

Consideration of Discretionary Actions by the Police in the Application of Restorative Justice to the Resolution of Domestic Violence Cases (Study at the Directorate of General Criminal Investigation of the Lampung Regional Police)

Recca Ayu Hapsari¹ , Nadira Tresya² 

¹Universitas Bandar Lampung, Indonesia

²Universitas Bandar Lampung, Indonesia

³Universitas Bandar Lampung, Indonesia

ABSTRACT

Background. Domestic violence (hereinafter abbreviated as domestic violence) is one form of violence that occurs in people's lives. The violence is often also referred to as domestic violence because it occurs in the domestic sphere, the problem of domestic violence is one of the important things that became a serious concern by the Indonesian government in the reform era.

Purpose. How is the consideration of discretionary actions by the Police in the application of restorative justice to the resolution of domestic violence cases and how are efforts to overcome domestic violence crimes carried out by the Police?

Method. The approach used in this study is a normative juridical approach and an empirical juridical approach to obtain correct and objective research results.

Results. Consideration of Discretionary Action by the Police in the Application of Restorative Justice to the Resolution of Domestic Violence Cases is through a restorative justice approach. Efforts to overcome domestic violence crimes carried out by the police are carried out through several stages, namely pre-emptive, preventive, repressive containment efforts.

Conclusion. Consideration of Discretionary Actions by the Police in the Application of Restorative Justice to the Resolution of Domestic Violence Cases is through a restorative justice approach in accordance with procedures to provide legal certainty for victims based on restorative justice requirements in solving domestic violence crimes and additional requirements based on the provisions of Article 3 and Article 5 of the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning Restorative Justice Handling of Crimes.

KEYWORDS

Domestic Violence, Restorative Justice, Precision Police

Citation: Hapsari, A. L., Tresya, N. (2024). Consideration of Discretionary Actions by the Police in the Application of Restorative Justice to the Resolution of Domestic Violence Cases (Study at the Directorate of General Criminal Investigation of the Lampung Regional Police). *Rechtsnormen Journal of Law* 2(1), 51–61.

<https://doi.org/10.55849/rjl.v2i1.536>

Correspondence:

Nadira Tresya,

nadiratresya@gmail.com

Received: March 12, 2023

Accepted: March 15, 2023

Published: March 31, 2023



INTRODUCTION

One of the tools of the state in the field of law enforcement is the police. In order to realize justice and legal certainty, the National Police of the Republic of Indonesia (hereinafter abbreviated as Polri) provides protection, protection and services to the community through preemptive, preventive and repressive efforts that can increase public awareness and strength and legal

compliance (law abiding citizenship). expenditure. This source can be obtained by raising. Polri builds leadership 2021-2024 with the tagline of transformation of Polri Presisi which is an abbreviation of PREDICTIVE, Responsibility and Transparency with Justice (Hendra dkk., 2023). This concept is a further phase of the Polri Promoter (PROfesional, MODern, and TERtrusted) that has been used in the previous period (Hasan & Amor, 2022), with a problem-oriented policing approach (problem oriented policing) (Al Fathan & Arundina, 2019). In the leadership of the Precision National Police, it is emphasized the importance of the ability of a predictive policing approach (predictive policing) so that the National Police is able to measure the level of disturbances in public security and order (kamtibmas) through analysis based on knowledge, data and appropriate methods so that they can be prevented as early as possible.

One of the manifestations of the Polri Presisi program optimally as a law enforcement effort in the context of maintaining public security and order is the resolution of cases of domestic violence crimes resolved by the National Police using the concept of restorative justice as a pre-emptive and preventive step in law enforcement in Indonesia.

Domestic violence (hereinafter abbreviated as domestic violence) is one form of violence that occurs in people's lives (Hasan, 2020). The violence is often also referred to as domestic violence because it occurs in the domestic sphere, the problem of domestic violence is one of the important things that became a serious concern by the Indonesian government in the reform era.

Domestic violence is unique and distinctive because these crimes occur within the scope of the household and take place in intimate personal relationships, namely between husband and wife, parents and children or between children and children or with people who work in the household sphere who live sedentary (Hasan, 2021a). Domestic violence that occurs between husband and wife is based on relationships within the institution of marriage which is also regulated by the Civil Code or the Marriage Law so that the culture of society still views it as an internal family affair, where domestic violence is one of the global public health issues.

Domestic violence according to Law Number 23 of 2004 concerning the Elimination of Domestic Violence is any act against a person (Hilton, 2021), especially women (Hasan, 2021b), which results in physical, sexual, psychological misery or suffering and/or domestic neglect including threats to commit coercive acts (Hasan, 2022), or unlawful deprivation of independence within the scope of the household. Domestic violence is a deep-rooted problem and a problem that often occurs in Indonesia (Ibhagui & Olawole, 2019). So the right handling and approach are needed so that this problem can be handled properly (Heidari, 2022). Thus, this research is directed to solving domestic violence crimes through restorative justice efforts to restore victims' rights and relationships with perpetrators.

Based on the background, the author formulates the following issues:

1. How is the consideration of discretionary actions by the Police in the application of (restorative justice) to the resolution of domestic violence cases?
2. How are efforts to overcome domestic violence crimes carried out by the Police?

RESEARCH METHODOLOGY

The approach used in this study is a normative juridical approach and an empirical juridical approach to obtain correct and objective research results (Mustangimah dkk., 2021). Then for the data analysis process, the data that has been systematically compiled is analyzed in a qualitative juridical manner, namely by providing an understanding of the data in question in accordance with the facts obtained in the field, so that it is really from the main problem faced and compiled in

sentence by sentence form (Deok-Ki Kim & Seo, 2003). which is scientific and systematic in the form of answers to problems based on research results.

RESULT AND DISCUSSION

Consideration of Discretionary Actions by the Police in the Application of Restorative Justice to the Resolution of Domestic Violence Cases

Law enforcement is the process of making efforts to uphold or function legal norms in real terms as guidelines for actors in traffic or legal relations in public and state life (Salendu, 2021). Law enforcement is an effort to realize the ideas and concepts of law that the people expect to become reality (Rioja dkk., 2014). Law enforcement is a process that involves many things.

According to Soerjono Soekanto, law enforcement is an activity to harmonize the relationship of values described in solid and embodying rules / views of values and attitudes of action as a series of final stage value elaboration to create, maintain and maintain social peace.

According to Jimly Asshiddiqie said that the characteristics of the rule of law are clearly visible because of the firmness of the separation of powers so that it can be seen that the government is run by law and not by individual rulers (Merendino & Melville, 2019). States are obliged to realize fair justice by ensuring the creation of a situation in which everyone has the right to justice (justice for all), this creates a constitution that protects individual interests and limits state power.

The State of Indonesia as a state of law aims to create order, security, justice and welfare in the life of the nation and state (Kaiser & Reisig, 2019). Protection of human rights in the Indonesian state is guaranteed and accompanied by its basic obligation to realize order, security, justice and welfare in public and state life.

Based on the above, one of the manifestations of the rule of law is the existence of regulations regarding the resolution of domestic violence cases by investigators through restorative justice with a criminal law policy approach as a form of criminal law enforcement in Indonesia using a problem-oriented policing approach as part of a precision police transformation program.

Restorative justice is one of the theories in law to close the gap of weakness in the resolution of conventional criminal cases which is a repressive approach as implemented in the Criminal Justice System (Guo dkk., 2019). The weakness of the repressive approach as a solution to criminal cases is partly because it is oriented towards retaliation in the form of punishment and imprisonment of perpetrators, but even though the perpetrator has served the sentence the victim does not feel satisfaction. Restorative Justice is a court that emphasizes reparation for losses caused or related to criminal acts (Dui dkk., 2020). Restorative Justice is carried out through a cooperative process involving all parties (stake holders).

Restorative justice regulations are the legal basis and guidelines for investigators and police investigators who conduct investigations, in providing guarantees of legal protection and control. This is in line with applying the principle of restorative justice in the concept of criminal investigation in order to realize the public interest and a sense of community justice, so as to realize a uniform understanding and application of restorative justice within the National Police. Justice-based Crime Handling (Dong dkk., 2021), restoration of justice is the stage of the police in realizing the resolution of cases by prioritizing a sense of justice that emphasizes restoration (Zhu & Shu, 2019). To its original state and provide a balance of protection and interests of victims and perpetrators of criminal acts by not being oriented towards punishment (Jian dkk., 2021). Police Regulation on Handling Criminal Acts Based on Restorative Justice is a new concept in criminal law enforcement that accommodates norms and values that apply in society as a solution while

providing legal certainty (Zhang dkk., 2022), especially the benefit and sense of justice of the community, to answer the development of the legal needs of the community that meets the sense of justice of all parties who are the embodiment of the authority of the National Police in accordance with Article 16 and Article 18 of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia.

Muladi said restorative justice is an approach to justice based on the philosophy and values of responsibility, openness, trust, hope, healing, and "inclusiveness" and has an impact on policy decision-making of criminal justice systems and legal practitioners around the world and promises positive things in the future in the form of a justice system to overcome conflicts due to crime and Accountable law and restorative justice can be implemented if the focus of attention is directed to the harm caused by criminal acts, equal concern and commitment to involve perpetrators and victims, encourage perpetrators to account, opportunities for dialogue between perpetrators and victims, involve communities affected by crime in retroactive processes (Gnocchi dkk., 2022), encourage cooperation and reintegration.

Bagir Manan explained that in general, the definition of restorative justice is the rearrangement of a fairer penal system, both for perpetrators, victims, and the community.

As a penal philosophy, restorative justice in its implementation requires a concept that has legitimacy in its application, as a form of actualization of the philosophy, the concept must be outlined in laws and regulations (Alam dkk., 2019). With the regulation on police discretion in Article 18 of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, it has actually given a juridical foothold to police investigators to apply the philosophy of restorative justice in handling criminal cases. Because with the discretion of police investigators can choose various actions in solving criminal cases they handle, one of the actions that can be taken in implementing restorative justice is in cases of domestic violence that have distinctive characteristics, namely carried out inside the home, perpetrators and victims are family members and are often considered not a form of violence.

The term substantive justice as a legal principle and concept emerged as a subject of polemics and open debates. This term appears daily, both in court forums and in reviews (comments) in the mass media. Substantive justice is justice related to the content of the judge's decision in examining, trying and deciding a case that must be made based on considerations of rationality, honesty, objectivity, impartiality, without discrimination and based on conscience (judge's belief).

The approach to domestic violence cases is a domestic violence case with a Police Report Number: LP/B/2091/X/2021/SPKT/Polda Lampung, dated October 30, 2021 with the whistleblower on behalf of Rianti Listia Ananda and the Reported on behalf of Mut'em Suhada Isa, whose domestic violence case is handled by the Sub-Directorate IV Investigator of the Lampung Regional Police Reskrim as referred to in the provisions of Article 44 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

On Saturday, October 30, 2021, at around 15.00 WIB, at Perum Permata Asri, Block EE Number 18, Karang Anyar, Jati Agung District, South Lampung. Located in the upper room (second floor), Reported Mut'em Suhada Isa (husband of the Complainant) violently assaulted the Complainant by strangling the Complainant's neck, then hit the Complainant's back and kicked him in the abdomen and thigh so that the Reporter suffered bruises and bruises based on the results of the visum et repertum with Medical Number: 00.66.48.81 issued by Abdoel Moeloek Hospital.

The domestic violence incident began with a dispute between the Reported Person and the Whistleblower, where the Reported Person asked where the Reporter wanted to go. Furthermore, the Reporter replied that he would leave, but the Reporter's answer offended the Reported Person

and scolded the Whistleblower. Furthermore, the Reported Strangled and then kicked the Complainant's stomach and thigh, then the Reporter tried to avoid the Reported Person. For the domestic violence incident, the Reported Person was further processed by the Lampung Police Investigator.

Sub-Directorate IV of the Lampung Regional Police Reskrimum followed up the Report from the Whistleblower by conducting investigations and investigations as follows:

a. Plan and implementation of tasks

- 1) Create and prepare administrative investigations (mindik) of duty warrants and investigation warrants;
- 2) Make and send a letter notifying the progress of the investigation results.

b. Results of the investigation

There was a report of a domestic violence crime committed by Reported Mut'em Suhada Isa against Whistleblower Rianti Listia Ananda, in which the Investigator followed up the case based on Police Report Number: LP/B/2091/X/2021/SPKT/Polda Lampung, dated October 30, 2021. The results of the investigation by the Sub-Directorate IV Investigator of the Lampung Regional Police Reskrimum are:

1) The investigator has examined witnesses, victim witnesses and the Reported Person as many as 3 (three) people, namely:

- a) Victim witness: Rianti Listia Ananda;
- b) Reported: Mut'em Suhada Isa;
- c) Witness: Saodah.

2) Obtain evidence: 1 (one) Marriage Book Number: 0467/167/IV/2011 issued by the Office of Religious Affairs of Jati Agung District, South Lampung Regency.

3) Obtaining evidence:

- a) 1 (one) sheet of Visum Et Repertum Letter with Medical number: 00.66.48.81, issued by Abdoel Moeloek Hospital;
- b) Witness testimony on behalf of Saodah bint Tukiman.
- c) c. Investigator's Conclusion: from the results of the investigation, witness statements and evidence obtained, it was concluded that based on the results of the investigation Police Report Number: LP/B/2091/X/2021/SPKT/Polda Lampung, dated October 30, 2021, it was found that the crime of domestic violence as referred to in Article 44 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

Restorative justice is the resolution of criminal acts by involving perpetrators, victims, families of perpetrators and victims, or stakeholders to jointly seek a fair solution through peace by emphasizing re-election to the original state as referred to in the provisions of Article 1 point (3) of the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning Restorative Justice Handling of Crimes.

The use of restorative justice programs based on the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Restorative Justice Crimes includes the following:

- a) Restorative justice programs can be used in any stage of the criminal justice system;
- b) The process of restorative justice is only used when there is sufficient evidence to prosecute the perpetrator of the crime and accompanied by the freedom and voluntariness of the perpetrator victim. This includes the freedom of both the perpetrator and the victim to back away from consent at any time during the process.

The agreement must also be reached voluntarily and contain reasonable and proportionate obligations;

- c) The agreement is based on basic facts relating to the relevant case, and the participation of the perpetrator cannot be used as evidence of admission of guilt in subsequent legal proceedings;
- d) Disparities due to imbalances, both strengths and cultural differences must be considered in carrying out the process of restorative justice; the safety of the parties must be observed in the process of restorative justice;
- e) If restorative proceedings are inappropriate or impossible, the case should be returned to criminal justice system officials, and a decision should be made to proceed promptly without delay. In this regard, criminal justice officials should strive to encourage perpetrators to take responsibility for dealing with victims and communities who are harmed and continue to support efforts to reintegrate victims and perpetrators in society.

The process of solving domestic violence crimes using a restorative justice approach is carried out by submitting a written application letter to the National Police. The application letter as made by the perpetrator, victim, perpetrator's family, victim's family, or other related parties, the application letter is completed with a peace statement document and evidence that the restoration of the victim's rights has been carried out. The request letter is made by the perpetrator, victim, perpetrator's family, victim's family, or other related parties. Where the Petition Letter is completed with a peace statement document and evidence that the restoration of the victim's rights has been carried out.

The consideration of discretionary actions by the police in the application of restorative justice to the resolution of domestic violence cases is to meet general and special requirements based on the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning Restorative Justice Handling of Crimes. General requirements apply to the activities of carrying out criminal investigation functions, investigations or investigations, while special requirements only apply to criminal acts based on restorative justice in investigation or investigation activities.

Consideration of the Investigator of the Directorate of Reskrim of the Lampung Regional Police on restorative justice in handling cases of domestic violence crimes by looking at the provisions of Article 4 and Article 5 of the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Restorative Justice Crimes, namely:

a. General requirements include:

1) Material Requirements:

- a) Do not cause unrest and/or rejection from the community;
- b) No impact on social conflict;
- c) It has no potential to divide the nation;
- d) Not radicalism and separatism;
- e) Not a repeat offender of a Criminal Act based on a Court Decision; and
- f) Not Criminal Acts of Terrorism, Criminal Acts Against State Security, Criminal Acts of Corruption and Criminal Acts Against People's Lives.

2) Formil Requirements:

- a) Peace of both parties as evidenced by a peace agreement and signed by the parties, except for Narcotics crimes;
- b) Fulfillment of the rights of victims and responsibilities of perpetrators, in the form of returning goods, indemnifying, reimbursing costs incurred from the consequences of

criminal acts and / or replacing damages caused by criminal acts. Evidenced by a statement letter in accordance with the agreement signed by the victim (except for narcotics crimes).

b. Special Requirements in handling domestic violence crimes based on Restorative justice, including:

- a. The perpetrator extends an apology to the victim;
- b. The perpetrator is willing to cooperate with police investigators to conduct further investigations.

The Regulation of the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Restorative Justice Criminal Acts is the legal basis and guideline for Lampung Police Investigators who conduct investigations in providing guarantees of protection and legal control for Whistleblower Rianti Listia Ananda. This is in line with applying the principle of restorative justice in the concept of investigating domestic violence crimes in order to realize the public interest and a sense of community justice, so as to realize uniformity in understanding and application of restorative justice within the National Police. Handling domestic violence crimes using a restorative justice approach in cases on behalf of the Reported Mut'em Suhada Isa is the stage of the police in realizing the resolution of cases by prioritizing a sense of justice that emphasizes restoration back to its original state and provides a balance of protection and interests of victims and perpetrators of criminal acts by not being oriented towards punishment.

The case on behalf of the Reported Mut'em Suhada Isa, Ditreskrim Polda Lampung submitted the results of investigations and fingerprints where the Reported Person based on the results of the case title, was determined to be a suspect in a domestic violence crime case and due to the existence of Perpol Restorative Justice, the Reported Mut'em Suhada Isa met the requirements to be given a restorative justice application, so that the Consideration of the Investigator of the Ditreskrim Polda Lampung based on the provisions of Article 3 of the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Restorative Justice Crimes stops the investigation and investigation of the Reported Mut'em Suhada Isa and releases the Reported Mut'em Suhada Isa after the decree of termination of the Investigation or Investigation, The release of the Reported Mut'em Suhada Isa was carried out by attaching a Statement of Withdrawal of the Report/Retraction of the Case from the Whistleblower and a Peace Letter signed by the Whistleblower and the Reported Person based on Consensus Deliberation mediated by a team from the Ditreskrim Polda Lampung.

The concept of restorative justice in domestic violence crimes causes a shift in the direction of punishment and the purpose of punishment that is punitive or revenge by accounting for every act committed into a solution that emphasizes more on efforts to heal / restore to the original state before the occurrence of a domestic violence crime. The Regulation of the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Restorative Justice Crime is the legal basis and guideline for National Police investigators who conduct investigations in providing guarantees of legal protection and control using a problem-oriented policing approach as part of the Precision Police transformation program.

This is in line with applying the principle of restorative justice in the concept of criminal investigation in order to realize the public interest and a sense of community justice, so as to realize a uniform understanding and application of restorative justice within the National Police in realizing case resolution by prioritizing a sense of justice that emphasizes restoration by not being criminally oriented.

National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning Restorative Justice Handling of Criminal Acts is a new concept in criminal law enforcement that accommodates norms and values that apply in society as a solution while providing legal certainty, especially the benefit and sense of justice of the community, to answer the development of the legal needs of the community that meets the sense of justice of all parties who are the embodiment of the authority of the National Police in accordance with Article 16 and Article 18 of the Police Law.

As a penal philosophy, the regulation of police discretion in Article 18 of the Police Law has actually provided a juridical foothold to police investigators to apply the philosophy of restorative justice in handling criminal cases. Because with the discretion of the National Police Investigator can choose various actions in solving criminal cases he handles, one of the actions that can be taken in implementing restorative justice is domestic violence cases that have distinctive characteristics, namely carried out inside the home, perpetrators and victims are family members and are often considered not a form of violence.

Based on the description above, it can be analyzed that the Consideration of Discretionary Actions by the Police in the Application of Restorative Justice to the Resolution of Domestic Violence Cases is through a restorative justice approach in accordance with procedures to provide legal certainty for victims based on restorative justice requirements in solving domestic violence crimes and additional requirements based on the provisions of Article 3 and Article 5 of the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning Restorative Justice Handling of Crimes.

Efforts to Combat Domestic Violence Crimes carried out by the Police

According to Article 1 number (1) of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, what is meant by Domestic Violence is any act against someone, especially women, which results in physical, sexual, psychological misery or suffering and/or domestic neglect including threats to commit acts, coercion or deprivation of independence unlawfully within the scope of the household.

Domestic violence is one of the problems that the government eventually pays attention to. This is reflected in the promulgation of Law Number 23 of 2004 concerning the Elimination of Domestic Violence. This law was born and became a legal reference because in the Criminal Code, criminal threats and fines for domestic violence problems are very light so they are not enough to deter perpetrators. The birth of Law Number 23 of 2004 concerning the Elimination of Domestic Violence on the one hand seems to provide benefits, especially for wives (women) who are allegedly more often victims in the practice of domestic violence, but on the other hand the issuance of the law can actually create new problems because of the potential to cause gender injustice.

Acts of domestic violence according to Law Number 23 of 2004 concerning the Elimination of Domestic Violence, consist of various forms, including the following:

- a. Physical violence, is an act that results in pain, falling ill, or serious injury.
- b. Psychological Violence, is an act that results in fear, loss of self-confidence, loss of ability to act, insecurity, and/or severe psychological suffering in a person.
- c. Sexual violence, including:
 - 1) Coercion of sexual relations committed against persons residing within the scope of the household.
 - 2) Coercion of sexual relations against a person within the scope of his household for commercial purposes of or purposes.
- d. Domestic neglect, including:

- 1) Every person shall not abandon any person within the scope of his household, when by law applicable to him or by agreement or agreement he is obliged to give life, care or maintenance to that person.
- 2) Tracing also applies to any person who causes economic dependence by restricting and/or prohibiting decent work inside or outside the home so that the victim is under the control of that person.

Efforts to overcome domestic violence are very important in implementation, which involves various parties, namely law enforcement in trying to overcome domestic violence, then efforts to overcome domestic violence crimes carried out by the Police can be pursued as follows:

a. Preemptive Efforts

Preemptive efforts are made by the police to prevent criminal acts. The form of preemptive effort is to instill values/norms in everyone. Even if there is an opportunity to commit an offense/crime, but there is no intention to do so, then there will be no crime. So, in a preemptive endeavor, the intention factor becomes lost despite the opportunity. The police have a policy of socialization programs on the dangers of domestic violence, involvement of community leaders in women and child protection activities, and involvement of local governments, namely RT, RW and Lurah. The Police through the Binmas Field of the Lampung Regional Police intensified the socialization of the dangers of domestic violence by mapping areas that are prone to domestic violence and identifying factors that cause domestic violence. The Police through the Binmas Field of the Lampung Regional Police carry out the task of conducting legal counseling/socialization in educating the public to implement positive norms to prevent domestic violence. Binmas' function as a Polmas officer also holds "door to door" visits to people's homes while providing counseling about domestic violence.

b. Preventive Efforts

Preventive efforts are follow-up efforts to preemptive efforts that are still in the level of prevention before the occurrence of crime. In preventive efforts, the emphasis is on eliminating the opportunity to commit crimes. Preventive efforts carried out by the Police through the Binmas Field of the Lampung Regional Police assisted by bhabinkamtibmas as a Polmas officer are as follows:

- 1) Make a complaint contact (Call Center), if there is a domestic violence incident in the jurisdiction of the Lampung Regional Police.
- 2) Training for cadres/companions of domestic violence victims, a group of residents are included in the training, accompanied and encouraged to improve the ability to assist victims of domestic violence.

c. Repressive Efforts

Repressive efforts are carried out when there has been a criminal act / crime whose action is in the form of law enforcement by imposing punishment. The efforts of the National Police in enforcing the law against perpetrators of domestic violence are carried out by conducting investigations and investigations, determining suspects and determining criminal acts and criminal threats. Legal proceedings against perpetrators of domestic violence are sought so that perpetrators do not repeat their actions.

The use of criminal law in tackling crime is still very necessary at this time, considering that criminal law in addition to having a repressive side also has a preventive side to prevent people who obey the law from participating in committing or will think twice if they want to commit crimes. Prevention and control of crime by penal and non-penal means is a policy through the stages of law enforcement carried out by law enforcement officials. Criminal law enforcement manifests itself as

the application of criminal law (criminal law application) involving various structural sub-systems in the form of police, prosecutors, courts and corrections.

Law enforcement is an effort to make the ideas of legal certainty, social benefit and justice a reality. The process of realizing these three ideas is the essence of law enforcement. Law enforcement can also be interpreted as the administration of law by law enforcement officers and everyone who has interests and in accordance with their respective authorities according to applicable legal rules. Law enforcement carried out by law enforcement officials aims to anticipate and overcome problems in law enforcement. Thus, in handling problems in criminal law enforcement that occur in society can be done penally (criminal law) and non-penal (without using criminal law).

Based on the description above, it can be seen that law is a rule that lives in society that has a regulating and coercive nature. The purpose of law itself is to ensure the continuity of balance in relations between members of society, so that a good law is a law that is in accordance with living law. Thus, in handling problems in criminal law enforcement that occur in society can be done penally (criminal law) and non-penal (without using criminal law), where the restorative justice policy is a policy carried out by the state in the context of non-penal countermeasures to resolve cases of domestic violence.

Based on the theory of law enforcement that requires legal certainty above, it can be analyzed that efforts to overcome domestic violence crimes carried out by the police are carried out through several stages, namely pre-emptive reporting efforts to ward off domestic violence crimes as early as possible, prevention efforts including improving education, disseminating information and increasing supervision are very important factors. While the enforcement effort (repressive) is law enforcement against perpetrators of domestic violence crimes in accordance with the authority of the Police, but considering that domestic violence is a type of crime that is quite severe when viewed from the consequences caused and its effect on society, To the general public, it is socialized to actively participate in uncovering this crime by providing information to the authorities if they see, witness or indicate a criminal act of domestic violence or things that can be suspected of leading to the occurrence of the crime so as to provide legal certainty and legal protection for victims of domestic violence.

CONCLUSION

1. Conclusion

- a. Consideration of Discretionary Actions by the Police in the Application of Restorative Justice to the Resolution of Domestic Violence Cases is through a restorative justice approach in accordance with procedures to provide legal certainty for victims based on restorative justice requirements in solving domestic violence crimes and additional requirements based on the provisions of Article 3 and Article 5 of the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning Restorative Justice Handling of Crimes.
- b. Efforts to overcome domestic violence crimes carried out by the police are carried out through several stages, namely pre-emptive containment efforts to ward off domestic violence crimes as early as possible, prevention efforts including improving education, disseminating information and increasing supervision are very important factors. While the enforcement effort (repressive) is law enforcement against perpetrators of domestic violence crimes in accordance with the authority of the Police, but considering that domestic violence is a type of crime that is quite severe when viewed from the consequences caused and its

effects on society, to the general public, socialized to actively participate in uncovering this crime by providing information to the authorities if they see, witness or indicate a criminal act of domestic violence or things that can be suspected of leading to the occurrence of the crime so as to provide legal certainty and legal protection for victims of domestic violence.

2. Advice

- a. The Government should be expected to immediately make a law on restorative justice so that later it can be implemented optimally as a policy in preventing, reducing and overcoming criminal acts, especially domestic violence.
- b. The National Police should further improve coordination with relevant agencies and local governments, especially coordination between elements of the criminal justice system in solving domestic violence crimes as a form of non-penal efforts through restorative justice.
- c. It is expected that the community will play an active role in assisting law enforcement officials to prevent domestic violence by reporting if domestic violence occurs.

AUTHORS' CONTRIBUTION

Author 1: Conceptualization; Project administration; Validation.

Author 2: Writing - review and editing.

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