

## IMPLEMENTATION OF RESTORATIVE JUSTICE BY LAW ENFORCEMENT IN MINOR THEFT CASES IN MALINAU DISTRICT

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### ARTICLE HISTORY

Received : 20-01-2026

Revised : 07-02-2026

Accepted : 25-04-2026

### KEYWORDS

restorative justice;  
minor theft;  
law enforcement;  
criminal law;  
Indonesia;

### ABSTRACT

This research aims to examine the implementation of restorative justice by law enforcement officials in handling minor theft cases within the jurisdiction of the Malinau District Police. The study employs a qualitative approach with a descriptive method. Data was collected through in-depth interviews with three informants: the Head of Criminal Investigation, the Head of the Women and Children Protection Unit, and an Administrative Officer from the General Crime Unit, as well as three respondents, including a former village head, a member of the local police, and a traditional leader. The data is further supported by observations and case document analysis. The research focuses on the theft of agricultural goods and community enterprises, particularly the nests of swiftlets and Dayak jars, which are resolved through mediation by the police. The findings indicate that restorative justice has been implemented; however, its execution still relies on the discretion of the officials and the support of community leaders. The main challenges include geographical limitations and the distance to the locations of the offenders and victims, technical guidelines tailored to the agreements of both parties, and differing perspectives within the community. Restorative justice has the potential to serve as a more contextual, humane, and recovery-oriented approach for both offenders and victims.

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### INTRODUCTION

The restorative justice approach is increasingly gaining attention within the Indonesian criminal justice system as a more humane and recovery-oriented alternative for resolving cases. Previous research has generally focused on normative aspects and implementation in urban areas, thus failing to specifically elucidate how restorative justice practices are applied in border regions characterized by geographical limitations and the involvement of local actors such as community leaders and field-level officials. Moreover, studies that concretely examine the implementation forms for specific types of cases, such as agricultural theft and community enterprises, remain relatively scarce.

In Malinau Regency, the application of restorative justice exhibits distinct characteristics, particularly



influenced by geographical conditions, long travel distances, and the adaptation of resolution mechanisms based on mutual agreements among parties and the involvement of community and customary leaders. This situation has not been extensively addressed in prior research, which tends to be general and lacking in contextual relevance.

Therefore, the novelty of this research lies in the empirical analysis of restorative justice implementation in specific minor theft cases, namely the theft of swallow nests and Dayak jars, emphasizing the roles of law enforcement officials and local leaders within the context of Malinau Regency. This study aims to analyze the forms of implementation as well as the contextual supporting and inhibiting factors.

## RESEARCH METHOD

This research employs a qualitative approach utilizing a descriptive method to gain an in-depth understanding of the implementation of restorative justice in handling minor theft cases within the jurisdiction of the Malinau District Police. The study involved three informants: the Head of the Criminal Investigation Unit (Kasat Reskrim), the Head of the Women and Children Protection Unit (Kanit PPA), and the Administrative Officer (BA) of the General Criminal Unit. These individuals were purposefully selected due to their direct involvement in the case handling process and the execution of restorative justice. Additionally, the research included three respondents comprising former village heads, members of the police precinct, and traditional leaders, chosen to gather community perspectives and insights from those involved in the mediation process.

The focus of this study is not limited to a single case but encompasses various practices of resolving minor theft cases, particularly those involving agricultural goods and community-owned enterprises, such as the theft of swallow nests and Dayak jars, which are addressed through restorative justice mechanisms. Data collection was conducted through in-depth interviews structured according to a set of guidelines, observations, and documentation studies related to the handling of relevant cases. The interview guidelines include aspects such as understanding the concept of restorative justice, implementation procedures, the roles of law enforcement officers and community leaders, mediation processes, challenges encountered (including geographical conditions and travel distances), as well as perceptions regarding the effectiveness of resolving cases outside the formal judicial system. Thus, the research instrument functions not only as a tool for data collection but also as a framework for systematically and contextually exploring empirical practices.

Data analysis was carried out qualitatively and descriptively through stages of data reduction, categorization, and interpretation, by linking field findings to the applicable legal framework. This analysis refers to Law Number 2 of 2002 concerning the Indonesian National Police, particularly regarding police discretionary authority, as well as Indonesian National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice, which regulates the requirements and mechanisms for resolving cases outside the judicial process. Through this approach, the study evaluates the alignment between field practices and legal norms, especially in terms of agreements between parties, restitution of losses, and the termination of legal proceedings based on police discretion. The synthesis of the interview instrument and normative analysis indicates that the implementation of restorative justice is contextual, with its execution adapted to field conditions and based on the agreement of the parties, aiming to achieve a more contextual, humanistic, and recovery-oriented form of justice for both offenders and victims.

## RESULT AND DISCUSSION

The research findings indicate that the implementation of restorative justice within the jurisdiction of the Malinau Police has been applied in several cases of minor theft, particularly involving the theft of swallow nests and Dayak jars belonging to the community. The resolution of these cases does not proceed to judicial processes; instead, it is conducted through a mediation mechanism facilitated by police officers, specifically from the General Criminal Investigation Unit. In practice, this process involves the perpetrator, the victim, police officers, and community leaders such as customary heads, who provide social legitimacy to the agreements reached.

The mediation process begins with clarification efforts by the investigator, followed by convening the parties in a deliberative forum. In this forum, police officers act as facilitators, maintaining neutrality and ensuring



open communication. One informant stated that "the resolution is achieved by bringing both parties together to foster mutual understanding and a resolution that does not disadvantage either side." In the case of the theft of swallow nests, the perpetrator acknowledged their actions and agreed to compensate the victim for the losses incurred, which was then documented in a peace statement witnessed by police and community leaders.

The success of resolutions through restorative justice is measured by the achievement of agreements between the parties, the restoration of the victim's losses, and the avoidance of prosecution. Furthermore, the involvement of customary leaders and the community is a crucial factor in maintaining the sustainability of the agreements made. However, in practice, there are still challenges, such as geographical conditions and travel distances that affect the attendance of parties in the mediation process, as well as the need for adjustments to technical guidelines based on the agreements of both parties. Therefore, despite its implementation, restorative justice still requires strengthening in procedural aspects and consistency in execution on the ground.

## CONCLUSION

This research emphasizes that the implementation of restorative justice in handling minor offenses within the jurisdiction of the Malinau Police requires systematic strengthening, both in institutional and social aspects. The primary contribution of this study lies in the finding that the success of restorative justice application is not solely determined by the discretionary authority of officials, but also by their capacity to understand and consistently operationalize the principles of restorative justice in the field.

Therefore, there is a need to enhance the capacity of law enforcement officials through more targeted training, particularly in mediation techniques, legal communication, and normative understanding related to restorative justice. Additionally, this research highlights the importance of legal literacy among the community, especially in understanding that resolving cases through restorative mechanisms is not merely about achieving "peace," but is a process oriented towards recovery and accountability.

Furthermore, this study contributes to the academic discourse by emphasizing that the application of restorative justice in local contexts, such as in Malinau Regency, must take into account geographical conditions, the role of customary leaders, and the flexibility in applying technical guidelines based on mutual agreements. Thus, strengthening the synergy between law enforcement officials and the community becomes crucial in realizing a more contextual, humane, and sustainable practice of restorative justice.

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## APPENDICES

### Appendix 1. Interview Guidelines

#### A. For Police Officers

1. How do you understand the concept of restorative justice?
2. Has restorative justice been implemented in minor theft cases in your jurisdiction?
3. What are the procedures for implementing restorative justice at Malinau Police?
4. What are the requirements for a case to be resolved through restorative justice?
5. What is your role in mediating between the perpetrator and the victim?
6. What obstacles are encountered in implementing restorative justice?
7. How does the community respond to this approach?
8. Are there specific guidelines or SOPs for restorative justice?
9. How effective is restorative justice compared to formal judicial processes?
10. What are your expectations for the future development of restorative justice?

#### B. For Victims

1. Were you familiar with restorative justice before this case?
2. How was your case resolved?
3. Do you agree with resolving the case through mediation?
4. Has your loss been compensated by the perpetrator?
5. How do you feel after the resolution process?

6. Do you feel that justice has been achieved?
7. What are the advantages and disadvantages of this resolution?

**C. For Offenders**

1. Do you understand the mistake you have committed?
2. How was your case resolved?
3. Are you willing to take responsibility for your actions?
4. How was your experience during the mediation process?
5. Do you think the process was fair?
6. What impact has this resolution had on your life?

Appendix 2. Research

Documentation INFORMESION .

1, 2, 3



Appendix 3. Example of Minor

Theft Case CASE SETTLEMENT

: 1, 2, 3



**Process:**

- The offender was secured by the police
- Restorative justice approach was applied
- Victim and offender were brought together in mediation

- The offender admitted wrongdoing and compensated the loss

**Outcome:**

- A peace agreement was reached
- The victim forgave the offender
- The case was not processed through formal court proceedings

Appendix 5. Flow of Restorative Justice Implementation

1. Occurrence of minor criminal offense
2. Reporting to the police
3. Assessment of eligibility for restorative justice
4. Consent from victim and offender
5. Mediation process
6. Peace agreement
7. Case closure

Appendix 6. Data Validation Instrument (Triangulation)

No	Data Source	Technique	Result
1.	Police	Interview	RJ implementation data
2.	Victim	Interview	Validation of mediation outcome
3.	Offender	Interview	Confirmation of responsibility
4.	Documents	Documentation	Administrative evidence