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A Juridical Review of the Resolution of Assault Cases Committed by Police Officers through Restorative Justice

Stenly Youdy Pakekong[1]*, Ina Rosmaya[2]
[1]utumsd@gmail.com, [2]ina@ubhara.ac.id
[1]Polda Sulawesi Utara, [2]Universitas Bhayangkara Surabaya

*Corresponding Author: Stenly Youdy Pakekong
Email: utumsd@gmail.com

ABSTRACT

Restorative justice has become an alternative mechanism for resolving criminal cases in Indonesia. However, its application to assault cases involving Indonesian National Police officers raises juridical concerns because the alleged offender is also a law enforcement officer subject to criminal, ethical, and disciplinary accountability. This study examines the legal construction of restorative justice in resolving assault cases committed by police officers and analyses its implications for public accountability, legal certainty, equality before the law, and victim protection. The novelty lies in proposing a dual accountability model that separates criminal settlement from ethical and disciplinary proceedings. This study employs normative legal research using statutory, conceptual, and case approaches. The analysis examines legislation on restorative justice, criminal liability, police authority, and criminal procedure, supported by legal theories. Findings show the existing framework does not distinguish police officer cases from ordinary criminal cases, creating risks of conflicts of interest, unequal bargaining power, inadequate victim protection, and weakened accountability. Legal uncertainty also arises regarding the relationship between restorative settlements and ethical or disciplinary proceedings. Case studies and comparative analysis of oversight mechanisms in Canada, South Africa, and the United Kingdom confirm the need for independent external oversight. Therefore, this study proposes a dual accountability model consisting of stricter eligibility requirements, independent external oversight, separation of criminal and ethical/disciplinary proceedings, procedural transparency, and operational victim protection mechanisms. These safeguards are necessary to prevent restorative justice from becoming a mechanism for impunity while ensuring victim recovery, legal certainty, and accountability.

Keywords: *Accountability, Dual Accountability Model, Police Officers, Restorative Justice, Victim Protection*

INTRODUCTION

Historically, the Indonesian criminal justice system has emphasised formal prosecution and disciplinary actions as the principal reactions to criminal offences. This punishing approach has historically influenced how law enforcement bodies, such as the Indonesian National Police *(Polri)*, manage instances of misconduct. Nevertheless, dependence on formal penal measures does not invariably yield enough restitution for victims. This constraint is particularly evident when the accused is a police officer, as these instances encompass criminal, ethical, and disciplinary responsibilities concurrently. When law enforcement personnel engage in abusive behaviour, the legal implications go beyond personal responsibility as outlined in Law No. 1 of 2023 pertaining to the Criminal Code. These matters also relate to educational and civic duty and public confidence in law enforcement.[1]

Restorative justice has surfaced as a substitute approach that prioritises the rehabilitation of victims, the accountability of offenders, and the reparation of social connections. In Indonesia, this system is chiefly governed by the Indonesian National Police Regulation No. 8 of 2021 about the Management of Criminal Offences through Restorative Justice. This statute establishes a legal structure for adjudicating qualifying criminal matters via a consensus among the perpetrator, the victim, and any other relevant stakeholders. Previous study has investigated the application of this approach. Hardianto et al. examined restorative justice in instances of domestic violence and determined that its efficacy depends on the voluntary involvement of the parties.[2] Kosasih et al. investigated the rearrangement of legal frameworks and highlighted the necessity of institutional consistency to guarantee that alternative methods do not compromise accountability.[3] Sukardi and Purnama examined the foundations of restorative justice within law enforcement and democratic practices in Indonesia, illustrating that these frameworks are embedded in indigenous legal and cultural concepts.[4] Nevertheless, these investigations have not explicitly examined instances where the claimed offender is a member of law enforcement.

The implementation of restorative justice in instances of police officer abuse poses a distinctive legal challenge. The originality of this study is in its emphasis

[1] "Undang-Undang (UU) Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana" (2023), https://peraturan.bpk.go.id/Details/234935/uu-no-1-tahun-2023; "Undang-Undang (UU) Nomor 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia" (2002), https://peraturan.bpk.go.id/Details/44418/uu-no-2-tahun-2002.

[2] Yoyok Hardianto et al., "THE IMPLEMENTATION OF RESTORATIVE JUSTICE SYSTEM TO RESOLVE DOMESTIC VIOLENCE ACTS," *Yuris: Journal of Court and Justice* 2, no. 3 (August 30, 2023): 1–13, https://doi.org/10.56943/jcj.v2i3.359.

[3] Ade Kosasih et al., "Beyond Criminal Law: Repositioning Administrative Law as the Primary Instrument of Anti-Corruption Enforcement in Indonesia," *Yuris: Journal of Court and Justice* 5, no. 2 (May 15, 2026): 1–15, https://doi.org/10.56943/jcj.v5i2.993.

[4] Sukardi Sukardi and Hadi Rahmat Purnama, "Restorative Justice Principles in Law Enforcement and Democracy in Indonesia," *Journal of Indonesian Legal Studies* 7, no. 1 (June 1, 2022): 155–90, https://doi.org/10.15294/jils.v7i1.53057.

on the convergence of restorative justice practices and the responsibility of law enforcement personnel. Global research on police supervision and restorative justice, like the investigations carried out by Nur'aini suggests that implementing restorative practices in instances of police wrongdoing need other protections to avert impunity.[5] Haerul and Zainuddin highlight that restorative justice related to police oversight presents a core contradiction unless there is a distinct distinction between criminal settlement and professional accountability.[6] While restorative practices may accelerate resolution, the imbalanced power dynamics between civilians and law enforcement might influence the voluntariness and equity of the agreement. Police Regulation No. 8 of 2021 is broadly applicable to criminal cases throughout the investigative phase and does not provide a distinct protocol when the accused is affiliated with the same organization. This establishes a structural scenario where the organization overseeing the restorative procedure possesses institutional connections to the purported offender. Current research has recognised deficiencies in facilitator autonomy, voluntary engagement, and victim protection, although has not explored how these deficiencies are intensified when the offender is a law enforcement officer.[7] This research addresses the deficiency by examining the legal structure of restorative justice in instances of police misconduct and suggesting protections that distinguish criminal adjudication from organisational responsibility.

The legislative structure regulating restorative justice in Indonesia has experienced a notable change with the implementation of Law No. 20 of 2025 concerning the Code of Criminal Procedure, effective January 2, 2026. This legislation has requirements about restorative justice frameworks, which include protecting victims and ensuring procedural protections for individuals involved in criminal processes. Police Regulation No. 8 of 2021 was promulgated before this reform and should be construed in alignment with the existing hierarchy of criminal law. This raises questions about the categorisation of criminal acts suitable for restorative justice, the voluntary aspect of the victim's agreement, and the connection between the suspension of criminal cases and the ethical or disciplinary obligations of law enforcement officials. The application of police power, encompassing the use of force, is constrained by the tenets of legality, necessity,

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[5] Nur'aini Jamal, "IMPLEMENTASI PERATURAN KEPOLISIAN NEGARA REPUBLIK INDONESIA NOMOR 8 TAHUN 2021 TENTANG PENANGANAN TINDAK PIDANA BERDASARKAN KEADILAN RESTORATIF," *JOURNAL EQUITABLE* 8, no. 2 (June 30, 2023): 271–82, https://doi.org/10.37859/jeq.v8i2.4963.

[6] Agus Haerul and Zainuddin Zainuddin, "Restorative Justice: An Approach in the Settlement of Land Crimes in the Indonesian National Police," *European Journal of Law and Political Science* 2, no. 2 (April 11, 2023): 46–52, https://doi.org/10.24018/ejpolitics.2023.2.2.78.

[7] Putu Ayu Maharani and I Gusti Ngurah Nyoman Krisnadi Yudiantara, "Analisis Yuridis Terhadap Kesesuaian Prinsip Restorative Justice," *Kertha Wicara: Journal Ilmu Hukum* 16, no. 2 (2026): 82–93; "Peraturan Kepolisian Negara Republik Indonesia Nomor 8 Tahun 2021 Tentang Penanganan Tindak Pidana Berdasarkan Keadilan Restoratif" (2021), https://peraturan.bpk.go.id/Details/225020/perpol-no-8-tahun-2021.

proportionality, and accountability. Actions that surpass legal power may lead to criminal accountability alongside ethical and disciplinary repercussions.[8]

The gaps in the current legal structure are apparent due to the lack of targeted protections for instances involving law enforcement personnel. Police Regulation No. 8 of 2021 lacks any clauses that directly handle conflicts of interest involving suspected offenders who are police personnel. The regulation fails to implement systems for impartial external assessment of these cases. The restorative resolution of criminal matters should not automatically eliminate ethical or disciplinary responsibility, since professional accountability plays a crucial role in maintaining institutional integrity. Research regarding the application of restorative justice in Indonesia has highlighted the necessity for explicit legal norms, uniform procedures, and institutional supervision to prevent imbalances.[9] If incidents involving law enforcement are settled without sufficient external examination, restorative justice could be viewed as a means of avoiding criminal accountability. This research contends that the current legal structure fails to effectively distinguish between standard criminal cases and those involving suspected police officers. The lack of such differentiation gives rise to potential conflicts of interest, an inequity in bargaining power, insufficient protection for victims, and a deterioration of public accountability.

This research solves three primary concerns. First and foremost, what is the legal framework for restorative justice in instances of misconduct by personnel of the Indonesian National Police *(Polri)* as outlined in Police Regulation No. 8 of 2021, Law No. 1 of 2023, and Law No. 20 of 2025? What are the legal consequences of implementing restorative justice for public accountability, legal certainty, equality under the law, and the protection of victims? What constitutes a suitable framework for supervision and protection to prevent impunity and facilitate victim rehabilitation? The aim of this research is to examine the legal foundations and constraints of implementing restorative justice in instances of abuse perpetrated by personnel of the Indonesian National Police. This research seeks to enhance the establishment of a more responsible framework for restorative justice. The suggested framework entails dual accountability, including the distinction between restorative criminal processes and ethical as well as disciplinary actions. This research is prescriptive and does not assess empirical methodologies. Consequently, assertions concerning implementation are confined to an examination of relevant

[8] V.A. Kaznazcheev, "PRACTICAL AND LEGAL FEATURES OF USE LAW ENFORCEMENT OFFICERS PHYSICAL FORCE," *Izvestiya of the Samara Science Centre of the Russian Academy of Sciences. Social, Humanitarian, Medicobiological Sciences* 23, no. 80 (2021): 23–28, https://doi.org/10.37313/2413-9645-2021-23-80-23-28.

[9] Sari Maharani Tarigan Sibero, Hedwig Adianto Mau, and Tubagus Achmad Darodjat, "Application of Restorative Justice in Criminal Offences of Domestic Violence Domestic Violence in Indonesia," *LAW & PASS: International Journal of Law, Public Administration and Social Studies* 2, no. 6 (February 16, 2026): 312–19, https://doi.org/10.47353/lawpass.v2i6.55.

standards and legal structures. Additional investigation is required to evaluate the practical application of this theoretical framework.

LITERATURE REVIEW

Recent years have seen an increase in research on restorative justice in the context of law enforcement, especially since Police Regulation No. 8 of 2021 was passed. According to a Hatmawan research, accusations of abuse of power and overuse of force have caused public confidence in the Indonesian National Police to vary.[10] In order to re-establish public trust, the research suggests a dual approach that combines procedural justice with restorative reconciliation, which includes community interaction and acknowledgement of past wrongs. These results highlight the fact that restorative justice is a tool for re-establishing the police institution's legitimacy in the eyes of the public as well as a means of settling cases.

In the real world, Riley et al. quasi-experimental research study of the informal resolution of police complaints using a restorative approach revealed that this mechanism has the potential to give complainants more satisfaction than traditional disciplinary procedures.[11] However, McLaughlin and Johansen warn that in the context of England and Wales, victims of police wrongdoing are frequently positioned as "complainants" whose causes are questioned rather than being given "victim" status inside the complaint system.[12] As a result, those who dare to make complaints are often disciplined by the system. This caution is relevant to the Indonesian setting, as the victim's willingness to submit to a restorative procedure may be impacted by the power imbalance between citizens and police.

Research on the use of restorative justice by National Police investigators in Indonesia has shown several systemic flaws. While legal frameworks like National Police Chief Regulation No. 8 of 2021 have offered a formal foundation, additional study has discovered that there are still several obstacles to its use throughout the investigation stage.[13] The application of restorative justice is quite successful in settling disputes quietly and compensating victims for their losses, according to another study examining implementation within the West Java Regional Police. However, it still faces obstacles in the form of inconsistent law enforcement

[10] Ilham Dwi Hatmawan, "Public Compliance towards Indonesian National Police (POLRI) Authority in the Midst of a Strained Public-Police Relationship," *Kejahatan & Keadilan: Jurnal Kriminologi Indonesia* 1, no. 1 (2025): 63–72, https://doi.org/10.7454/kriminologi.v1.i1.1005.

[11] Mary Riley, Timothy Prenzler, and Susan Douglas, "Mediation of Complaints against Police: A Review of Programs in Los Angeles and New York City," *Contemporary Justice Review* 24, no. 3 (July 3, 2021): 312–35, https://doi.org/10.1080/10282580.2021.1884978.

[12] E. McLaughlin, "A Force For Change? The Prospects for Applying Restorative Justice to Citizen Complaints against the Police in England and Wales," *British Journal of Criminology* 42, no. 3 (June 1, 2002): 635–53, https://doi.org/10.1093/bjc/42.3.635.

[13] Riffan Abvaliandro, "THE PROBLEMATICS OF IMPLEMENTING RESTORATIVE JUSTICE AT THE INVESTIGATION STAGE IN INDONESIA," *Res Nullius Law Journal* 7, no. 2 (July 20, 2025): 136–50, https://doi.org/10.34010/rnlj.v7i2.20167.

practices and a lack of public awareness.[14] These studies have not specifically addressed cases where the alleged perpetrator is a police officer themselves; thus, this research aims to fill that gap.

RESEARCH METHODOLOGY

This study adopts a normative legal research approach that understands law as a system of norms governing the application of restorative justice in cases of abuse committed by members of the Indonesian National Police. The study applies three approaches, namely the statutory approach, the conceptual approach, and the case approach. The statutory approach examines several relevant legal instruments, including Law No. 1 of 2023, Law No. 20 of 2025 on the Code of Criminal Procedure, Law No. 2 of 2002 on the Indonesian National Police, and Police Regulation No. 8 of 2021 on the Handling of Criminal Offenses Based on Restorative Justice. The conceptual approach is used to develop a theoretical framework consisting of restorative justice theory, public accountability theory, power relations theory, and the dual accountability model. Restorative justice theory provides a basis for assessing whether the application of restorative justice genuinely addresses the harm experienced by victims or may instead function as a mechanism for avoiding criminal accountability.[15] Public accountability theory is applied to examine the responsibility of the police institution for the conduct of its members.[16] Power relations theory is used to examine the unequal relationship between civilians and police officers. This perspective is supported by McLaughlin and Johansen, who explain that victims of police misconduct are frequently positioned as complainants whose motives may be questioned.[17] The dual accountability model is a theoretical construct developed in this study, namely the separation of restorative criminal proceedings from ethical and disciplinary proceedings. This model is formulated through a synthesis of the three theoretical perspectives described above.

The collected legal materials were analysed qualitatively using a descriptive analytical method consisting of four stages. First, the study identified and organized legal norms relevant to restorative justice and the accountability of police officers.

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[14] Amalina Zukhrufatul Bahriyah et al., "Restorative Justice as a Law Enforcement Policy Instrument: An Analysis of Implementation in the West Java Regional Police," *Al-Jinayah : Jurnal Hukum Pidana Islam* 11, no. 2 (December 31, 2025): 154–73, https://doi.org/10.15642/aj.2025.11.2.154-173.

[15] Zehr Howard, *Changing Lenses: A New Focus for Crime and Justice* (Herald Press, 1990), https://www.unodc.org/e4j/data/_university_uni_/changing_lenses_a_new_focus_for_crime_and_justice.html?lng=en.

[16] Mark Bovens, "Analysing and Assessing Accountability: A Conceptual Framework 1," *European Law Journal* 13, no. 4 (July 7, 2007): 447–68, https://doi.org/10.1111/j.1468-0386.2007.00378.x; Richard Mulgan, "'Accountability': An Ever-Expanding Concept?," *Public Administration* 78, no. 3 (January 17, 2002): 555–73, https://doi.org/10.1111/1467-9299.00218.

[17] McLaughlin, "A Force For Change? The Prospects for Applying Restorative Justice to Citizen Complaints against the Police in England and Wales."

Second, it examined potential conflicts between Police Regulation No. 8 of 2021 and subsequent legal provisions. Third, the relevant legal norms were interpreted through grammatical, systematic, and teleological approaches. Fourth, the analysis was used to develop a legal argument concerning the limitations of applying restorative justice in cases involving police officers. The theoretical framework developed in this study served as an analytical lens for assessing whether the application of restorative justice fulfils the principles of voluntariness, equality before the law, transparency, and institutional accountability.[18]

This study has several limitations that should be acknowledged. As a normative legal study, it does not draw on empirical data and therefore does not assess the actual implementation of restorative justice in practice. Statements concerning implementation are limited to the analysis of applicable legal norms and regulatory frameworks. Despite this limitation, the study contributes to the development of a dual accountability model as a normative framework aimed at preventing impunity and ensuring appropriate restitution for victims.[19] Further empirical research is needed to examine the practical application of this model and assess its effectiveness in different legal and institutional contexts.

RESULT AND DISCUSSION

The Legal Framework of Restorative Justice

Police Regulation No. 8 of 2021 establishes specific substantive and procedural requirements for the application of restorative justice. Article 5 outlines the substantive requirements, which include the absence of public unrest or social conflict, no involvement of radicalism or separatism, no previous offense by the perpetrator, and no involvement of terrorism, crimes against national security, corruption, or crimes against life.[20] Article 6 sets out the procedural requirements, including reconciliation between the parties as demonstrated by a signed agreement and the fulfilment of the victim's rights through compensation or reimbursement of expenses.[21] However, neither provision makes a specific distinction between cases involving police officers as alleged perpetrators and other criminal cases. This absence of a specific distinction creates a structural condition in which the institution facilitating the restorative process may have an institutional relationship with the alleged perpetrator. This finding is consistent with the argument presented by Kosasih et al., who emphasize the importance of institutional coherence to ensure that alternative dispute resolution mechanisms continue to support

[18] Sukardi and Purnama, "Restorative Justice Principles in Law Enforcement and Democracy in Indonesia."
[19] Hatmawan, "Public Compliance towards Indonesian National Police (POLRI) Authority in the Midst of a Strained Public-Police Relationship."
[20] Peraturan Kepolisian Negara Republik Indonesia Nomor 8 Tahun 2021 tentang Penanganan Tindak Pidana Berdasarkan Keadilan Restoratif.
[21] Peraturan Kepolisian Negara Republik Indonesia Nomor 8 Tahun 2021 tentang Penanganan Tindak Pidana Berdasarkan Keadilan Restoratif.

accountability.[22] From the perspective of public accountability theory, this institutional relationship may create a significant potential conflict of interest.[23]

The harmonization of legal norms presents a further challenge. Law No. 20 of 2025 on the Criminal Procedure Code defines restorative justice in Article 1, item 21, and establishes the requirements for settlement under Article 80. These requirements include cases involving a criminal penalty of a fine not exceeding Category III or imprisonment for a maximum of five years, a first-time offense, and an offense that is not classified as a repeat offense.[24] Articles 79 to 82 further regulate the restorative justice mechanism, including judicial oversight through a ruling issued by the Chief Judge of the District Court.[25] In contrast, Police Regulation No. 8 of 2021 does not establish a five-year maximum penalty requirement and does not provide for judicial oversight. Based on the hierarchy of legal norms, the provisions of Police Regulation No. 8 of 2021 should therefore be interpreted and applied consistently with the 2025 Criminal Procedure Code. The differences between these legal instruments may create uncertainty concerning the types of cases that are eligible for restorative justice, particularly when the alleged perpetrator is a police officer.

Case Study on Implementation

Dewi, Fardiansyah, and Tamza examined the resolution of an assault case at the Pagelaran Police Station in Pringsewu, registered as Case No. BP/07/VII/2024/Reskrim. Their findings indicate that the case was resolved in accordance with Police Regulation No. 8 of 2021, as the applicable formal and substantive requirements were fulfilled and the parties reached a peace agreement.[26] However, the study also identified several challenges, including intervention by the victim's family, the perpetrator's financial limitations, and limited public understanding of restorative justice. Ayuba examined the effectiveness of restorative justice in resolving assault cases within the police system. The findings show that restorative justice provides an opportunity for victims and perpetrators to communicate and participate in the resolution process, although its implementation may face challenges arising from different expectations between the parties and limited access to psychological support.[27]

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[22] Kosasih et al., "Beyond Criminal Law: Repositioning Administrative Law as the Primary Instrument of Anti-Corruption Enforcement in Indonesia."
[23] Bovens, "Analysing and Assessing Accountability: A Conceptual Framework 1."
[24] "Undang-Undang (UU) Nomor 20 Tahun 2025 Tentang Kitab Undang-Undang Hukum Acara Pidana" (2025), https://peraturan.bpk.go.id/Details/337302/uu-no-20-tahun-2025.
[25] Undang-undang (UU) Nomor 20 Tahun 2025 tentang Kitab Undang-Undang Hukum Acara Pidana.
[26] Rahma Dewi Anggun, Irzal Fardiansyah Ahmad, and Bardian Tamza Fristia, "Implementasi Pendekatan Restorative Justice Pada Kasus Penganiayaan Di Kepolisian," *Mahkamah : Jurnal Riset Ilmu Hukum* 2, no. 4 (September 22, 2025): 25–40, https://doi.org/10.62383/mahkamah.v2i4.1137.
[27] Apriyansa Pranata Ayuba, "The Effectiveness of Restorative Justice in Resolving Cases of Mistreatment in the Police Environment," *Estudiante Law Journal* 6, no. 2 (June 21, 2024): 419–30, https://doi.org/10.33756/eslaj.v6i2.28307.

These findings are consistent with the study by Hardianto et al., which demonstrates that the effectiveness of restorative justice is strongly influenced by the voluntary participation of the parties involved.[28] However, the present study extends this discussion by showing that the existence of a formal peace agreement does not necessarily indicate the achievement of substantive justice. In cases involving police officers, differences in institutional power and authority may affect the voluntariness of the victim's consent. This concern is consistent with the observations of McLaughlin and Johansen, who note that victims of police misconduct are often placed in a position where they must demonstrate the legitimacy of their complaints, while the police institution possesses greater authority and institutional resources. [29] Fauzy et al. further emphasize the importance of incorporating procedural justice principles into restorative meetings to address power imbalances and ensure that the process is conducted fairly.[30]

International Comparison

Experiences from other jurisdictions highlight the importance of independent external oversight in police accountability. In Canada, the Ontario Special Investigations Unit (SIU) operates as an independent civilian agency responsible for investigating serious incidents involving police officers and civilians. Puddister and McNabb examined 159 SIU investigations and found that the agency represents an important development in civilian oversight, although challenges remain concerning police cooperation and public perceptions of its work.[31] In South Africa, the Independent Police Investigative Directorate (IPID) is mandated to conduct independent investigations, yet limitations in its enforcement capacity have contributed to weaknesses in institutional accountability.[32] In England and Wales, the Independent Office for Police Conduct (IOPC) is authorized to conduct independent investigations into serious complaints involving the police. Comparative research indicates that financial autonomy is an important factor influencing the effectiveness of external oversight mechanisms.[33] The experiences of these three jurisdictions demonstrate that independent external oversight has

[28] Hardianto et al., "THE IMPLEMENTATION OF RESTORATIVE JUSTICE SYSTEM TO RESOLVE DOMESTIC VIOLENCE ACTS."
[29] McLaughlin, "A Force For Change? The Prospects for Applying Restorative Justice to Citizen Complaints against the Police in England and Wales."
[30] Fauzy Marasabessy, Bambang Sugiri, and Heru Ratnohadi, "UNEQUAL RESTORATIVE JUSTICE THE PROBLEM OF NEGLECTING THE RIGHTS OF THE REPORTED PARTY IN THE CRIMINAL JUSTICE SYSTEM," *IBLAM LAW REVIEW* 5, no. 1 (January 8, 2025): 89–96, https://doi.org/10.52249/ilr.v5i1.607.
[31] Marasabessy, Sugiri, and Ratnohadi.
[32] Khomotjo Lekgau, Maluleke Witness, and Roelofse Cornelis, "Analysis of Misconduct and Crime by Police Officers Investigated by the Independent Police Investigative Directorate," *Journal of Public Administration* 56, no. 1 (2021), https://doi.org/https://hdl.handle.net/10520/ejc-jpad-v56-n1-a4.
[33] Krista Stelkia, "An Exploratory Study on Police Oversight in British Columbia: The Dynamics of Accountability for Royal Canadian Mounted Police and Municipal Police," *Sage Open* 10, no. 1 (January 9, 2020), https://doi.org/10.1177/2158244019899088.

become an established mechanism for strengthening police accountability. Its effectiveness, however, is closely associated with the extent of investigative authority, availability of resources, and degree of structural independence.

The Dual Accountability Model

Based on the analysis of legal frameworks, case studies, and comparative experiences from other jurisdictions, this study proposes a dual accountability model as a normative framework for addressing cases involving police officers. The model is developed through a synthesis of restorative justice theory, public accountability theory, and power relations theory, and consists of five main components. First, stricter eligibility requirements should apply to cases involving police officers. Such cases may be resolved through restorative justice only when additional conditions are satisfied, including the absence of indications of systematic abuse of authority, injuries classified as minor under the Criminal Code (KUHP), compliance with the requirements established under Article 80 of the 2025 Criminal Procedure Code (KUHAP), and the victim's informed consent after receiving independent legal assistance. Second, independent external oversight should be established. Every restorative agreement reached during the investigation stage should be reviewed and validated by a prosecutor as part of judicial oversight. Third, restorative criminal proceedings should be separated from ethical and disciplinary proceedings. The resolution of a criminal case through restorative justice should not remove the obligation to address violations of professional ethics or disciplinary rules. Fourth, procedural transparency should be ensured. The process, agreement, and outcomes concerning victim restitution should be properly documented and made publicly accessible while maintaining the victim's right to privacy. Fifth, effective mechanisms for victim protection should be provided. Victims should be given a cooling-off period of seven to fourteen days after signing the agreement. Where an agreement is subsequently found to have resulted from coercion or misinformation, the order terminating the criminal case should be subject to revocation.

Under this model, restorative justice in cases involving abuse by police officers may provide an avenue for victim redress while maintaining the principles of public accountability and equality before the law. As a normative legal study, this research is limited by the absence of empirical assessment of how restorative justice is implemented in practice. Further empirical research is therefore needed to examine the practical application of the proposed model and assess its effectiveness in addressing cases involving police officers.

CONCLUSION

The application of restorative justice to assault cases involving members of the Indonesian National Police continues to face fundamental challenges within the existing legal framework. Police Regulation No. 8 of 2021 does not specifically

distinguish cases in which police officers are the alleged perpetrators from other criminal cases. This situation may create potential conflicts of interest, power imbalances, and weaknesses in public accountability. The harmonization of Police Regulation No. 8 of 2021 with Law No. 1 of 2023 on the Criminal Code and Law No. 20 of 2025 on the Code of Criminal Procedure also remains incomplete, particularly with regard to the scope of applicable criminal penalties, judicial oversight, and the relationship between the termination of criminal proceedings and ethical and disciplinary accountability. These regulatory issues may consequently affect legal certainty and the protection of victims in cases involving police officers.

To address these concerns, this study proposes a dual accountability model as a normative framework consisting of five components, namely stricter eligibility requirements, independent external oversight, the separation of restorative criminal proceedings from ethical and disciplinary proceedings, procedural transparency, and operational mechanisms for victim protection. The model is developed through a synthesis of restorative justice theory, public accountability theory, and power relations theory. Under this framework, restorative justice may function as a mechanism for victim redress while maintaining public accountability and equality before the law. The model also provides a framework for addressing legal uncertainty arising from the interaction between Police Regulation No. 8 of 2021 and the current Criminal Code *(KUHP)* and Criminal Procedure Code *(KUHAP).*

This study has limitations as a normative legal study that does not employ empirical data. Its discussion of implementation is therefore limited to an analysis of applicable legal norms and regulatory frameworks. It does not provide empirical insight into victims' perceptions or the conduct of law enforcement officials during actual restorative justice processes. Further empirical research is needed to examine the practical application of the dual accountability model, explore how victims respond to restorative processes involving police officers, and assess how comparative experiences with external oversight mechanisms in other jurisdictions may contribute to the development of institutional arrangements in Indonesia.

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