

## ABSTRAK

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### **POLITIK HUKUM PENGATURAN DAN PENERAPAN *RESTORATIVE JUSTICE* OLEH KEPOLISIAN DALAM PENEGAKAN HUKUM PIDANA DI INDONESIA.**

Sistem pemidanaan terhadap pelaku kejahatan telah mengalami perubahan ke arah yang lebih manusiawi. Artinya, tidak lagi mengedepankan penghukuman (*punitive*), tetapi lebih berorientasi pada pemulihan terhadap korban dan rehabilitasi terhadap pelaku melalui pendekatan *restorative justice* yang dapat diterapkan pada setiap sistem peradilan pidana. Namun, saat ini belum ada undang-undang yang mengaturnya, hanya berdasarkan peraturan teknis pada Kepolisian, Kejaksaan dan Mahkamah Agung yang secara substantif dan prosedural belum seragam. Dalam hal ini, Kepolisian memiliki peran yang sangat penting dan strategis sesuai dengan Perpol No. 8 Tahun 2021 tentang Penanganan Tindak Pidana Berdasarkan Keadilan Restoratif. Tulisan ini bertujuan mengkaji permasalahan mengenai pengaturan dan penerapannya saat ini, serta pengaturan yang tepat dalam penegakan hukum pidana menggunakan *restorative justice* di Indonesia. Untuk menjawab permasalahan tersebut, Penulis menggunakan metode penelitian hukum normatif, yang didukung dengan verifikasi kajian empiris. Hasil penelitian menunjukkan bahwa *restorative justice* sangat sesuai dengan nilai-nilai yang hidup dalam masyarakat Indonesia, bahkan merupakan pembedaan nilai-nilai Pancasila dan landasan konstitusional UUD 1945. Penerapan *restorative justice* di kepolisian berkontribusi untuk menghemat anggaran dan waktu penegakan hukum, mencegah penambahan warga binaan sehingga tidak memperburuk kondisi *over* kapasitas Lapas/Rutan, serta membantu meningkatkan kinerja kepolisian secara keseluruhan. Sehubungan dengan itu, substansi pengaturan penanganan tindak pidana berdasarkan *restorative justice* perlu dikuatkan dan diakomodasi dalam revisi KUHAP yang akan datang.

**Referensi** : 1955-2022

**Kata kunci** : *Politik Hukum, Sistem Peradilan Pidana, Restorative Justice, Perpol No.8 Tahun 2021*

## ABSTRACT

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### **LEGAL POLITICS OF THE REGULATION AND IMPLEMENTATION OF RESTORATIVE JUSTICE BY THE POLICE IN CRIMINAL LAW ENFORCEMENT IN INDONESIA**

The penal system for criminals has undergone a change towards a more humane one. That is, no longer prioritizing punishment (*punitive*), but more oriented towards recovery of victims and rehabilitation of perpetrators through the approach of *restorative justice* which could be applicable to any criminal justice system. However, at the present time, there is no law that regulates it yet, thus only based on technical regulations in the Police institution, Attorney General's Office and the Supreme Court which are substantively and procedurally not uniform. In this case, the police have a very important and strategic role pursuant to Police Regulation No. 8 Year 2021 on the Handling of Crime Based on Restorative Justice. This paper aims to examine the problems regarding the regulation and its current application, as well as the proper regulation in the enforcement of criminal law using *restorative justice* in Indonesia. To answer these problems, the author uses normative legal research methods, which are supported by verification of empirical studies. The research findings show that *restorative justice* very much in accordance with the values that live in Indonesian society, in fact it is the embodiment of Pancasila values and the constitutional basis of the 1945 Constitution. Application of *restorative justice* in the police contribute to saving budget and law enforcement time, preventing the rising number of inmates so as not to worsen the overcapacity condition of prisons, as well as helping to improve the performance of the Police as a whole. In this regard, the substance of the regulation for handling crimes that is based on *restorative justice* needs to be strengthened and accommodated in the coming revision of the Criminal Procedural Code.

**References** : 1955-2022

**Keywords** : *Legal Politics, Criminal Justice System, Restorative Justice, Police Regulation No. 8 Year 2021 (Perpol No.8 Year 2021)*