorative justice is also key to realizing a juvenile justice system that is humane, participatory, and recovery-oriented.

Based on this background, the author is interested in conducting further research on "THE IMPLEMENTATION OF RESTORATIVE JUSTICE IN THE RESOLUTION OF THEFT CRIMES COMMITTED BY MINORS AT THE DENPASAR CITY POLICE RESORT." This study aims to analyze the effectiveness of applying restorative justice in theft cases involving minors and to identify the factors that influence the success or failure of diversion implementation at the police level.

2. METHODS

The type of research used in this study is empirical legal research, which examines and studies the law as it operates in society (law in action). Empirical legal research stems from the gap between *das sollen* (the ideal law or applicable norms) and *das sein* (the legal reality in practice), which in this case relates to the implementation of restorative justice in resolving theft crimes committed by minors. The nature of this research is descriptive, aiming to systematically, factually, and accurately describe the legal facts occurring in the field, particularly within the jurisdiction of the Denpasar City Police Resort. This study seeks to assess the extent to which the principles of restorative justice have been applied and to identify the obstacles encountered in its implementation.

Primary and secondary sources of information are utilised in this study. In order to collect primary data, it is necessary to conduct interviews and observations with relevant sources, such as child offenders, victims, and investigators who are working on the cases. Secondary data, on the

other hand, consists of main legal resources, which are applicable laws and regulations, secondary legal materials, which are literature, journals, and previous research, and tertiary legal materials, which are legal dictionaries and legal encyclopaedias. In order to collect data, techniques such as document analysis, observation, and interviews are utilised. On the other hand, the selection of samples is accomplished through the utilisation of purposive sampling, which requires the purposeful selection of informants based on certain criteria that are pertinent to the research focus. After the data has been acquired, it is processed and analysed using a qualitative descriptive technique. This method displays the data in narrative form rather than numerical form, and it is presented in a systematic manner to provide an in-depth description of the implementation of restorative justice.

3. RESULTS AND DISCUSSION

The application of Restorative Justice in resolving theft crimes committed by minors within the jurisdiction of the Denpasar City Police Resort demonstrates significant dynamics. Despite the overall increase in the number of criminal cases, efforts to resolve cases through a restorative approach remain a priority.

Table 2. Crime Data in the Denpasar Police Jurisdiction (2023–2024)

Jenis Data	Tahun 2023	Tahun 2024	Perubahan
Total Kasus Kriminalitas	1.084 kasus	1.801 kasus	↑ 66%
Kasus yang Berhasil Diselesaikan	570 kasus	1.038 kasus	↑ 82%
Kasus Pencurian Kendaraan Bermotor (Curanmor)	258 kasus	324 kasus	↑ 66 kasus
Dominasi Kasus oleh Anak-anak (terkait pencurian)	Tidak disebutkan spesifik jumlah	Terkonfirmasi-ada	

Source: Bali Express

A significant increase in criminal cases occurred within the jurisdiction of the Denpasar City Police in 2024, reaching 1,801 cases compared to 1,084 cases in 2023. This reflects a 66% rise, with motor vehicle theft (curanmor) being the most dominant type of crime, including those committed by minors. Nevertheless, the Denpasar City Police succeeded in resolving up to 1,038 cases, representing an 82% increase in case resolution compared to the previous year. This indicates a strong commitment to case resolution, including through the application of Restorative Justice, especially in cases involving children as offenders. Restorative Justice is implemented through diversion, in accordance with Law No. 11 of 2012 concerning the Juvenile Criminal Justice System. Investigators, together with the Correctional Center (Bapas), conduct social research (Litmas) prior to the deliberation involving the offender, the victim, and their families. If an agreement is reached, legal proceedings can be discontinued and focus shifts to recovery. However, if it fails, the case proceeds to formal court.

In compliance with Law Number 11 of 2012 governing the Juvenile Criminal Justice System, the Denpasar City Police use the Restorative Justice method through diversion mechanisms when dealing with theft cases involving kids. This is done in order to ensure that the cases are adequately handled. In order to carry out Social Research (Litmas), this procedure requires the participation of investigators from the Criminal Investigation Unit (Sat Reskrim), more specifically from the Women and Children Protection Unit (PPA) Section IV. These investigators work in conjunction with the Correctional Centre (Bapas) to carry out the process. The results of the Litmas serve as a basis for determining the feasibility of implementing diversion. If all parties agree, the diversion process continues with deliberations involving the perpetrator, the victim, their families, and other relevant

stakeholders, with the aim of reaching a peaceful agreement and restoring the original state. However, if no agreement is reached, the case will proceed to the formal judicial process.

During the process, if there is a lack of good communication and mutual understanding between the two parties, it is highly likely that the case involving the minor will not end in reconciliation between the offender and the victim. Therefore, not all juvenile cases can end in peace between both parties. When the restoration to the original state is not prioritized and reconciliation is not achieved, the application of Restorative Justice cannot be fully implemented despite the fact that children are the young generation and future of the nation who deserve protection.

In accordance with Law Number 11 of 2012 regulating the Juvenile Criminal Justice System, which places an emphasis on resolutions that take place outside of the courtroom, the resolution of cases involving juveniles through the use of Restorative Justice is based. The objective of this strategy is to bring the situation back to its initial state while simultaneously working towards achieving justice and a sense of equilibrium for both the kid and the victim. Not only does it have a substantial meaning, but it also seeks to prevent the stigmatisation of children who have come into confrontation with the law by resolving issues outside of the system of criminal legal justice. One of the primary motivations behind this is the desire to steer clear of the potentially detrimental psychological and developmental effects that might result from a child's contact in the law enforcement system.

There are some incidents involving juveniles that do not end in peace between the people involved, according to the findings of observations. There are still theft crimes perpetrated by juveniles that are not settled outside of the official justice system each year. These crimes are committed by minors. In compliance with Law Number 11 of 2012 regulating the Juvenile Criminal Justice System, this demonstrates that investigators have made steps to resolve matters involving juveniles outside of the judicial system. For the most part, however, the implementation of Restorative Justice has not yet reached its full potential in practice.

3.1 Obstacles and Efforts Made by Denpasar City Police Investigators in Implementing Restorative Justice

Restorative justice, which is implemented in the juvenile justice system through the diversion mechanism, is a major endeavour to safeguard the child's best interests. This is accomplished through the application of the diversion mechanism. However, in practice, the implementation of Restorative Justice has not yet functioned optimally within the jurisdiction of the Denpasar City Police. The obstacles in its implementation arise not only from law enforcement but also involve the victim, the offender, families, and the wider community. In accordance with the provisions of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, particularly Article 2, the juvenile justice system must uphold the following principles:

- a. Protection,
- b. Justice,
- c. Non-discrimination,
- d. The best interests of the child,
- e. Respect for the child's opinion,
- f. The right to life, survival, and development,
- g. Nurturing and guidance,
- h. Proportionality,
- i. Deprivation of liberty as a last resort, and
- j. Avoidance of retaliation.

Nevertheless, in practice, the obstacles can be broadly categorized into internal and external barriers.

1. Internal Barriers

a. Legal Factors

The limited time for diversion (maximum 30 days as stipulated in Article 29 of Law No. 11 of 2012) becomes a challenge for investigators, especially in summoning relevant parties such as witnesses, perpetrators, victims, and supporting institutions.

b. Lack of Coordination Among Institutions

Cooperation among law enforcement officials, child social workers, and community leaders has not been optimal, particularly in administrative aspects of the diversion process which require time. This slows down and impedes the swift and effective implementation of diversion.

c. Limited Facilities and Infrastructure

Facilities to support the diversion process such as rehabilitation centers and educational programs for children are still very limited. As a result, diversion is often limited to returning the child to their parents with a reporting obligation, without comprehensive educational or rehabilitative measures. This causes victims to be reluctant to agree to a peaceful resolution.

2. External Barriers

a. Children as Perpetrators

Child offenders often feel afraid during questioning and are reluctant to provide open testimony. The lack of parental involvement further worsens the situation.

b. Victims

Victims and their families are often difficult to engage in dialogue and tend to be firm in their stance, making peaceful resolution difficult to achieve.

c. Difficulty Finding Witnesses

The community tends to be reluctant to get involved, even just to serve as witnesses, due to fear or unwillingness to interfere.

d. Negative Public Perception

Some members of the community believe that Restorative Justice only benefits the perpetrator and does not provide justice to the victim. As a result, victims' families often reject diversion, viewing it as a form of "forgiveness without accountability" for the perpetrator.

3.2 Efforts by Denpasar City Police Investigators to Overcome Barriers

To overcome the above-mentioned challenges, investigators at the Denpasar City Police have taken several measures, including:

1. Establishing intensive communication with all relevant parties such as perpetrators, victims, families, community leaders, social workers, and support institutions.
2. Conducting persuasive approaches toward victims and their families to encourage case resolution through peaceful means, emphasizing the importance of rehabilitation for the child.
3. Optimizing cross-sector coordination to accelerate the administrative process of diversion and strengthen post-diversion rehabilitation programs.
4. Educating the public on the importance of Restorative Justice in child development so it can be accepted as a forward-looking justice system.
5. Encouraging the offender's family to take a more active role in supervising and ensuring that the child does not reoffend.

CONCLUSION



Based on the results of the research and discussion regarding the implementation of Restorative Justice in the resolution of theft crimes committed by minors at the Denpasar City Police Resort, the following conclusions can be drawn:

1. The implementation of Restorative Justice has been optimally pursued by investigators in accordance with the provisions of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. However, its application has not been fully effective due to a lack of communication and mutual understanding between the perpetrator and the victim. The failure to reach reconciliation has resulted in the diversion process not being carried out perfectly.
2. The obstacles faced by investigators in implementing Restorative Justice are categorized into two groups:
 - a. Internal obstacles, including: (a) limited time for conducting diversion as stipulated by law; (b) lack of coordination among related institutions; and (c) limited facilities and infrastructure in handling children in conflict with the law.
 - b. External obstacles, including: (a) fear of the child perpetrator in giving statements; (b) the victim's unpreparedness to reconcile; (c) difficulty in finding willing witnesses; and (d) negative public perception toward the implementation of Restorative Justice.
3. The efforts made by investigators to overcome these obstacles include establishing intensive communication and building good understanding with all parties involved. The success of Restorative Justice implementation highly depends on the cooperation between law enforcement officers, the perpetrator, the victim, both families, as well as local leaders and the surrounding community.

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