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The Principle of Public Benefit in Restorative Justice by Indonesian Police Investigators: A Normative Evaluation

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ABSTRACT

This study evaluates how Police Regulation Number 8 of 2021 equips Indonesian National Police investigators to judge whether a restorative settlement produces public benefit. The study used normative legal research with statutory, conceptual, and analytical approaches. It read the regulation provision by provision, compared it with Prosecutor's Regulation Number 15 of 2020, and assessed it against the principle of public benefit (asas kemanfaatan) in Law Number 30 of 2014, which was operationalized through the interests of victims, offenders, and society. Legal materials were collected through library research and analyzed qualitatively. The analysis indicates that the regulation contains outcome-oriented conditions but verifies them mainly through signed documents. Its societal conditions rest on open terms, the articles on inquiry and investigation do not identify who facilitates a settlement, and voluntariness is not protected by an express prohibition of pressure or a right to refuse. The regulation records the termination of a case but not the outcome of the settlement, its supervision remains internal to the police, and it offers fewer safeguards than the prosecutor's regulation. These findings describe the design of the instrument and not observed practice, so the risks identified remain propositions for empirical testing. The study recommends express voluntariness safeguards, an impartial facilitator, a proportionality test, follow-up on restoration, independent supervision, and harmonization with the prosecutor's regulation. It also notes that Law Number 20 of 2025 introduces judicial control at the investigation stage.

Keywords: *Police Investigators, Principle of Public Benefit, Restorative Justice, Criminal Procedure, Police Regulation*

INTRODUCTION

Police Regulation Number 8 of 2021 allows investigators of the Indonesian National Police (Polri) to end an inquiry or an investigation when the parties reach a restorative settlement.[1] The authority is significant because public prosecutors received a comparable power to end prosecution on restorative grounds in 2020, so two institutions now hold parallel powers at different stages of the same criminal process.[2] The police regulation sets eligibility requirements and procedural stages for investigators. It is less clear whether it also gives investigators a standard for judging whether a particular settlement benefits the people it affects. That question is the research problem of this article.

The need for such a standard arises from the way Indonesian criminal law has treated victims. Nnawulezi and colleagues report that the Indonesian system still leans heavily on punishment and imprisonment, that restorative provisions are scattered across several instruments, and that legislation protects suspects and accused persons better than it protects victims.[3] In 1977, Christie argued that the state takes conflicts away from the people directly involved in them, and that victims therefore lose the opportunity to take part in resolving the harm they suffered.[4] Sari and Sholehuddin reach a related conclusion from the legality principle in Article 1 paragraph (1) of the Indonesian Criminal Code. They find that the principle regulates only the relationship between the perpetrator and the government, so victims receive no direct protection from it.[5]

Restorative justice has been proposed as a response to this imbalance, and Polri investigators now apply it at the earliest stage of a case. Hardianto and colleagues describe penal mediation with a restorative approach as a means of resolving domestic violence cases in the community, and they place it within the Indonesian legal system through a normative and conceptual analysis.[6] Their study does not ask how the quality of such a settlement should be judged. Putra and Sadjijono come closer to that question. They examine the protection of victims and perpetrators from the investigation stage to the court decision and name legal

[1] Republik Indonesia, "Perpol No. 8 Tahun 2021 Tentang Penanganan Tindak Pidana Berdasarkan Keadilan Restoratif," Sekretariat Negara § (2021).
[2] Republik Indonesia, "Peraturan Kejaksaan No. 15 Tahun 2020 Tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif ," Sekretariat Negara § (2020).
[3] Uche Nnawulezi et al., "An Analysis of Indonesian Administration of Criminal Legislation as Instrument of Restorative Justice for Prisoners," *IJCLS (Indonesian Journal of Criminal Law Studies)* 10, no. 1 (May 31, 2025), https://doi.org/10.15294/ijcls.v10i1.23946.
[4] Nils Christie, "CONFLICTS AS PROPERTY," *The British Journal of Criminology* 17, no. 1 (January 1977): 1–15, https://doi.org/10.1093/oxfordjournals.bjc.a046783.
[5] Clara Mega Kharisma Sari and M. Sholehuddin, "THE LEGALITY PRINCIPLE IN PROTECTING THE INTERESTS OF VICTIMS IN ARTICLE 1, PARAGRAPH (1) OF THE CRIMINAL CODE," *Journal of Court and Justice* 1, no. 4 (December 7, 2022): 41–47, https://doi.org/10.56943/jcj.v1i4.210.
[6] Yoyok Hardianto et al., "THE IMPLEMENTATION OF RESTORATIVE JUSTICE SYSTEM TO RESOLVE DOMESTIC VIOLENCE ACTS," *Journal of Court and Justice*, August 30, 2023, 1–13, https://doi.org/10.56943/jcj.v2i3.359.

certainty, legal utility, and justice as the aims of that protection.[7] Their subject is murder committed by children, so their findings cannot be transferred directly to the general offenses handled under Police Regulation Number 8 of 2021. Their framing nevertheless shows that the investigation stage is where the position of the victim is first decided, which is also the stage at which the regulation operates. Nnawulezi and colleagues add that officials often treat restorative justice as a tool for reaching settlements instead of a process of healing and reconciliation, and that applying it at the investigation stage meets legal, cultural, and institutional obstacles.[8]

This article uses the principle of public benefit (*asas kemanfaatan*) as its evaluative standard. The principle has a statutory source. Article 10 paragraph (1) of Law Number 30 of 2014 on Government Administration lists benefit among the general principles of good governance, and the Elucidation of that provision requires benefit to be weighed in balance among competing interests, including those of one individual and another, of the individual and society, and of the government and citizens.[9] The principle is not the utilitarian principle of Bentham, who judged conduct by its tendency to increase or reduce happiness.[10] Public benefit in the Indonesian sense operates within legality and justice, and it resembles the purposiveness that Radbruch placed beside justice and legal certainty as the three values of law.[11] It also differs from efficiency, which measures the speed and cost of disposing of cases, and from public interest (*kepentingan umum*), which Law Number 30 of 2014 lists as a separate principle in the same paragraph.[12] Criminal investigation is governed first by the Criminal Procedure Code and by Law Number 2 of 2002 on the Indonesian National Police, so this article does not claim that Law Number 30 of 2014 binds investigative acts directly. It treats the statutory formulation of public benefit as a normative benchmark for the discretion that Article 18 of Law Number 2 of 2002 allows police officials to exercise in the public interest.[13]

The UNODC *Handbook on Restorative Justice Programmes* offers an international reference on the design and safeguards of restorative programmes,

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[7] Yoga Pramudyas Putra and Sadjijono Sadjijono, "LEGAL PROTECTION FOR VICTIMS OF MURDER COMMITTED BY CHILDREN: A PERSPECTIVE OF THE INDONESIAN CHILD PROTECTION LAW," *Journal of Court and Justice* 4, no. 4 (October 11, 2025): 51–69, https://doi.org/10.56943/jcj.v4i4.846.
[8] Nnawulezi et al., "An Analysis of Indonesian Administration of Criminal Legislation as Instrument of Restorative Justice for Prisoners."
[9] Pemerintahan Republik Indonesia, "UU No. 30 Tahun 2014 Tentang Administrasi Pemerintah," Sekretariat Negara § (2014).
[10] Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (New York: Dover Publications, 2017).
[11] Gustav Radbruch, "Legal Philosophy," in *The Legal Philosophies of Lask, Radbruch and Dabin* (Cambridge: Harvard University Press, 1950), 43–224.
[12] Pemerintahan Republik Indonesia, UU No. 30 Tahun 2014 tentang Administrasi Pemerintah.
[13] Republik Indonesia, "UU No. 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia," Sekretariat Negara § (2002).

including voluntary and informed participation.[14] The Handbook is written for programme design across jurisdictions. It does not connect its safeguards to a domestic statutory principle that governs how public officials exercise authority. This article makes that connection. It develops a framework that reads those safeguards through the Indonesian principle of public benefit and applies the framework to the decision of an investigator to end a case. The framework considers benefit from three vantage points, namely the victim, the offender, and society, and it requires the interests of each to be balanced and proportionate.

There are two objectives on this research. First, what requirements and procedures does Police Regulation Number 8 of 2021 impose on investigators who end a case on restorative grounds? Second, to what extent do those requirements allow a settlement to be judged against the principle of public benefit? The study uses normative legal research with statutory, conceptual, and analytical approaches. It analyzes the regulation provision by provision, reads it alongside Prosecutor's Regulation Number 15 of 2020, and draws on scholarship to identify the risks of investigator-led settlement. Because the study is normative, it does not measure outcomes. Its claims about benefit and risk derive from legal texts and secondary literature, and they are presented as propositions that later empirical work can test.

RESEARCH METHODOLOGY

This research employed normative legal research, which treats law as a body of norms and examines those norms through the analysis of legal texts and doctrine.[15] The primary legal materials are Police Regulation Number 8 of 2021 on the handling of criminal offenses based on restorative justice, Prosecutor's Regulation Number 15 of 2020 on the termination of prosecution based on restorative justice, the Criminal Procedure Code (Law Number 8 of 1981), Law Number 2 of 2002 on the Indonesian National Police, and Law Number 30 of 2014 on Government Administration.[16][17][18][19][20] The police regulation is the main object of analysis. The prosecutor's regulation serves as a comparator because the two instruments operate in parallel at different stages of the same process. Law Number 30 of 2014 supplies the statutory formulation of the principle of public benefit (*asas kemanfaatan*) that the study uses as its evaluative benchmark. The secondary legal

[14] UNODC, *Handbook on Restorative Justice Programmes*, Second Edition (Vienna: United Nations, 2020).
[15] Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, 21st ed. (Depok: PT Rajagrafindo Persada, 2022).
[16] Republik Indonesia, Perpol No. 8 Tahun 2021 tentang Penanganan Tindak Pidana Berdasarkan Keadilan Restoratif.
[17] Republik Indonesia, Peraturan Kejaksaan No. 15 Tahun 2020 tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif .
[18] Republik Indonesia, "UU No. 8 Tahun 1981 Tentang Hukum Acara Pidana ," Sekretariat Negara § (1981).
[19] Republik Indonesia, UU No. 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia.
[20] Pemerintahan Republik Indonesia, UU No. 30 Tahun 2014 tentang Administrasi Pemerintah.

materials consist of books and journal articles on restorative justice, police discretion, and the principle of public benefit. These materials were collected through library research and analyzed qualitatively. The study does not analyze judicial decisions because its object is the regulatory text, so the judicial treatment of cases terminated under the police regulation remains a subject for later research.

The three approaches are applied as follows. The statute approach reads the police regulation provision by provision. It records the substantive requirements, the procedural stages, and the conditions for terminating an investigation, and then tests their coherence against the Criminal Procedure Code, Law Number 2 of 2002, and the prosecutor's regulation. The conceptual approach defines public benefit and separates it from adjacent concepts, namely utilitarian utility, efficiency, and public interest. It also derives from that definition three vantage points for evaluation, which are the victim, the offender, and society. The analytical approach is an evaluative critique. For each provision, the analysis asks whether the text makes the actual outcome for the three parties a condition of termination or only requires formal compliance, and whether it provides a safeguard against a settlement that is not voluntary or not proportionate. A provision that tests only formal compliance is identified as a normative gap, and the recommendations are drawn from those gaps.

The research also uses empirical literature on restorative practice, and the boundary of that use needs to be stated. Such studies are treated as secondary material that indicates which benefits and risks are plausible and under what conditions they arise. They are not treated as proof of outcomes in Indonesia, because most of them examine other jurisdictions and other offense types, and their findings may not transfer to the complaint-based and ordinary offenses that investigators resolve under the regulation. Claims about obstacles and effectiveness therefore derive from the structure of the regulation and from the secondary literature, and they are presented as propositions that empirical research can test.

RESULT AND DISCUSSION

Regulatory Structure and Evaluative Framework

Police Regulation Number 8 of 2021 (Perpol 8/2021) applies restorative justice to three police activities. These are the crime-prevention function exercised by community guidance and patrol officers, inquiry (*penyelidikan*), and investigation (*penyidikan*) (art. 2).[21] Its requirements are divided into general and special requirements (arts. 3 and 4). The general material requirements exclude cases that cause public unrest or social conflict, divide the nation, or involve radicalism or separatism. They also exclude offenders who are repeat offenders according to a court judgment, and offenses of terrorism, state security, corruption, and crimes against life (art. 5). The general formal requirements are a peace

[21] Republik Indonesia, Perpol No. 8 Tahun 2021 tentang Penanganan Tindak Pidana Berdasarkan Keadilan Restoratif.

agreement between the parties and the fulfillment of the victim's rights and of the offender's responsibility, proved by a signed agreement and a statement signed by the victim (art. 6). Restoration may take the form of returned goods, compensation, reimbursement of costs, or repair of damage (art. 6(3)).

The remaining provisions govern special offenses, procedure, and supervision. Special requirements apply to electronic information offenses, narcotics, and traffic offenses (arts. 7 to 10). Minor offenses are settled by officers of the community guidance and patrol functions, who invite the parties, facilitate or mediate, and record the result in a register (arts. 11 to 14). For inquiry and investigation, the applicant submits a written request, the file is checked, a special case conference (*gelar perkara khusus*) is held, and a termination order is issued on the ground of law. In investigations, the termination is notified to the public prosecutor, and detained suspects are released after the order is issued (arts. 15 to 18). Supervision is carried out within the police structure through the special case conference and the supervisory units (arts. 19 and 20).

The evaluative framework derives from the Elucidation of Article 10(1)(b) of Law Number 30 of 2014, which describes benefit as a matter of weighing interests in balance, including the interests of one individual and another, of the individual and society, and of the government and citizens.[22] Read for restorative settlement, this yields one framework with three vantage points. For the victim, benefit requires informed and voluntary participation, recognition of the harm, and adequate restoration.[23] For the offender, it requires acknowledgment of responsibility, obligations proportionate to the harm, and an opportunity for reintegration. For society, it requires the restoration of social relations, a lasting reduction of conflict, and confidence that the settlement remained within legality.[24] A settlement is beneficial only when the interests of the three are balanced. Compliance with the regulation is the minimum condition, and the framework asks whether the text also makes these outcomes a condition of termination. The framework is applied consistently in the analysis that follows.

Outcome Conditions and Formal Conditions

The analysis shows that Perpol 8/2021 contains some outcome-oriented conditions. Article 6 requires the fulfillment of the victim's rights and the offender's responsibility before termination, and article 6(3) lists concrete forms of restoration. Article 5 protects society by excluding cases that would cause unrest or social

[22] Pemerintahan Republik Indonesia, UU No. 30 Tahun 2014 tentang Administrasi Pemerintah.
[23] Midas Hampton, Sabine O'Hara, and Elizabeth Gearin, "Assessing Restorative Community Development Frameworks—A Meso-Level and Micro-Level Integrated Approach," *Sustainability* 16, no. 5 (March 1, 2024): 2061, https://doi.org/10.3390/su16052061.
[24] Maximilian J. L. Schormair and Lara M. Gerlach, "Corporate Remediation of Human Rights Violations: A Restorative Justice Framework," *Journal of Business Ethics* 167, no. 3 (December 28, 2020): 475–93, https://doi.org/10.1007/s10551-019-04147-2.

conflict. These provisions give the framework a textual basis, and they show that the regulation does not treat termination as a purely administrative act.

The same provisions, however, test outcomes mainly through documents. The victim's rights are proved by a statement that the victim signs (art. 6(4)), and the regulation does not require the investigator to assess whether the restoration is proportionate to the harm, whether the victim understood the legal consequences, or whether the obligations placed on the offender are reasonable. The societal conditions in article 5 rest on open terms, namely unrest, rejection by the community, and potential social conflict, and the regulation gives no criteria for applying them. The repeat-offender exclusion applies only to offenders identified as such by a court judgment, so a suspect with earlier but unadjudicated offenses is treated as a first-time offender.[25] The regulation also sets no ceiling on penalty or loss, in contrast to the prosecutor's regulation discussed below. The finding is therefore that the text is oriented partly to outcomes but verifies them largely through form, and that the balance of interests required by the principle of public benefit is left to the judgment of the individual official.

Voluntariness and Facilitation

The articles that govern inquiry and investigation do not identify who facilitates the settlement, what qualifications that person must hold, or whether the investigator in charge of the case may act as facilitator. The regulation assigns facilitation expressly only for minor offenses, where police officers of the community guidance and patrol functions facilitate or mediate (arts. 12 and 14). In the articles examined, voluntariness is expressed through the requirement of a peace agreement and a signed statement. The articles do not state that the process must be free of pressure, do not give the victim an explicit right to refuse, and do not provide a time limit or a consequence when coercion is found. The annexed forms were not analyzed, and they may contain declarations that the articles do not.

This silence is significant because the investigator holds coercive powers, including detention and the decision to continue the case. An investigator who also facilitates the settlement occupies two roles that pull in different directions, since one role depends on the threat of prosecution and the other depends on free consent.[26] The text of the regulation contains no mechanism that separates these roles or checks their interaction. This is a structural conflict of interest that may compromise the voluntariness of the settlement. It is derived here from the design of the regulation and not from observed practice. Norway offers a contrasting

[25] Alex R. Piquero and Matthew R. Durose, "'Context Is to Data What Water Is to a Dolphin'*: Social-Historical Conditions, Criminal Histories, and Recidivism Across Five Prisoner Cohorts," *Crime & Delinquency* 71, no. 13–14 (December 20, 2025): 3921–39, https://doi.org/10.1177/00111287241231754.

[26] Stephanie R. Morain et al., "Physician-Investigator, Research Coordinator, and Patient Perspectives on Dual-Role Consent in Oncology," *JAMA Network Open* 6, no. 7 (July 25, 2023): e2325477, https://doi.org/10.1001/jamanetworkopen.2023.25477.

design. Its national mediation service uses trained local community members as mediators, the prosecuting authority may refer cases, and participation requires the consent of both victim and offender.[27]

Restorative Justice as Case Disposal

The risk that restorative justice becomes an administrative route for closing cases deserves separate treatment because it follows from the regulation's structure. The termination procedure ends in an order and in entries in a register and an electronic system (art. 16).[28] The regulation does not require any follow-up on whether the agreed restoration was completed or whether the parties' relationship was repaired. What the regulation records is therefore the fact of termination, and what it does not record is the outcome. An institution that measures its work by the number of cases closed has a reason to treat the first as success, so the structure creates an incentive that the regulation does not offset. This is a normative risk and not an observed phenomenon, because the study did not use data on police performance targets.

The safeguards that could offset this risk are limited. The regulation does not require legal counsel for the victim, does not provide a period for reflection between the agreement and the termination, and does not provide judicial review of the settlement. The special case conference includes the complainant and the respondent and involves the internal supervisory and legal functions (art. 17), which gives the parties a voice and provides a real internal check. All supervision, however, remains within the police chain (arts. 19 and 20), and the public prosecutor is notified of a terminated investigation but is not given a power to review it (art. 16(2)). The literature on restorative practice in police settings shows why such safeguards matter. A study of conflict mediation by police in Amsterdam found that police authority may have helped bring the parties together, that mediators varied between neutral and evaluative styles, and that the mediations produced pragmatic resolutions with few apologies and no full restoration in any of the six cases examined.[29] The study is small and cannot be generalized, but it describes the tension identified here between the speed of resolution and the quality of restoration.

Relationship with Prosecutor's Regulation Number 15 of 2020

The police regulation and the prosecutor's regulation operate in parallel at different stages of the same process, and the prosecutor's regulation was designed

[27] "About Us - Konfliktrådet," accessed October 28, 2026, https://konfliktraadet.no/en/about-us/.
[28] Abdul Wahid, "Restorative Justice as an Approach to Discontinuing Prosecution of Criminal Cases," *Lex Journal : Kajian Hukum Dan Keadilan* 8, no. 2 (December 19, 2024): 175–89, https://doi.org/10.25139/lex.v8i2.9403.
[29] Ronald van Steden and Gert Jan Slump, "The Ambiguous Practice of Restorative Justice," *The International Journal of Restorative Justice* 7, no. 3 (December 2024): 436–56, https://doi.org/10.5553/TIJRJ.000194.

with a narrower scope and a denser set of safeguards. It limits eligibility to first-time offenders, to offenses punishable by a fine or by imprisonment of up to five years, and to loss of up to Rp2,500,000. It also requires that the offer of peace be made without pressure, coercion, or intimidation, gives the victim an express right to refuse, requires the facilitating prosecutor to have no interest in the case, sets a fourteen-day limit, and subjects the termination to approval by the head of the High Prosecutor's Office.[30] The comparison below sets these features beside the corresponding provisions of Perpol 8/2021.

Table 1 Comparison of Safeguards in Police Regulation Number 8 of 2021 and Prosecutor's Regulation Number 15 of 2020

Feature	Perpol 8/2021	Prosecutor's Regulation 15/2020
Eligibility	No ceiling on penalty or loss. Excludes listed offense categories and repeat offenders by court judgment (art. 5)	First-time offender, penalty of a fine or imprisonment up to five years, and loss up to Rp2,500,000, with listed exceptions (art. 5)
Protection against pressure	Peace agreement and signed statement (art. 6). No express prohibition in the articles examined	Offer made without pressure, coercion, and intimidation (art. 7(2)). Process stopped if these occur (art. 13)
Right to refuse	Not stated	Stated expressly (art. 8(3))
Facilitator	Not specified for investigation. Officers facilitate minor offenses (arts. 12 and 14)	Prosecutor, who must have no interest in the case or the parties (art. 9)
Time limit	Not stated	Fourteen days (art. 9(5))
Oversight	Internal. Prosecutor notified of terminated investigations (arts. 16(2), 17, 19, 20)	Approval by the head of the High Prosecutor's Office (art. 12)
Consequence of failure	Not stated	Case transferred to court (arts. 8(7) and 10(6))

Source: Analysed by the researchers (2025)

The comparison shows that the instrument applied first, at the police stage, is the one with fewer safeguards. Neither regulation states which prevails when a case qualifies under both, and neither gives the prosecutor a role in reviewing a police termination beyond notification. A case may therefore be terminated under looser conditions if the police handle it, although it would face a stricter test if it reached the prosecutor. Eligibility then depends on the stage at which the case happens to be held, and this is inconsistent with the legal certainty that the principle of public benefit presupposes. The study did not analyze judicial decisions, so how courts treat a conflict between the two regulations remains unknown.

[30] Republik Indonesia, Peraturan Kejaksaan No. 15 Tahun 2020 tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif .

A Subsequent Development: Law Number 20 of 2025

Law Number 20 of 2025 on the Criminal Procedure Code took effect on 2 January 2026, and commentary published by the Supreme Court's news portal reports that its articles 79 to 88 regulate restorative justice at the inquiry, investigation, prosecution, and trial stages.[31] According to that commentary, an investigator who terminates an investigation on restorative grounds must notify the prosecutor and request a determination from the head of the district court within three days (art. 84), and technical rules were to follow in a government regulation (art. 88). The development matters because it changes the setting in which Perpol 8/2021 operates. The regulation was issued as an internal police instrument, whereas the new Code places restorative justice in a statute that binds all institutions.

This development partly answers the finding on oversight, because it introduces judicial control at the investigation stage, which Perpol 8/2021 does not contain. A later commentary observes that the new Code does not provide the same coordination and court approval for inquiry, and that inquiry-stage restorative justice therefore lacks horizontal checks.[32] The findings about the text of Perpol 8/2021 remain valid as an analysis of that instrument, and the gaps in facilitation, voluntariness, and outcome follow-up are not addressed by the provisions of the Code described in the sources examined. The continued application of the regulation alongside the new Code is unsettled in those sources, and it is a question for further research.

The findings extend the conclusion of Sari and Sholehuddin that the legality principle governs the relationship between the perpetrator and the government and leaves the victim without direct protection.[33] Perpol 8/2021 gives the victim a formal place through consent, the fulfillment of rights, and participation in the special case conference. The analysis shows, however, that this place is secured through documents and not through safeguards that test consent. The victim is therefore recognized in the text but remains exposed to the conditions that the legality principle does not address. The finding supports their argument for the investigation stage and shows where the protection is missing in the regulation's design.

The findings also develop the framing of Putra and Sadjijono, who identify legal certainty, legal utility, and justice as the aims of protection from the

[31] Mohammad Arif Nahumbang Harahap, "Mekanisme Keadilan Restoratif Dalam KUHAP 2025: Titik Terang Checks And Balance Di Tahap Peradilan," MARINews, 2026, https://marinews.mahkamahagung.go.id/artikel/mekanisme-keadilan-restoratif-dalam-kuhap-2025-0LZ.

[32] Pradikta Andi Alvat, "Penerapan Mekanisme Keadilan Restoratif Tahap Penyelidikan," MARINews, 2024, https://marinews.mahkamahagung.go.id/artikel/penerapan-mekanisme-keadilan-restoratif-tahap-penyelidikan-0bwg.

[33] Sari and Sholehuddin, "THE LEGALITY PRINCIPLE IN PROTECTING THE INTERESTS OF VICTIMS IN ARTICLE 1, PARAGRAPH (1) OF THE CRIMINAL CODE."

investigation stage to the court decision.[34] Their study concerns child offenders, so the comparison is made at the level of framing. The analysis shows how the three values pull apart inside a police regulation. The open terms of article 5 weaken legal certainty, the absence of a test of proportionality weakens justice, and the absence of outcome follow-up weakens utility. The results therefore extend their framing from a statement of aims to an assessment of where one instrument falls short of them.

The findings relate to Hardianto and colleagues and to Nnawulezi and colleagues in different ways. Hardianto and colleagues describe penal mediation with a restorative approach as an effective way of resolving domestic violence cases.[35] The present analysis does not contradict that description, but it qualifies it. Perpol 8/2021 contains no safeguards specific to offenses such as domestic violence, where the unequal position of the parties makes voluntariness harder to verify. Research on victim recovery adds that restorative processes after violent harm depend on preparation of the participants, because insincere apologies and denial of responsibility can hinder recovery and may retraumatize the victim.[36] The regulation does not provide for preparation.

Nnawulezi and colleagues observe that officials often treat restorative justice as a tool for settlement and not as a process of healing, and that its application at the investigation stage meets institutional obstacles.[37] The present findings support this observation and add an explanation. The structure of the regulation records termination and not restoration, which allows the settlement orientation to persist without any rule being breached. The explanation also clarifies why the obstacles they describe are institutional and not only a matter of individual understanding, since the design of the instrument rewards the outcome that the principle of public benefit warns against.

The wider literature explains why quality matters and also why caution is needed in transferring its findings. A meta-analysis of 27 studies found a small reduction in general recidivism, no significant effect on violent recidivism, and moderate improvements in victim satisfaction and in victims' perceptions of procedural justice, with program integrity moderating the victim outcomes.[38] A metasynthesis of qualitative studies found that restorative justice works through

[34] Putra and Sadjijono, "LEGAL PROTECTION FOR VICTIMS OF MURDER COMMITTED BY CHILDREN: A PERSPECTIVE OF THE INDONESIAN CHILD PROTECTION LAW."
[35] Hardianto et al., "THE IMPLEMENTATION OF RESTORATIVE JUSTICE SYSTEM TO RESOLVE DOMESTIC VIOLENCE ACTS."
[36] Masahiro Suzuki, "Victim Recovery in Restorative Justice: A Theoretical Framework," *Criminal Justice and Behavior* 50, no. 12 (December 18, 2023): 1893–1908, https://doi.org/10.1177/00938548231206828.
[37] Nnawulezi et al., "An Analysis of Indonesian Administration of Criminal Legislation as Instrument of Restorative Justice for Prisoners."
[38] Lindsay Fulham et al., "The Effectiveness of Restorative Justice Programs: A Meta-Analysis of Recidivism and Other Relevant Outcomes," *Criminology & Criminal Justice* 25, no. 5 (November 30, 2025): 1486–1512, https://doi.org/10.1177/17488958231215228.

humanization, support networks, communication, and healing.[39] These are conditions that a signed document cannot demonstrate, and they support the choice of victim recognition, restoration, and procedural fairness as indicators in this article. The studies, however, mainly examine other jurisdictions and other kinds of offenses, and the eligibility articles of Perpol 8/2021 do not turn on whether an offense is complaint-based or ordinary. Their results therefore indicate which benefits are plausible and under what conditions, and they do not establish that the same benefits follow from the Indonesian regulation.

Limitations and Contribution to Earlier Research

This study is normative and does not measure outcomes. Its statements about risk and obstacle derive from the text of the regulation, from the comparison with the prosecutor's regulation, and from secondary literature, and they are propositions that empirical research can test. The study did not analyze judicial decisions or the annexed forms of the regulation, and it relied on published commentary for the content of Law Number 20 of 2025. Data on police performance indicators, complaints to oversight bodies, and settlement outcomes would allow the risks identified here to be examined directly.

The results support earlier research on three points. The first is that victim protection at the investigation stage remains thin, as Sari and Sholehuddin argue. The second is that restorative justice is at risk of being treated as a settlement tool, as Nnawulezi and colleagues observe. The third is that the quality of the process determines whether benefits arise, as the international literature indicates. The results extend earlier research by moving from statements of principle to a provision-level assessment, by locating the risk in the structure of the regulation, and by identifying a specific gap in facilitation, voluntariness, and follow-up that earlier Indonesian studies mention only in general terms.

The results qualify, but do not contradict, the positive account given by Hardianto and colleagues, because they concern the safeguards of the instrument and not the outcomes of individual cases. No earlier study cited here is contradicted by the analysis. The one development that changes part of the picture is Law Number 20 of 2025, which supplies judicial control that the regulation lacks. It limits the finding on oversight to the regulation as written and to the inquiry stage, and it is the reason this article treats its conclusions about Perpol 8/2021 as an evaluation of one instrument within a framework that is still changing.

CONCLUSION

The analysis establishes that Police Regulation Number 8 of 2021 gives investigators a legal basis for ending cases through restorative settlement, but it

[39] Masahiro Suzuki and Xiaoyu Yuan, "How Does Restorative Justice Work? A Qualitative Metasynthesis," *Criminal Justice and Behavior* 48, no. 10 (October 20, 2021): 1347–65, https://doi.org/10.1177/0093854821994622.

does not give them a standard for judging whether a settlement produces public benefit. The regulation contains some outcome-oriented conditions, notably the fulfillment of the victim's rights and the offender's responsibility before termination, but it verifies them mainly through signed documents. Its societal conditions rest on open terms that lack criteria, and the articles governing inquiry and investigation do not say who facilitates the settlement or how voluntariness is protected. The regulation records the fact of termination and not the outcome of the settlement, and its supervision remains within the police chain. Compared with Prosecutor's Regulation Number 15 of 2020, the instrument applied first is the one with fewer safeguards, and neither regulation states which prevails when a case qualifies under both. These findings concern the design of the instrument. The study did not measure outcomes, so the risks it identifies, in particular the structural conflict of interest in investigator-led facilitation and the risk that restorative justice becomes a route for closing cases, are normative propositions that empirical research can test.

Four recommendations follow from these findings. First, the regulation should state expressly that participation must be free of pressure, coercion, and intimidation, give the victim a right to refuse, and require a documented assessment of voluntariness, as the prosecutor's regulation already requires in part. Second, it should specify who facilitates settlements at the inquiry and investigation stages and require that the facilitator be a person with no interest in the case, separate from the investigator who holds coercive powers, so that the structural conflict of interest is removed. Third, it should require a test of proportionality and of the victim's understanding of the legal consequences, together with legal assistance for victims in cases of significant loss and a period for reflection between the agreement and the termination. Fourth, it should require follow-up within a defined period on whether the agreed restoration was completed, and it should place supervision of terminations with an official independent of the investigation, with external review at the inquiry stage, where Law Number 20 of 2025 does not provide court approval according to the commentary examined. The eligibility conditions of the police and prosecutor's regulations should also be harmonized, so that eligibility does not depend on the stage at which a case happens to be held.

Law Number 20 of 2025 changes the setting in which these recommendations will operate, because it places restorative justice in a statute and introduces judicial control at the investigation stage. Whether Perpol 8/2021 continues to apply alongside the new Code is unsettled, and this question deserves further research together with analysis of judicial decisions and empirical data on police practice. The principle of public benefit should therefore serve not merely as a justification for resolving criminal cases through restorative mechanisms, but as an evaluative standard requiring police investigators to ensure that every restorative settlement is voluntary, proportionate, procedurally fair, accountable, and capable of producing sustainable benefits for victims, offenders, and society.

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