

## **Effectiveness of The Role of the Criminal Office in using Restorative Justice to Improve the Settlement of Domestic Violence Crimes in the Jurisdiction Malang Police Region**

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### Abstract

This research aims to analyze the effectiveness of the role of the Malang Police Satreskim in using restorative justice to increase the resolution of domestic violence crimes. In this research, a qualitative approach was also used with field research methods through direct data collection from relevant agencies through interviews, observation, and documentation, as well as literature studies combined with validation techniques from data triangulation. The results of the research show that 1) the application of restorative justice in resolving domestic violence crimes in the Malang Police jurisdiction is carried out based on the Republic of Indonesia State Police Regulation Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice and the Criminal Investigation Department's Telegram Letter Number: ST/480/IV /HUK.5.1./2022 dated 20 April 2022. The application of restorative justice in resolving domestic violence crimes in the Malang Police jurisdiction was carried out through mediation efforts and succeeded in reaching an agreement between the reported party and the reporter to make peace; 2) The role of the Malang Criminal Investigation Unit in using restorative justice to improve the resolution of domestic violence crimes is still deemed to be ineffective. Malang Criminal Investigation Unit faces obstacles in communication, where many people do not understand the concept of restorative justice. The competency factor of members in implementing restorative justice in resolving domestic violence crimes is still not optimal, especially since there are still many people who do not understand the procedures and mechanisms of restorative justice in resolving domestic violence crimes.

Keywords: Effectiveness, Role, Restorative justice, Domestic violence

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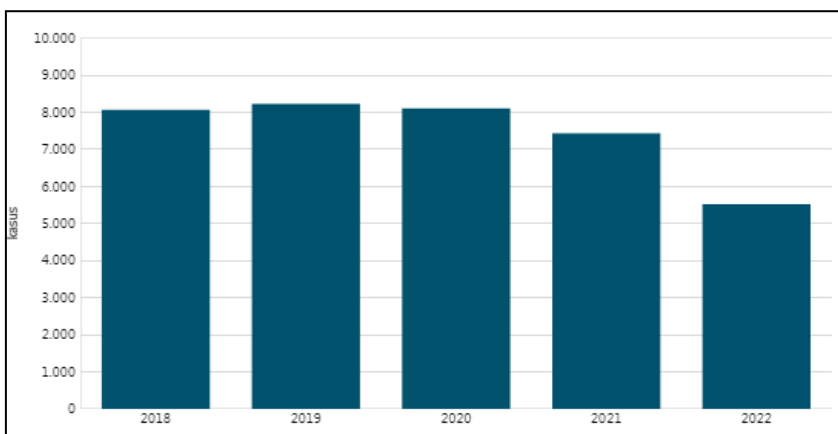
## **INTRODUCTION**

### **Background**

The Indonesian National Police has the task and authority to improve performance according to the problems that exist in society Potočan, V., Mulej, M., & Nedelko, Z. (2021). One effort made by the Indonesian National Police is to enhance the performance of the Indonesian National Police in the form of professionalism in law enforcement Soekanto, S. (2019). However, the reality in the field is that the Indonesian National Police still receives many complaints and criticisms from the public about law enforcement practices prioritizing the retributive approach (*retributive justice*) Decker, et al, (2022). The retributive approach is a law enforcement action that prioritizes retaliation or punishment for actions that occur by providing sanctions intended to repay the actions carried out by the perpetrator. However, this approach does not guarantee justice for the parties involved, both victims, perpetrators, and the community Dixon, P., & Firchow, P. (2022). In other words, the community still feels

dissatisfied and has not achieved maximum justice. It is not uncommon for criminals who are considered trivial to be processed, prosecuted, and sentenced in court Diamond, B., Bowen, K., & Burns, R. (2022). However, according to the community itself, this matter is not worthy of being resolved in court.

As with cases of domestic violence (KDRT), the requirement for *restorative justice* is because acts of violence that occur in the household are not considered as legal events but as dynamics of marriage Ginting, et al (2019). Thus, handling cases of domestic violence needs to get more attention at the beginning of the handling process. According to the report of the Central Statistics Agency (BPS) entitled *2023 Criminal Statistics*, the trend of domestic violence cases is 5,526 cases per year Corteen, et al (2023). Judging from these figures, cases of domestic violence are still relatively high. Domestic violence is still a serious problem experienced in Indonesia. The data on KDR cases that occurred in Indonesia is available in Figure 1.



**Figure 1. Number of Domestic Violence Cases in Indonesia (2018-2022)**

Based on the report of the Central Statistics Agency (BPS) entitled *Criminal Statistics 2023*, the trend of physical/bodily crimes, namely domestic violence in Indonesia Mahfud, M., & Rizanizarli, R. (2021), has tended to decline in the last five years. The number of domestic violence cases in Indonesia throughout 2022 reached 5,526 cases per year. This number decreased compared to 2021 and 2020, which were 7,435 cases and 8,104 cases, respectively. In the last five years, the most cases of domestic violence in Indonesia occurred in 2019, aka before the Covid-19 pandemic. Meanwhile, the lowest cases of domestic violence throughout the same period occurred in 2021, as seen in the graph above (databooks. metadata.co.id, 2023).

Based on data collected from the National Commission on Violence Against Women's service/data collection form of 8,234 cases, the most prominent type of violence against

women is in the personal or private sphere Nduna, M., & Tshona, S. O. (2021), namely Domestic Violence and Personal Relations, which is 79% (6,480 cases). Among them, there is violence against wives (KTI) in first place with 3,221 cases (49%), followed by violence in dating with 1,309 cases (20%) which is in second place. The third position is violence against girls, with 954 cases (14%); the rest is violence by ex-husbands, ex-boyfriends, and violence against domestic workers. Violence in the personal sphere experiences the same pattern as in previous years. Domestic violence, based on data, tends to decrease. This is inseparable from the efforts of the Police in the context of prevention or law enforcement carried out against domestic violence Kleygrewe, et al (2022). Moreover, in the jurisdiction of the Malang Police, over time, there has also been an increase in the welfare of its citizens Jørgensen, R. F. (2023).

One of the areas with exceptionally high cases of domestic violence is the jurisdiction of the Malang Police Busyro, N. (2022). According to data from the Technical Management Unit for the Protection of Women and Children Nengsih, YN, Husin, A., & Nurrizalia, M. (2020)., the Women's Empowerment and Child Protection Service of East Java Province, the number of recorded cases of domestic violence includes sexual harassment. Data on cases of domestic violence in the jurisdiction of the Malang Police available in Table 1.

Table 1. Domestic Violence Data from Malang Police

NO	PERIOD	NUMBER OF CASES	COMPLETION			PROCESS	
			STAGE II	SP3 (RJ)	HL (RJ)		ABUNDA NT
1	2020	80	4	35	7	-	34
2	2021	70	4	12	24	-	30
3	2022	80	6	6	26	-	42
4	2023	64	4	1	21	-	38
<b>TOTAL</b>		<b>294</b>	<b>18</b>	<b>54</b>	<b>78</b>	<b>-</b>	<b>144</b>

Based on tabel 1 researchers interested in discussing how the implementation of law enforcement officers, especially the police in Malang, in implementing Perpol No. 8 of 2021 concerning *Restorative Justice* and related to the competence of members of the Malang Police Criminal Investigation Unit in handling criminal acts that should still be able to be improved. The competence of members of the Malang Police Criminal Investigation Unit is undoubtedly the main factor for law enforcement efforts in the Malang area because the Police are the first door in the criminal justice system in Indonesia.

Domestic violence, which is part of the occurrence of criminal acts, is included in the realm of criminal law, which is regulated in the Criminal Code Butt, S. (2023). However, it is regrettable that the provisions of the Criminal Code have not been able to provide legal protection to wives who are victims of violence committed by their husbands. This is because the regulation of the minimum and maximum prison sentences, in addition to the regulation of very cheap fines, does not provide a deterrent effect for husbands who commit violence against their wives. In addition, Law No. 23 of 2004 can be used as a form of legal protection for victims. However, Law No. 23 of 2004 is still considered insufficient and is considered lacking in guaranteeing the safety of victims of violence. Although Law No. 23 of 2004 has been passed, in reality there are still many violations of domestic violence. Most victims of violence are women Alcantud, et al, (2021), and resolution through criminal law is considered unable to present aspects of benefit and justice.

Settlement of criminal cases does not have to be through criminalization or imposition of criminal sanctions Faani, R. (2023). This aligns with the concept initiated by the Chief of Police General Pol. Listyo Sigit, namely a concept of "Presisi" of future policing. Precision is an abbreviation of predictive, responsible, transparent, and fair. Predictive policing is carried out to strengthen the performance of maintaining public order and security through actions to strengthen interactions with stakeholders oriented towards participation and problem-solving Alikhademi, et al (2022). One of the commitments of the Police through the Precision concept is to prioritize problem prevention, implementation of restorative justice, and problem-solving Ramiyanto . (2020).

The National Police, in resolving criminal cases, issued a policy, as stated in Police Regulation 8 of 2021, concerning the Handling of Criminal Acts Based on Restorative Justice. The National Police Chief's policy manifests the spirit to improve a situation resulting from a criminal act through peace efforts. *Restorative Justice* is also known as resolving cases through a mediation process (penal mediation) Adi, E. A. W. (2021).because it uses a dialogue medium between the perpetrator Wahyudhi et al, (2020), victim, perpetrator's family, and victim outside the judicial institution (non-litigation), usually known as ADR (*Alternative Dispute Resolution*). In this case, the community can participate to realize the results of the agreement or monitor its implementation. In addition, *restorative justice* requires assistance from a neutral third party who does not side with any party, and the third party does not have the right to make decisions in the mediation process. This is done to reach an agreement to resolve an ongoing case without either party feeling defeated Tryandari, M. (2021). *Restorative justice* is a process that involves all parties who have an interest in a particular

violation to come together to collectively and jointly resolve how to respond to and resolve the consequences of the breach and its implications for the future.

As is known, mediation or peaceful efforts have been widely used as an alternative in resolving domestic violence cases so that cases are not forwarded to court. In a joint study by the National Commission on Violence Against Women and the Ministry of Women's Empowerment and Child Protection supported by UN Women entitled "The Urgency of Accelerating the Optimization and Effectiveness of the Implementation of Law Number 23 of 2004 concerning the Elimination of Domestic Violence" mediation efforts in domestic violence cases are often claimed as efforts to achieve restorative justice. In fact, in its implementation, restorative justice has several prerequisites namely the main one is to emphasize the interests of the victim as the party directly affected by the crime, including the victim's family and the wider community affected by it, as well as the full participation of the victim and other affected parties.

The resolution of domestic violence crimes by the Malang Police Criminal Investigation Unit is one of the areas of study of police science. As a branch of science, police science studies various policy issues, including how the police resolve domestic violence problems Saxton, et al, (2022).. Police science in Indonesia as a new branch of science is an incarnation with its own identity into knowledge with an interdisciplinary approach. Police science in Indonesia is a branch of science because it develops and is rooted in the reality of Indonesian society and culture, with problems faced by police personnel in the field. Police science can be said to be the backbone of implementing the police profession. This is because the police profession demands special skills and knowledge that are the basis for action, where a police officer must be able to behave professionally, autonomously, neutrally, and independently, including in resolving domestic violence crimes by prioritizing legal benefits.

### **Progression**

Based on the previous background explanation, the formulation of the problem in this study is how effective Satreskim Polres Malang is in using *restorative justice* to improve the resolution of domestic violence crimes. Affirming the problem is expected to make the research more focused and directed Bicer, et al (2022). Based on the focus of the problem, the following issues can be discussed Yulianti, T., & Sulistyawati, A. (2021):

1. *Is restorative justice* applied to resolving domestic violence crimes in the jurisdiction of the Malang Police?
2. How effective is the role of the Malang Criminal Investigation Unit in using *restorative justice* to improve the resolution of domestic violence crimes?

## **Research purposes**

This study aims to obtain a systematic picture related to the effectiveness of *restorative justice* of the Malang Criminal Investigation Unit in handling domestic violence crimes. The objectives of the study can be described as follows:

1. Describes the application of *restorative justice* in resolving domestic violence crimes in the jurisdiction of the Malang Police.
2. Analyzing the effectiveness of the role of the Malang Police Criminal Investigation Unit in using *restorative justice* to improve the resolution of domestic violence crimes.

## **METHOD**

This study uses a qualitative approach with field research methods. Data collection techniques include observation, interviews, and document studies. Sources of information in this study include the Malang Police Chief, Head of Criminal Investigation Unit, Head of PPA Unit of Malang Police Criminal Investigation Unit, Members of the PPA Unit of Malang Police Criminal Investigation Unit, Community Leaders / Village Heads, and the Community. Data analysis is carried out through data collection, data reduction and simplification, data presentation, analysis and interpretation, and concluding Salmona, M., & Kaczynski, D. (2024).

## **RESULTS AND DISCUSSION**

### **Implementation of *Restorative Justice* in Resolving Domestic Violence Crimes in the Jurisdiction of the Malang Police**

Researchers analyze the implementation of *Restorative Justice* in the resolution of domestic violence crimes in the jurisdiction of the Malang Police. *Restorative justice* can be mediation between victims and perpetrators, family conferences, and group meetings. This approach is often used in conjunction with, or as an alternative to, traditional legal processes such as court trials.

On Friday, November 3, 2023, at 09.00, Bripka Andi Indra an investigator from the Criminal Investigation Unit, during an interview with researchers regarding the application of *restorative justice* in resolving domestic violence crimes in the jurisdiction of the Malang Police, the following results were obtained:

*"during 5 months in the PPA unit of the Malang Police, there were quite a lot of domestic violence cases in the jurisdiction of the Malang Police with various motives. There were domestic violence cases where the victim and the perpetrator agreed to carry out restorative justice, but there were also cases where the legal process was continued."*

Bripka Andri also explained that domestic violence cases occur because of many people; the third-person factor is also dominated by economic factors that occur in household relationships around the Malang area. Malang Police, in resolving domestic violence cases, requires conditions that can meet Restorative justice so that the case can be followed up; if it does not meet the *restorative justice requirements*, the domestic violence case can still be resolved but in another way. The following is data on domestic violence cases at the Malang Police:

Table 2 Domestic Violence Case Data

NO	CRIMINAL ACT	CT	CC				
			STAGE II	SP3		HL	
				PURE	RJ	PURE	RJ
1	Domestic Violence 2021	64	6	5	9	4	11
2	Domestic Violence 2022	76	6	2	4	1	19
3	Domestic Violence 2023	61	4		1	4	14

Based on the data above, in 2021, there were 64 cases of domestic violence, of which 9 cases could be resolved with *restorative justice* with SP3 and 11 cases could be resolved with *restorative justice* with HL. The total number of cases that could be resolved with *restorative justice* was 20 in 2021. In 2022, there were 76 cases of domestic violence, of which 4 cases could be resolved with *restorative justice* with SP3 and 19 cases could be resolved with *restorative justice* with HL. The total number of cases that could be resolved with *restorative justice* was 23 in 2022. There was a 15% increase in cases resolved with *restorative justice*, from 20 cases in 2021 to 23 cases in 2022.

SWOT analysis is a universal analytical technique that focuses on evaluating internal and external factors that affect the success of an organization or other evaluation system. Most often, SWOT analysis is used in the strategic management of organizations in evaluating strategic intentions. The author of the SWOT analysis is Albert Humphrey, who designed it in

the sixties of the 20th century (LemdiklatPolri, 2020:262). Alternative strategies can be created by comparing existing strengths and weaknesses with opportunities and threats. The analysis that the researcher will explain includes:

### 1 ) Strength

The strength or superiority owned by an organization can be in the form of natural resources or human resources according to the goals to be achieved by an organization. The superiority of the resources owned by the organization, Of course, will own opportunity To reach success. Because of That, if An organization has the power, then it is necessary management Good in managing strength.

Malang Police have *the strength* or power to control the educational content that is distributed to the community in the jurisdiction of Malang Police, and researchers see that Malang Police have pretty good tools in delivering education considering the number of media that are willing to cover it so that Malang Police can disseminate more appeals regarding domestic problems to a broader reach.

Table 3. PPA Unit Member Education Data

NO	NAME	RANK	POSITION	DIKPOL	DIKUM			DIKJUR / DIKBAG RESEARCH
					SMA	S1	S2	
1	RIZKI SAPUTRO, STK, SIK, M.SI	AKP	HEAD OF CRIMINAL INVESTIGA TION	Police Academy			√	
2	RASYAD RIZQY REVIANTA, S.Tr.k., M.Sc	IPTU	KBO CRIMINAL OFFENCE	Police Academy			√	Prolate Tipidkor
3.	ERLEHANA SH	AIPTU					√	Community Service Department
4.	DICKY P	AIPDA						Community Service Department
5.	ANGGY INDRA S SH	BRIPKA					√	Community Service Department



6.	RIKA AND SSH	SILVI BRIPTU	√	Community Service Department
7.	VILIA KARIMIA YUNIKASARI	BRIPTU		
8.	PRADIKA RENDY	BRIPTU		

Based on the Table 3, there are three personnel out of 6 personnel of the PPA Unit of the Malang Police Criminal Investigation Unit who have taken the S1 Education, and there are four personnel out of 6 personnel of the PPA Unit who have taken the Binmas Education.

## 2 ) Weaknesses

A lack of limitations owned by An organization can threaten its sustainability of an organization if the weakness is not immediately addressed. An obstacle or deficiency that exists in an organization must be managed properly and correctly so that it can cover up the deficiencies that are owned. These limitations can be in the form of weaknesses in the field of human resources, facilities infrastructure, and also facilities owned in support activity.

*Weakness*, Polres Malang has a weakness in the function of monitoring programs that have been carried out. However, this can still be prevented, and solutions can be sought so that the problems that occur in the future do not get bigger. In addition, the weakness of the Malang Police Criminal Investigation Unit is the lack of budget for investigation and investigation activities, especially in resolving domestic violence cases. The problem related to the lack of funding in the Malang Police Criminal Investigation Unit has been submitted to the leadership to meet its budget needs Erri, D., Lestari, AP, & Asymar, h. H. (2021).. Still, its realization has not been carried out.

## 3 ) Opportunities

The existence of chance, Which originates from in and also outside an organization, is beneficial for the progress of an organization. The opportunity itself can be in the form of progress in the field of technology and increasing internal relations of the organization with external institutions or public organizations.

*The opportunity* that the Malang Police can take is by providing a lot of education to the community so that cases of domestic violence that occur at the Malang Police can be reduced.

## 4 ) Threats ( *Threats* )

This situation is Where An organization faces a matter or incident that is Not Wanted And, Of course, harms the sustainability of the organization itself. Therefore, an organization needs to anticipate as well as know What is just an estimation threat that is Possible to happen in operating his activities using going to on objective Which he wants to achieve.

But of course, there is a threat or Threat, namely when people who have sued and carried out Restorative Justice commit crimes for the umpteenth time or are not deterred. This will certainly make the victim even more depressed, and the Malang Police must follow up on the case because Restorative Justice alone does not work for some cases and some victims.

Violence is any intentional act with or without the use of force or coercion against oneself, another person, a group of people, or a community in the form of physical, mental, socio-economic, and sexual injury (UNFPA). According to Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Domestic Violence (DV) is any act against a person, especially women, which results in physical, sexual, or psychological misery or suffering and/or neglect of the household including threats to commit acts, coercion or unlawful deprivation of liberty within the scope of the household.

Domestic violence incidents can be analyzed based on the theory of violence put forward by Galtung. Galtung said that violence, in a broad sense, is an obstacle that should be avoided, which causes someone to be unable to actualize themselves properly. According to Galtung, this obstacle can be avoided, so violence can be avoided if the obstacle is removed (Muchsin, 2006).

“ In short, violence is any physical, emotional, verbal, institutional, structural or spiritual condition, as well as behavior, attitudes, policies or conditions that weaken, dominate or destroy ourselves and others" (Galtung, 1971).

Direct violence can take many forms. In its classical form, it involves the use of physical force, such as murder or torture, rape and sexual violence, and beatings. Verbal violence, such as insults, is also widely recognized as violence (Galtung, 1971). Johan Galtung describes direct violence as an avoidable interference with basic human needs, the need for a decent life, which lowers the level of satisfaction of fundamental needs below the potential. The threat of violence is also violence." (Galtung, 1990: 291-305).

In addition to direct violence, Galtung emphasizes another form of violence, namely structural violence, which is not carried out by individuals but is hidden in smaller or broader structures. Penetration, segmentation, marginalization, and fragmentation, as part of exploitation, are reinforcing components in structures that hinder the formation and mobility to fight against exploitation. First, penetration instills a particular view of the weak group,

combined with segmentation that provides a partial view of something happening. Furthermore, marginalization keeps the weak group outside the established boundaries, combined with fragmentation to keep the underdogs far from each other. All four of these things operate in a gender context ± even when women do not always have higher rates of death and misery. Moreover, women can have a higher life expectancy than men, if they can avoid abortion due to sex selection, infanticide, and vulnerability to death in childhood (Galtung, 1996, p. 199).

Biologism is used as cultural violence against women by legitimizing male dominance through muscle strength and showing women's weaknesses in the form of instability and decline of women during the menstrual cycle and procreation." (Galtung, 1996: 42). Based on the results of the study conducted, the incident of domestic violence occurred when (the wife) and the reported party argued at home (the scene) when the victim asked why the reported party did not come home. The reported party, who disagreed with the reporter's question, slapped the victim's right cheek, and the reported party beat the victim with his bare hands. Women, as physically weak figures, become victims in domestic violence incidents that are physically carried out by a male figure who is her own husband.

Galtung defines cultural violence as the prevailing attitudes and beliefs that we have been taught since childhood, and that surround us in our daily lives about power and the need for violence. Speaking of violence, in many ways, Johan Galtung's thoughts are in line with the thoughts of radical feminists. Galtung claims patriarchy is direct, structural, and cultural violence. Patriarchy creates a dichotomy between public and private roles, productive and reproductive, which forms an unequal power relationship between men and women. Women's bodies are the main objects of oppression by male power. The body and reproductive rights, sexuality, sexism, power relations between women and men, and the private-public dichotomy are the focus of the problem. Domestic violence incidents are actually the result of gender differences between men and women. The complexity of urban society, both cultural, ethnic, religious and interests in the Malang Police area is often the root of problems in domestic life and places women as victims because they have weaker physical conditions. The inability to fight back often ends with domestic violence incidents. The police, until now, have only looked for the easy way by mapping the Malang Police area, which is prone to domestic violence incidents. In fact, with the mapping of the area, a follow-up should be carried out to formulate a solution to the problem so that domestic violence incidents can be prevented. The Malang Police must be more active in fostering relationships with residents, suppressing various factors that influence domestic violence incidents, such as the circulation of alcoholic

beverages, which are often the root of the problem in domestic violence incidents. The supervision of entertainment venues also needs to be increased because entertainment venues often begin problems between individuals, which then become problems in the household.

The analysis of the implementation of investigations into domestic violence crimes by the Malang Police Criminal Investigation Unit is as follows:

a. Investigation

The concept of investigation adopted by the Criminal Procedure Code is to search for and find an event suspected of being a criminal act to determine whether an investigation can be carried out. Article 6 of the Regulation of the Chief of the Republic of Indonesia National Police Number 6 of 2019 concerning Criminal Investigation further explains that investigation activities are carried out by processing the crime scene, observation, interviews, tailing, undercover, tracking, research, and document analysis. The targets of this investigation include people, objects or goods, places, events, and activities.

The concept of investigation regulated in the Criminal Procedure Code only regulates a little about the implementation of the investigation process, including in Article 104 of the Criminal Procedure Code in conducting an investigation. The implementation of these provisions is entirely carried out by the Malang Police Criminal Investigation Unit; even in its implementation, the Malang Police Criminal Investigation Unit does not only show identification but also makes and shows Task Order Letters and Investigation Order Letters in the investigation process which are then registered in the Task Order Letter Register Book.

The investigation carried out by investigators from the Malang Police Criminal Investigation Unit was carried out about Article 12 of the Regulation of the Chief of the Republic of Indonesia National Police Number 6 of 2019 concerning Criminal Investigation, including processing of the crime scene; observation ( *observation* ); interviews; and research and document analysis. Investigators from the Malang Police Criminal Investigation Unit have carried out these stages, although not all stages have been carried out, such as surveillance, undercover, and *tracking*.

Article 7 of the Regulation of the Chief of the Republic of Indonesia National Police Number 6 of 2019 concerning Criminal Investigation further explains that before conducting an investigation, investigators are required to make an investigation plan, which is then submitted to the investigator, where the investigation plan contains: an investigation warrant, the number and identity of investigators, the object or target of the

investigation, the method used for the investigation, equipment or supplies for the investigation, the time required for the investigation and the budget requirements for the investigation. Registration of the Investigation Warrant in the Task Order Book reflects that until now, there have been no provisions or obligations within the internal scope of the National Police organization to make an Investigation Warrant. However, due to the demands of the situation, a product in the form of an Investigation Warrant was created because without being equipped with an Investigation Warrant, witnesses or reported parties do not want to provide any information to the personnel of the Malang Police Criminal Investigation Unit because there is a tendency to judge that the investigation activities carried out are unofficial and carried out by police officers. In addition, the techniques and methods used in conducting interviews are truly an advantage possessed by the Malang Police Criminal Investigation Unit investigators because psychologically, they can encourage the interviewee to provide information to the investigator.

The Criminal Procedure Code regulates the obligation for investigators conducting investigations to make a report and report to investigators in the jurisdiction as referred to in Article 102 paragraph (3) of the Criminal Procedure Code. If, during the investigation process, it is discovered that the information regarding the criminal incident is true, then an investigation activity will be carried out.

The Malang Police Criminal Investigation Unit not only implements the provisions as stipulated in Article 102 paragraph (3) of the Criminal Procedure Code but also makes an Investigation Result Report containing conclusions and results of the investigation into information regarding the alleged crime of domestic violence, which is accompanied by an interview report. Suppose the Investigation Result Report states that there is a strong indication that a crime of domestic violence has occurred. In that case, a Case Title is carried out to re-analyze whether the conclusion made by the investigator is correct that a crime of domestic violence has occurred. This is in line with Article 8 of the Regulation of the Chief of the Republic of Indonesia Police Number 6 of 2019 concerning Criminal Investigations, explaining the report that must be made after conducting an investigation, which contains the time and place of the investigation, investigation activities, investigation results, obstacles to the investigation and opinions or suggestions. The head of the investigation team must then sign the report. Article 9 further explains that the results of the investigation that have been reported, a case title must be carried out to determine whether there is an alleged criminal act.

The results of the investigation conducted by the Malang Police Criminal Investigation Unit have good quality because before entering the investigation stage, the results of the investigation conducted by the Malang Police Criminal Investigation Unit investigators went through several stages that were intended to ensure the alleged domestic violence crime that occurred. Considering that the background of the investigation was only based on a report from the reporter who was the victim, namely Annysa Putri, but the investigation activities carried out by the Malang Police Criminal Investigation Unit turned out to provide extraordinary results, so the researcher assessed that the strategy or investigation technique carried out was indeed effective in revealing the existence of a domestic violence crime, so that the results of the investigation carried out could be discussed in an official forum, namely the Case Title.

b. Examination of witnesses/expert witnesses

The researcher assessed that the examination activities of witnesses and expert witnesses were per the provisions stipulated in the Criminal Procedure Code. This can be seen from the various actions taken by the Malang Police Criminal Investigation Unit, such as summoning witnesses, especially the activity of summoning and examining the reporter.

In addition, investigators from the Malang Police Criminal Investigation Unit always strive to ensure that the quality of the examination activities to be carried out has substance and can obtain precise information related to domestic violence cases. This can be seen from the preparations made before carrying out the examination; investigators from the Malang Police Criminal Investigation Unit always prepare question materials in the form of a draft of questions that will be asked during the examination. Due to the thoroughness of the Malang Police Criminal Investigation Unit investigators, the reported party can finally be determined as—Zainal Abidin, who is strongly suspected of being involved in domestic violence crimes.

c. Foreclosure

The confiscation activity was not carried out by investigators of the Malang Police Criminal Investigation Unit. Research findings show that the Malang Police Criminal Investigation Unit always carries out external coordination between investigators of the Malang Police Criminal Investigation Unit and the Malang City PPA UPT. Good coordination between these elements is a separate opportunity for investigators of the Malang Police Criminal Investigation Unit to improve the quality of the investigations carried out.

Based on the findings related to the implementation of *restorative justice* in resolving domestic violence crimes, it is known that the investigation was stopped because the reporter, Annysa Putri, withdrew her report. In this case, the Malang Police Criminal Investigation Unit investigator implemented *restorative justice* by mediating the reporter and the reported party, considering that the reporter and the reported party were husband and wife and had three children. In addition, the reporter had forgiven the reported party, and the reported party had promised not to repeat its actions. The mechanism for implementing *restorative justice* in resolving domestic violence crime by investigators from the Malang Police Criminal Investigation Unit, namely bringing together the reporter and the accused to hold a discussion.

Restorative Justice *is* a term known in Indonesian law since the 1960s as one of the stages in the conventional criminal justice system. Initially, Restorative Justice was a concept of case resolution used by Indigenous communities in Indonesia to resolve cases that occurred in the Indigenous community concerned without involving state officials. Miriam Liebman (2007) defines Restorative Justice as:

“ *Restorative justice has become the term generally used for an approach to criminal justice (and other justice systems such as a school discipline system) that emphasizes restoring the victim and community rather than punishing the offender*” (Restorative justice has become the term generally used for an approach to criminal justice (and other justice systems such as a school discipline system) that emphasizes restoring the victim and community rather than punishing the offender).

Soedarsono (2007: 118-119) stated that law enforcement in the current era of globalization should be more meaningful in the process, efforts, and attempts to carry out "Legal Arrangement", so that its implementation and actualization can be directed to the concept of *Law Compliance Action*. In addition, the objectives and results of law enforcement are directed and aimed at the problem-solving process with *Win-Win Solution conditions*. Therefore, the parties concerned who have problems must be actively involved in the process and mechanism for resolving cases in an open democracy and pay attention to human rights so that the decisions, obligations, and responsibilities that are mutually agreed upon can be accepted and actualized as " *Self Regulation and Self Motivation*" by the parties concerned.

The concept of resolving problems with *win-win solution conditions* has been attempted by the Malang Police Criminal Investigation Unit through mediation as a manifestation of *restorative justice*. However, according to the author, this situation would be more effective if the Malang Police Criminal Investigation Unit also coordinated with Tomas, Toda, and Toga in the Malang Police jurisdiction to increase public awareness of the importance of *restorative justice* in resolving domestic violence crimes, so that the public's orientation is not always on the application of criminal law.

Legal protection is providing protection for human rights that are harmed by others, and this protection is given to the community so that they can enjoy all the rights granted by law. In other words, legal protection is various legal efforts that law enforcement officers must give to provide a sense of security, both mentally and physically from disturbances and various threats from any party (Rahardjo, 2005, p. 74). In this case, the Malang Police Criminal Investigation Unit investigators did not immediately take action, so the domestic violence incident was processed under criminal law. However, the Malang Police Criminal Investigation Unit investigators have attempted to provide protection, both in the early stages and through mediation, for the parties involved in the domestic violence.

Police Regulation Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice explains that restorative justice is the resolution of criminal acts by involving the perpetrator, victim, perpetrator's family, victim's family, community leaders, religious leaders, traditional leaders or stakeholders to jointly seek a just resolution through peace by emphasizing restoration to the original state. Application of *restorative justice* in resolving Domestic violence crimes by investigators from the Malang Police Criminal Investigation Unit have basically met the material requirements. Article 5 of Police Regulation Number 8 of 2021 concerning Handling of Criminal Acts based on Restorative Justice explains the material requirements as referred to in Article 4 letter a, including:

a. Does not cause unrest and/or rejection from the community;

Domestic violence is clearly a problem within the family that stems from a misunderstanding between husband and wife.

b. Does not result in social conflict;

The crime of domestic violence clearly cannot trigger prolonged social conflict because it does not contain elements of SARA.

c. Does not have the potential to divide the nation;



The crime of domestic violence does not contain elements that divide the unity of the nation.

d. Not radical or separatist;

The crime of domestic violence does not contain elements of radicalism and separatism.

e. Not a repeat offender based on a court decision;

Based on the investigation conducted by the Malang Police Criminal Investigation Unit, the incident of domestic violence was not a repeat.

f. It is not a crime of terrorism, a crime against state security, a crime of corruption, or a crime against people's lives.

Mardjono Reksodiputro (in Abidin, 2019) explains that there are four key principles in *restorative justice*, including the following:

a. Personalization

Crime is a violation of people and their relationships, and not just a violation of the law. Domestic violence is a form of relationship problem in the family, not a serious violation of the law that must always be resolved by criminalization.

b. Repair

The main goal is to repair the damage/suffering of the victim rather than simply punishing the perpetrator. Implementation of *restorative justice* in resolving Domestic violence crime by investigators of the Malang Police Criminal Investigation Unit aims to repair the damage/suffering of the victim rather than simply punishing the perpetrator. This is because the reporter and the reported party based on research, it is known that the reporter and the reported party are legally husband and wife . Efforts to repair the damage/suffering of the victim through the implementation of *restorative justice* are much more beneficial than if the case had to be continued to the criminal realm.

c. Reintegration

Aims to return the perpetrator to society rather than isolating and alienating the perpetrator from society. Domestic violence incidents can cause a family to get a negative stigma from society. The application of *restorative justice* in resolving domestic violence crimes by the Malang Police Criminal Investigation Unit by reconciling both parties can improve good relations with the community.

d. Participation

Aimed to encourage all parties, directly and indirectly, to overcome/face crimes together. The implementation of *restorative justice* in resolving domestic violence crimes by the Malang Police Criminal Investigation Unit requires an active role from each party to make peace. The willingness of the reporter and the reporter to sit together to find a solution to the problem results in a solution for resolving domestic violence crimes through peaceful efforts.

The application of *restorative justice* in resolving domestic violence crimes by the Malang Police Criminal Investigation Unit is one manifestation of Police Science. Daniel et al. (2015: 76-79) explain that a set of police operational activities are managed in three strategies that are implemented simultaneously and in varying intensities according to the level of escalation of the social problems faced simultaneously. The level or escalation of social problems is often and can be described as an iceberg that does not move in one line that is of *proactive police function activities and will be reviewed from two sides of the Theory*.

No single strategy is most appropriate for dealing with all situations, and there is no single situation that can only be managed effectively with one strategy. It is possible that all strategies are implemented together to manage one situation according to the intensity and level of social problems that occur; each strategy focuses its attention on managing each level of escalation of the situation that is the focus of its attention, and each strategy provides information and supports each other. Police Science is a collection of sciences that are closely related to police duties, which are needed to improve the duties of the Republic of Indonesia police in the field of law enforcement and fostering Kamtibmas (Soerijawinata, in Gani et al., 2020). The implementation of *restorative justice* in resolving criminal acts by the Malang Police Criminal Investigation Unit is implementing a preventive function strategy ( *direct prevention* ).

Prevention efforts are the implementation of strategies in preventive functions, which are all efforts and activities to maintain public security and order and maintain the safety of people, objects, and goods, including providing protection and assistance, especially in preventing law violations. Prevention efforts are not only carried out by authorized police agencies under applicable laws but also by related agencies under their authority. The community, both individually and in an organized manner, needs to have knowledge, understanding, awareness, and responsibility about the importance of making various efforts and effective methods to prevent violations of the law. The implementation of *restorative justice* in resolving domestic violence crimes by the Malang Police Criminal Investigation

Unit through mediation efforts that result in peace is an effort to improve the reporter's household situation and not cause worse impacts in the future.

### **The Effectiveness of the Role of the Malang Police Criminal Investigation Unit in Using Restorative Justice to Improve the Resolution of Criminal Acts Domestic Violence**

Researchers analyzed the effectiveness of the role of the Malang Police Criminal Investigation Unit through PPA members who have been in the field since 2007. When analyzing the roles that have been carried out, the conditions and situations regarding domestic violence at the Malang Police were explained.

On Tuesday, November 7, 2023, at 09.00, Briptu Rika Silvi SH a member of the PPA Satreskrim unit, during an interview with researchers regarding the application of *restorative justice* in resolving domestic violence crimes in the jurisdiction of the Malang Police, the results were obtained that:

*"From year to year, the level of domestic violence in this area has indeed increased. There are many factors, and we always find that the people of Malang Regency cannot resolve their household problems well."*

The level of domestic violence in Malang Regency has increased from year to year due to the character of the people of Malang Regency, who are predominantly emotionally uncontrolled. The existing human resources are also very low, so when solving problems, they tend to have uncontrolled emotions, and when there are problems in their household, they prioritize physical rather than solving them properly.

Various issues that triggered the occurrence of domestic violence crimes in the Malang Police were also mentioned by PPA members. Briptu Rika Silvi SH, as a member of the PPA Satreskrim unit, stated that:

*"There are various triggers, but many are from changes in mindset, attitudes, and insights from the community. And many are also from the economy, so the community cannot feel prosperous. And many are also from socio-cultural factors where the community here is still young and already married so that when faced with problems, their mentality is not ready."*

Based on the interview results above, the factors that trigger domestic violence are not just one. From here, researchers see that there are many things that need to be fixed, including education about marriage. Law enforcement agencies and women and children

protection agencies need to collaborate to create healthy marriages in the jurisdiction of the Malang Police.

On Wednesday, November 8, 2023, at 09.00, Bripka Harris Pambudi SH, as a member of the PPA Satreskrim unit, during an interview with researchers regarding the application of *restorative justice* in resolving domestic violence crimes in the jurisdiction of the Malang Police, the results were obtained that:

*"In addition to the material, there are also formal requirements such as a letter of request for peace from both parties, a statement of peace, a letter of withdrawal of the report, additional minutes of examination related to the withdrawal, case title, issuing a letter of order to stop the investigation/investigation, a letter of determination to stop the investigation/investigation. We also provide socialization and Termination of Investigation/Investigation (SP3) by law based on restorative justice."*

There are steps and efforts to provide legal certainty. Facilitating the reporter and the reporter in the implementation of mediation to reach a mutual agreement and prioritizing the integrity of the household so that the problem can be stopped by investigation/investigation by law based on *restorative justice*. Most PPA Unit personnel have received training, and the facilities are not very different from handling other cases such as ATK, printers, laptops, and stamps. They do not require special facilities and infrastructure. As for the budget, submit a budget proposal regarding the investigation/investigation.

From the obstacles, the Malang Police innovated so that the community could get education in implementing mediation. Investigators sometimes did it more than once by involving community leaders to provide an understanding of the integrity of the household so that an agreement was reached through RJ. as well as efforts to increase the number of resolutions of domestic violence cases more effectively through the implementation of mediation so that an agreement was reached.

Researchers found that domestic violence crimes that occurred in the jurisdiction of the Malang Police have various factors that trigger domestic violence. The Malang Police, as a legal entity in the Malang area, can help reduce this through Restorative justice carried out between the reporter and the reporter. *Restorative justice* is considered to be able to prevent cases from becoming bigger through discussions between the reporter and the reported, and there is a mediator so that both parties can express their respective opinions and the Malang Police can determine the actions to be taken in the future with the agreement of both parties.

Adapted from the Police Strategy POLRI, L. (2020) and Security Management Teaching Materials (2020:80), George R. Terry explains the analysis function in management in organizing these elements with the following activities Adisti, Y., (2021):

### **1 ) Planning**

Planning is an activity that determines the steps that will help the organization achieve its desired goals. After receiving the report, the member handling the domestic violence case makes a plan related to the steps taken in mediating between the reporter and the reported party and then reporting it to the leader.

### **2 ) Organizing**

Activities to determine, place, mobilize, or organize various activities, resources, facilities, or infrastructure to carry out the plan. The leader appoints and carries out the division of tasks to members based on their fields. There are members who handle the report, and there are members who handle the reporter.

Briptu Rika Silvi SH, as a member of the PPA Satreskrim unit, stated that:

*"The PPA personnel of the Malang Police indeed could handle cases in the PPA unit because they have attended training related to cases of protecting women and children."*

Researchers see that the existence of Malang Police personnel as an HR element in the PPA unit is essential for resolving domestic violence cases because they have procedures and methods that have been studied and determined through the form of *Restorative justice*, which looks at both parties and mediation is carried out to find a middle ground. Malang Police also has a legal basis and provisions based on Police Regulation Number 8 of 2021 concerning the handling of criminal acts based on Restorative justice, which has material requirements not to cause public unrest, Not have an impact on social conflict, and there is a statement from all parties involved not to object, waive their rights to sue before the law.

### **3 ) Implementation ( *Actuating* )**

The activity of implementing the plan that has been set by the organization along with the division of tasks and responsibilities that have been shared. After the planning and organizing stages, there is a stage of realizing the agreement or making a joint agreement between the reporter and the reporter.

Researchers also saw obstacles when conducting observations on the state of domestic violence crimes in the Malang Police. On Thursday, November 9, 2023, at 09.00, Bripka M. Qosim SH, as a member of the PPA Satreskrim unit, when interviewed by researchers

regarding the application of *restorative justice* in resolving domestic violence crimes in the jurisdiction of the Malang Police, the results were obtained that:

*"When not in the mediation process between the reporter and the reported party, no agreement is reached and the reporter prioritizes resolving the case through the law. And so far, there have been no complaints because the RJ rules refer to the provisions of the Police Regulation Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice, which prioritizes resolution through Restorative Justice."*

#### **4 ) Supervision ( *Controlling* )**

Evaluation of activities to assess activities that have been carried out and minimize deviations that supervision must be done from the beginning of mediation until the creation of a Joint Decision between the two parties. Supervision is carried out to minimize conflicts that may occur.

Satreskrim Polres Malang's efforts to reduce domestic violence cases are to educate the people of Malang about Households. So that when people decide to get married, they can handle problems that will occur later without having to use violence. ideas and concepts for preventing domestic violence are very important.

Members are tasked with providing education to the unmarried and married community. There are also people who have cases and have reported them to the Malang Police, whose cases are followed up through *Restorative Justice*. The Malang Police Criminal Investigation Unit has implemented a program to reduce the level of domestic violence in the Malang Police. The Malang Police also evaluates programs that are less effective or have not been successfully implemented in the Malang Police jurisdiction.

Polres Malang, in reducing domestic violence through Restorative Justice, can use the SWOT analysis theory. SWOT analysis is a universal analytical technique that focuses on evaluating internal and external factors that affect the success of an organization or other evaluation system. Most often, SWOT analysis is used in the strategic management of organizations in the evaluation of strategic intentions. The author of the SWOT analysis is Albert Humphrey, who designed it in the sixties of the 20th century.

#### **5 ) *Strength***

The strength or superiority owned by an organization can be in the form of natural resources or human resources according to the goals to be achieved by an organization. The superiority of the resources owned by the organization, Of course, will own opportunity To

reach success. Because of That, if An organization has the power, then it is necessary management Good in managing strength Lemdiklat. (2019).

Malang Police have *the strength* or power to control the educational content that is distributed to the community in the jurisdiction of Malang Police. Researchers see that Malang Police have pretty good tools in delivering education considering the number of media that are willing to cover it, so that Malang Police can disseminate more appeals regarding domestic problems to a broader reach.

### 6 ) *Weakness*

A lack of limitations owned by an organization can threaten its sustainability if the weakness is not immediately addressed. An obstacle or deficiency in an organization must be managed properly and correctly to cover up the deficiencies that are owned. These limitations can be in the form of weaknesses in human resources, facilities infrastructure, and facilities owned in support activity.

*Weakness:* Polres Malang has a weakness in the function of monitoring programs that have been carried out. However, this can still be prevented, and solutions can be sought so that the problems that occur in the future do not get bigger. In addition, budget problems are the main problem faced by members. The following is the budget data for the Malang Police Criminal Investigation Unit available in Table 4:

Table 4. Malang Police Criminal Investigation Unit Budget Data

NO	YEAR	AMOUNT	AMOUNT OF USAGE	LACK
1	2021	Rp.1,825,810,000	Rp.1,951,310,000	Rp.125,500,000
2	2022	Rp.1,385,053,000	Rp.1,610,203,000	Rp.225,150,000

Based on the Table 4, in 2021 the Criminal Investigation Unit experienced a budget shortfall of Rp. 125,500,000, and in 2022, the Criminal Investigation Unit experienced a budget shortfall of Rp. 225,150,000. This condition greatly affects members' performance in carrying out the duties of the Criminal Investigation Unit, especially in resolving domestic violence cases.

### 7 ) *Opportunity*

The existence of chance originates from in and also outside an organization that is beneficial for the progress of an organization. The opportunity itself can be in the form of progress in the field of technology and increasing internal relations of the organization with external institutions or the public an an outside organization.

*The opportunity* that the Malang Police can take is by providing much education to the community so that cases of domestic violence that occur at the Malang Police can be reduced.

#### **8) Threat**

This situation is where An organization faces a matter or incident that is Not Wanted And, Of course, harms the sustainability of the organization itself. Therefore, an organization needs to anticipate and know what an estimated threat can happen in operating its activities by going to the objective it wants to achieve.

However, there is a threat, namely when people who have sued and carried out Restorative Justice commit crimes for the umpteenth time or are not deterred. This will undoubtedly make the victim even more depressed, and the Malang Police must follow up on the case because Restorative Justice alone does not work for some cases and some victims.

### **CONCLUSION**

Based on the research results and discussions that the researcher has explained regarding the effectiveness of *restorative justice* in reducing domestic violence crimes at the Malang Police, the researcher concludes as follows.

1. The application of *restorative justice* in resolving domestic violence crimes in the jurisdiction of the Malang Police is carried out based on the Regulation of the Republic of Indonesia National Police Number: 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice and the Telegram Letter of the Head of Criminal Investigation Unit Number: ST/480/IV/HUK.5.1./2022, dated April 20, 2022. Implementation *Restorative justice* in resolving domestic violence crimes in the jurisdiction of the Malang Police was carried out through mediation efforts and succeeded in reaching an agreement between the reporter and the reporter to make peace. Implementation of *Restorative justice in resolving domestic violence crimes is the right decision because it resolves the case without having to carry out criminal sanctions, which can damage relationships within the family.*
2. The role of the Malang Criminal Investigation Unit in using *restorative justice* to improve the resolution of domestic violence crimes is still considered ineffective. Malang Criminal Investigation Unit faces obstacles in communication, where many people do not understand the concept of *restorative justice*. The competence factor of members in implementing *restorative justice* in resolving domestic violence crimes is still not optimal. Moreover, many people still do not understand the procedures and mechanisms of *restorative justice* in resolving domestic violence crimes.



## SUGGESTIONS

After conducting research on the effectiveness of *restorative justice* in domestic violence crimes at the Malang Police, the researcher will put forward several suggestions that will be useful for the progress of the Malang Police Criminal Investigation Unit in formulating strategies and implementing the suggestions that have been concluded by the researcher through this research. The researcher's suggestions also certainly benefit the needs of academics and the Malang Police. The suggestions given by the researcher are as follows:

1. The implementation of *restorative justice* in resolving domestic violence crimes carried out by the police, especially the Malang Police Criminal Investigation Unit, is a policy and program that is not widely understood by the public. Therefore, it is necessary to formulate a socialization program that is continuously provided to the public through various media and other socialization strategies. Human resources who implement *restorative justice* in resolving domestic violence crimes need to improve their competence through various *restorative justice education and training programs* so that restorative justice's objectives can be more effective.
2. In addition, it is necessary to prepare clear, concrete, and substantive standard operating procedures to become a guideline for implementing *restorative justice* in resolving domestic violence crimes. Likewise, the division of tasks in an organizational manner is based on who can and is able to implement it. *restorative justice* in resolving domestic violence crimes. Knowledge of the implementation of *restorative justice* in resolving domestic violence crimes should be carried out by all members who have substantive competence so that the Malang Police can form a *restorative justice implementation team* at the Malang Police.

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