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Original Article

The Role of Investigators in Ensuring Criminal Mediation Compliance in Restorative Justice

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Abstract

The Indonesian criminal justice system is currently still dominated by a retributive approach, which tends to neglect victim recovery and social relations. As an alternative, restorative justice has been introduced to resolve criminal cases through penal mediation between perpetrators and victims. However, in practice, many mediation agreements are not implemented (breach of contract), threatening the effectiveness of restorative justice. This study aims to analyse the role of investigators from the General/Jatanras Sub-Directorate of the Metro Jaya Regional Police Criminal Investigation Directorate in preventing the failure to implement peace agreements in the penal mediation process. The method used is normative-empirical legal research with a qualitative approach. Data collection techniques included interviews, observation, and documentation, with data analysis using the Miles and Huberman technique and triangulation verification. The results of the study show that investigators play an active role as facilitators, mediators, agreement drafters, and supervisors of the implementation of agreements. Investigators also play a preventive and repressive role in anticipating default, and contribute to victim recovery by creating a safe and supportive space for dialogue. This study concludes that the success of restorative justice is highly dependent on the capacity and integrity of investigators in ensuring that peace agreements are fully implemented. The uniqueness of this study lies in its emphasis on the substantive role of investigators in bridging legal values and social needs, as well as filling the normative void in the supervision of the implementation of penal mediation.

Keywords: Default, Investigators, Metro Jaya Police, Penal Mediation, Restorative Justice.

1. Introduction

Indonesia's criminal justice system has long relied on a retributive model that prioritizes punishment and imprisonment, yet this approach often fails to repair the social harm caused by crime, overlooks victims' needs, and proves ineffective in preventing repeat offending (Sihombing, 2024; Indriawati & Arifah, 2023). The system's strong repressive and offender-oriented character treats punishment as morally justified retaliation for wrongdoing, reinforcing reliance on imprisonment, which accounts for up to 98% of penalties in the Criminal Code and around 92% in laws outside it (Syauf et al., 2021; Faried et al., 2022).. These structural limitations have fueled criticism and highlighted the need for a more constructive alternative, one that restores relationships, promotes accountability, and addresses the interests of victims, found in the principles of restorative justice.

Restorative justice is an approach that emphasises the importance of victim recovery, offender rehabilitation, and community involvement in resolving legal disputes (Hadi et al., 2023). This concept is based on the belief that crime or conflict is an opportunity to rebuild damaged relationships and strengthen communities. Restorative justice aims to replace the retributive aspects of the legal system with reconciliation and rehabilitation. This approach

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focuses on addressing harm, offering those who have committed or been harmed by a crime the opportunity to safely discuss the nature and consequences of the offence, ask questions and provide answers, and agree on what needs to be done to make amends and prevent further harm (Hadi et al., 2023).

Investigators from the General/Jatanras Sub-Directorate of the Metro Jaya Regional Police Criminal Investigation Directorate implement restorative justice at the investigation level through penal mediation between victims and perpetrators. This is based on the idea that the authority possessed by investigators can provide space for perpetrators of criminal acts and victims to seek reconciliation or penal mediation (Supriyanto et al., 2023). If, during the criminal mediation stage, an agreement to settle the case has been reached, this agreement may be used as grounds by the investigator to terminate the investigation. Furthermore, similar measures have been implemented by indigenous communities based on customary laws recognised by the state (Arief, 2008).

Criminal mediation can be defined as the settlement of criminal cases through meetings between victims and perpetrators to resolve issues in a manner agreed upon by both parties (win-win solution) (Reyner & Tawang, 2018). Criminal mediation is seen as one solution to reduce the volume of cases, as long as it is desired by the parties (the suspect and the victim) and maintains social harmony. Criminal mediation is in line with the application of restorative justice, considering that one of the efforts to apply restorative justice that can be carried out by law enforcement officials, namely the police, is to maximise resolution by using the criminal mediation mechanism. As the main guardian of the criminal justice system, the police can resolve these cases with discretionary authority in resolving criminal cases (Adi, 2021).

The principle of win-win solutions in mediation is suitable to be adopted as an alternative means of resolving criminal cases involving corporations or individuals, given that the concept of restorative justice has been adopted in the new Criminal Code. Law Number 1 of 2023 concerning the Criminal Code (KUHP) proposes that one of the objectives of criminal punishment is to resolve conflicts caused by criminal acts, restore balance, reduce the sense of guilt felt by the convicted person, and promote a sense of peace within society (Adi, 2021). Substantively, the application of restorative justice in criminal proceedings in Indonesia is stipulated in Article 51 of the 2023 Criminal Code. This then provides a series of implications that law enforcement must be carried out in a manner that aligns with this principle.

The existence of restorative justice in Law No. 1 of 2023 on the Criminal Code has had consequences for law enforcement practices, including those carried out by the police. Restorative justice in the police force has been implemented based on Regulation of the Indonesian National Police No. 8 of 2021 on the Handling of Criminal Offences Based on Restorative Justice. The issuance of this regulation then provided a legal basis for the Indonesian National Police to apply case resolution efforts at the investigation level by applying restorative justice through penal mediation. Based on Article 1 of this regulation, restorative justice is applied to resolve criminal cases and is carried out by involving the perpetrator, victim and other parties so that the case is resolved fairly and restored to its original condition (Widiatmika, 2023).

The implementation of mediation in the settlement of criminal cases at the investigation level by investigators from the General Sub-Directorate or Jatanras Ditreskrimum Polda Metro Jaya is an order from the Metro Jaya Police Chief, Inspector General Pol. Karyoto, to prioritise pre-emptive and preventive measures in case resolution. At the Police Headquarters level in general, the resolution of cases through restorative justice schemes is reported to exceed 1,500 cases per year. A number of high-profile cases have also gone through mediation, including a traffic accident involving Abdul Qodir Jaelani in 2013, a dispute between AKP DK

and Nurmila Sangadji in 2022, and the case of the theft of a car belonging to celebrity Clara Shinta in 2023. In line with this policy, data on the implementation of restorative justice in the General Sub-Directorate or Jatanras from 2022 to 2025 recorded 44 cases, with 11 cases in 2022, 3 cases in 2023, 20 cases in 2024, and 10 cases in 2025. These figures show that although the volume of cases resolved through restorative justice at the Provincial Police level is relatively high, at the General Sub-Directorate or Jatanras level during this period, a total of 44 cases were resolved through the restorative justice mechanism.

On the other hand, these achievements still face implementation challenges in the field. In a number of cases, the results of penal mediation agreements were not fully implemented as stipulated. This took the form of delays in fulfilling obligations, implementation that did not meet the promised quality or schedule, and even cessation of fulfilment midway. Frequently occurring triggering factors include the formulation of clauses that are not sufficiently measurable, weak verification of the perpetrator's capabilities from the outset, asymmetry of information and power relations between the parties, inadequate support for victims, and inconsistent post-agreement monitoring mechanisms.

Non-compliance with penal mediation agreements, namely the reneging on agreed recovery obligations, such as compensation payments or other recovery measures, still occurs frequently, resulting in mediation outcomes not being implemented as intended (Murdiyambroto & Fahmanadie, 2021). This situation prompted the complainant to take further legal action, including a pretrial hearing, because his rights had not been fulfilled and justice had not been served (Fahmi et al., 2021). This phenomenon highlights the complexity of penal mediation at the investigation stage and reveals the gap between the normative design of restorative justice and its practice in the field, particularly when the verification of the perpetrator's capacity, the clarity of clauses, evidence of compliance, and monitoring mechanisms are not yet functioning optimally (Oktobrian et al., 2023). On that basis, this research is urgent to examine operationally how investigators encourage the resolution of criminal acts through an accountable restorative justice approach; how investigators oversee the drafting of penal mediation agreements so that they are clear, measurable, and monitorable; and how investigators prevent and monitor the potential non-implementation of agreements through testing the perpetrator's capabilities, formulating indicators of compliance, gradual scheduling, documented monitoring, and a clear escalation path to returning the case to the investigation process if non-compliance continues, so that the victim's recovery is truly achieved and the objectives of restorative justice do not remain on paper.

Based on the fact, the central issue examined in this study is the continued occurrence of non-implementation of penal mediation agreements in the application of restorative justice at the investigation stage within the General/Jatanras Sub-Directorate of the Metro Jaya Regional Police Criminal Investigation Directorate. This problem arises from a gap between the normative opportunities provided by restorative justice policies and the operational readiness of investigators to prevent and supervise compliance with mediation outcomes. To address this issue, the study focuses on three research questions: (1) What role do investigators in the General/Violent Crimes Sub-Directorate of the Metro Jaya Regional Police Criminal Investigation Directorate play in promoting the settlement of criminal offences through restorative justice? (2) How do investigators prevent and monitor potential failures in the implementation of penal mediation agreements as part of the restorative justice process? and (3) What operational design can strengthen measurable implementation, prevention, and monitoring mechanisms to ensure the effectiveness of restorative justice agreements?

2. Literature Review

2.1. Retributive Justice and Its Limitations

Studies on Indonesia's criminal justice system show that it has historically relied on a retributive model focused on punishment, deterrence, and imprisonment. Although considered morally justified as a response to wrongdoing, this approach often fails to repair social relationships or meet victims' needs. Researchers also highlight that the dominance of imprisonment, reaching 98% of penalties under the Criminal Code, shows how deeply retribution shapes criminal sanctions in practice (Faried et al., 2022). These limitations create a need for alternative models of conflict resolution.

2.2. The Emergence of Restorative Justice

Restorative justice emerged globally as a response to the shortcomings of retributive systems, promoting a model focused on repairing harm, restoring relationships, and fostering accountability. Theoretically, restorative justice emphasises three core components: (1) active participation of all parties, (2) acknowledgment of wrongdoing and responsibility, and (3) collaborative determination of outcomes. Indonesian scholars argue that this model aligns with Indonesia's communitarian values, which historically emphasise *musyawarah* (deliberation), *kekeluargaan (*family spirit), and consensus-building (Indriawati & Arifah, 2023).

In Indonesia's contemporary criminal justice system, restorative justice has been operationalised through several institutional policies, including Perpol 8/2021, Prosecutor's Regulation 15/2020, and Supreme Court Regulation 1/2024. Perpol 8/2021 specifically mandates the Police to facilitate penal mediation for certain cases meeting material and qualitative criteria, thereby embedding restorative practices at the investigation stage.

Nonetheless, the literature emphasises that implementation remains inconsistent. Variations across regions are influenced by differing interpretations of criteria, diverse socio-cultural contexts, and the absence of detailed technical guidelines. Several studies also warn that restorative justice carries risks of coercion, especially when victims feel pressured to reconcile for social or economic reasons. Thus, while restorative justice offers significant promise, its effectiveness depends heavily on the capacity and integrity of frontline implementers, particularly investigators.

2.3. Investigators' Role in Restorative Processes

Investigators play a central operational role in applying restorative justice at the early stage of criminal proceedings. Their responsibilities include screening cases, facilitating mediation, ensuring voluntariness, documenting agreements, and monitoring compliance. Prior research notes that investigative discretion is crucial because investigators act as gatekeepers who determine whether restorative pathways can proceed. However, variations in training, workload, and understanding of restorative principles often influence the quality of mediation and follow-up supervision.

3. Methods

3.1. Research Design

This study uses qualitative research to explain the role of investigators in preventing defaults in the implementation of restorative justice. This research is a normative-empirical legal study. Normative-empirical legal research examines both existing legal norms and the implementation of these legal norms in society (Muhaimin, 2020). Normative-empirical legal

research was used in this study to examine legal phenomena that do not yet have clear legal regulations. While regulations regarding the implementation of restorative justice by investigators already exist, these regulations do not yet explain the conditions under which default occurs.

3.2. Data Source

This study utilised two types of data sources, namely primary data and secondary data. The primary data source in this study was informants. Research informants were individuals who were considered to have extensive knowledge about the research issues because they were deemed to have the information needed to answer the research questions (Rukin, 2021). The legal materials in this study consist of three types, namely primary, secondary, and tertiary legal materials. Primary legal materials include binding legal sources, such as legislation, court decisions, and official state documents. The primary legal materials used include the 1945 Constitution of the Republic of Indonesia and its amendments, the Civil Code, Law No. 1 of 2023 concerning the Criminal Code, the Criminal Procedure Code Bill, and Police Regulation No. 8 of 2021 concerning the Handling of Criminal Offences Based on Restorative Justice. Meanwhile, secondary legal materials include various literature that discusses and explains primary legal materials, such as textbooks, legal journals, expert opinions, and symposium results, which help deepen the analysis of the legal issues being studied. Furthermore, tertiary legal materials serve as supporting materials that provide additional explanations to primary and secondary legal materials, such as legal dictionaries, encyclopaedias, and other legal reference sources.

3.3. Data Collection Techniques

Data collection techniques in this study were carried out through three main methods: interviews, observation, and documentation. Interviews were used to obtain data directly from informants regarding the role of investigators in preventing default through restorative justice, involving various parties in the General Sub-Directorate/Jatanras of the Metro Jaya Regional Police Criminal Investigation Directorate as well as reporters or victims. Observations were conducted participatively by researchers in the case resolution process and post-resolution using a restorative justice approach. Meanwhile, documentation was used as an indirect source of data through the analysis of relevant, current, and research-focused written documents.

3.4. Data Analysis Techniques

The data analysis technique used in this study adopts the data analysis technique recommended by Miles & Huberman (2014). Miles and Huberman (2014) believe that the data analysis process in qualitative research must be carried out continuously and interactively until saturated data is obtained. Saturated data indicates that it is no longer possible to find new information in the data collection process.

3.5. Data verification method

Data verification in qualitative research aims to ensure that the data obtained is valid, reliable, and free from bias. This process is carried out continuously throughout the research to ensure the accuracy and reliability of the results. One of the main methods of verification is triangulation, which serves to increase credibility and validity by reducing various forms of bias.

This study will use two types of triangulations, namely method triangulation and data source triangulation. Method triangulation in this study will be carried out by cross-checking the data obtained from data collection through interviews, observations, and documentation.

This research uses several data sources, involving several different informants, particularly in terms of their positions within the organisational structure of the General Sub-Directorate/Jatanras of the Metro Jaya Regional Police Criminal Investigation Directorate. This allows the accuracy of the research data from each informant to be verified.

4. Results and Discussion

4.1. The Role of Investigators in Promoting Resolution Through Restorative Justice

Our research reveals that investigators at Jatanras Polda Metro Jaya have developed a sophisticated, albeit informal, system of practices to promote and monitor compliance with restorative justice agreements. This system, which we analyze through the lenses of Role Theory and Victim Recovery Theory, effectively bridges the gap between policy and practice. However, the lack of formal standardization presents risks, leading to the following recommendations for strengthening the framework.

The implementation of restorative justice within the General Sub-Directorate/Jatanras of the Metro Jaya Regional Police Criminal Investigation Directorate reflects the leadership's policy of prioritising pre-emptive and preventive case resolution with a focus on social recovery and reconciliation. Field findings show that investigators act not only as formal law enforcers but also as facilitators of penal mediation who bridge the interests of victims and perpetrators to achieve voluntary and fair settlements. Their role begins with identifying and mapping cases suitable for restorative justice by assessing indicators such as low criminal threat, willingness of the parties to reconcile, and realistic opportunities for recovery (Supriyanto et al., 2023). This assessment also considers social and moral dynamics to ensure that mediation proceeds voluntarily and without coercion.

During mediation, investigators serve as neutral mediators who maintain open, empathetic communication and guide the formulation of written agreements outlining recovery measures, timelines, and verification mechanisms (Reyner & Tawang, 2018). Their responsibilities continue into the supervision phase, where they actively monitor compliance with obligations, such as compensation, apologies, or social actions, through periodic verification and documentation (Fahmi et al., 2021; Murdiyambroto & Fahmanadie, 2021). Preventive measures are also taken by verifying the perpetrator's capacity before the agreement is signed, including assessing economic ability, moral willingness, and the availability of guarantors, while ensuring that agreement clauses are realistic, measurable, and equipped with compliance indicators and penalty provisions (Widiatmika, 2023).

Beyond enforcement, investigators carry an educational and social function by cultivating responsibility, respect, and legal awareness, ensuring that the peace process restores both justice and damaged social relations. In this dual role, as law enforcers and agents of reconciliation, investigators maintain a balance between legal certainty and community justice (Faried et al., 2022). Overall, the study demonstrates that investigators of the General/Jatanras Sub-Directorate play a strategic role in shifting law enforcement from a retributive to a restorative paradigm by securing victim recovery, perpetrator accountability, and social harmony, thereby strengthening public trust in the police institution.

4.2. The Role of the General Investigation Unit/ Jatanras Ditreskrimum Polda Metro Jaya in Preventing and Monitoring The Potential Non-Implementation of Agreements Made Based on Penal Mediation as Part of the Implementation of Restorative Justice

4.2.1. Mapping the Risks of Non-Compliance with Penal Mediation Agreements

The risk of non-compliance can be mapped into three overlapping clusters. First, financial risk arising from delays or failures to pay restitution/compensation on schedule. Second, behavioural risk in the form of violations of non-contact clauses, repeat offences, or neglect of non-monetary obligations such as counselling and meaningful apologies. Third, procedural risks in the form of absence from verification schedules, lack of evidence of compliance, or failure to sign follow-up documents. This mapping is important for establishing objective and auditable escalation triggers, so that responses to deviations do not depend on personal discretion and do not cause disparities between cases.

Upstream (ex ante phase), the most common source of risk arises from agreements that are not SMART (specific, measurable, achievable, relevant, time-bound). This principle requires each item to be written clearly and measurably, for example, by specifying a definite nominal value, a definite deadline, verifiable payment procedures, a form of evidence agreed upon from the outset, clearly named persons in charge, and operational cancellation conditions for delays or behavioural violations. When a clause is vague on one of these elements, room for multiple interpretations opens up and leads to implementation disputes. The risk increases if the perpetrator's capabilities are not adequately verified, so that the fulfilment plan is merely a promise without any basis in real capability. This situation is often intertwined with information asymmetry and power relations in the forum, which reduces the quality of the agreement and leads to low compliance after signing. The theoretical basis of victim-centred practice shows that safe dialogue, opportunities for victims to ask questions, and adequate explanations from perpetrators are central to the recovery process because they restore victims' psychological sense of control and give meaning back to the events they have experienced (Wemmers et al., 2023). The victim recovery framework places clarity of information, acknowledgement, and safe forum experiences as key recovery factors; when these factors are weak, the recovery process is hampered and the risk of continued negative experiences increases (Suzuki, 2023).

In terms of compliance, meta-analyses of restorative justice programmes show higher levels of victim satisfaction and a greater tendency to comply with restitution compared to non-restorative processes; in other words, the quality of the restorative process correlates with the fulfilment of agreed obligations (Latimer et al., 2005). The evaluation of restorative conferences also showed that when the forum provided space for meaningful voices, explanations and apologies, acceptance of the outcome increased and was considered fair by the majority of victims, which in turn was linked to compliance with implementation (Shapland et al., 2008). Psychologically, the quality of the ‘dialogue ritual’—including the authenticity of the apology which affects the emotional outcome for the victim; a cold or insincere process actually hinders recovery (Rossner, 2013). In line with the literature on procedural justice, the experience of being treated fairly, having the process explained, and being given the opportunity to speak up correlates positively with recovery and willingness to comply with the outcome, while weaknesses in these dimensions are associated with complaints of revictimisation and low acceptance and compliance (Elliott et al., 2014). In the context of secondary victimisation risk, criminal justice studies show that insensitive interactions add to the burden on victims; therefore, the establishment of a safe forum and

empathetic communication are absolute safeguards in restorative justice, especially in cases of violence (Carroll, 2021).

In the middle phase (in medio phase), the common problem is not only the lack of periodic monitoring, but also the orientation of indicators that still emphasise 'case closure' rather than 'fulfilment of requirements and achievement of recovery'. National policy reviews encourage a shift in measurement from case closure to fulfilment of obligations, reparation, and integration of victim support, so that monitoring becomes part of the design from the outset, rather than merely a reaction when agreements are violated. Implementation that focuses on victim recovery rather than merely case efficiency is in line with the policy reform mandate that places restorative justice as a strategy for improving the criminal justice system.

Downstream (ex post phase), challenges arise when there are no SOPs (Standard Operating Procedures) for monitoring that set trigger parameters for issuing formal warnings, conducting limited re-mediation, or recommending the continuation of criminal proceedings. Without clarity on the duration of delays, standard formats for evidence of non-compliance, and classification of violations, responses between cases tend to vary and can undermine perceptions of procedural justice. Given the nature of Jatanras's duties, which often involve handling acts of violence against persons and property, it is crucial to establish an evidence-based handling mechanism in the SOP so that every instance of non-compliance is dealt with consistently, proportionally, and in a documented manner. This design also reduces the risk of secondary victimisation of victims when their recovery rights are delayed.

From this overall mapping, the direction for improvement for the Jatanras Sub-Directorate is clear: strengthen the upstream process through case eligibility screening and SMART drafting accompanied by capability verification; embed monitoring and direct evidence formats in agreement documents; and standardise escalation channels when deviations occur so that restorative resolution does not stop at signing, but leads to measurable compliance and meaningful recovery for victims.

4.2.2. Theoretical and Conceptual Analysis Related to the Role of Investigators in Preventing and Monitoring the Potential Failure to Implement Agreements in the Restorative Justice Process

Role theory views roles as dynamic aspects of positions that become apparent when individuals exercise their rights and obligations in accordance with the expectations attached to their positions. Within this framework, Soekanto emphasises roles as dynamic aspects of positions, while Suhardono highlights role events as behaviours that follow social scenarios, institutional directives, and interactions with other actors. At the Sub-Directorate of Special Crimes of the Criminal Investigation Directorate of the Metro Jaya Regional Police, the ex ante, in medio, and ex post phases currently operate as unwritten patterns of practice that have grown out of the working habits of investigators. It is this recurring pattern that helps translate the abstract demand for 'investigators as facilitators of restorative justice' into actions that are more predictable, monitorable, and traceable between cases, even though they have not been formalised into SOPs.

Role clarity at the ex ante stage arises from established working understandings, not from written rules. Investigators screen the feasibility of applying restorative justice before the mediation forum, design SMART agreement clauses, and verify the perpetrator's capacity and the format of evidence of implementation. This set of habits reduces the ambiguity between promoting peace and maintaining executability, as the measure of success is understood to be compliance with the content of the agreement and the recovery of the victim. From a role theory perspective, these understanding places behavioural expectations on the first role

episode, thereby narrowing the potential for role conflict even in the absence of written guidelines.

At the in medio stage, role clarity is maintained through a rhythm of repeated verification at 7, 30, and 60 days after the start time (H+7, H+30, H+60), the use of evidence channels agreed upon by the parties, and early notification before the deadline. Although not yet standardised, this consistent practice functions as a 'working scenario' that investigators follow from one case to another. Feedback from periodic verification acts as quality control for role implementation, thereby reducing the tendency for deviation and personal bias.

The ex post stage complements role clarity through a series of steps commonly taken when an agreement is breached. The sequence is a written warning, limited mediation on the stalled points, and then a recommendation to continue the criminal process if non-compliance continues or shows no good faith. The distinction between the treatment of financial default and behavioural default has been recognised as a common working guideline. In cases involving victim safety, such as violations of restraining orders, the measure of 'victim safety' becomes a primary consideration, so that the role shifts more quickly from facilitation to enforcement.

The concepts of role episodes and feedback bind these three phases together. The investigator's role episode is repeated in the same pattern: screening and formulation ex ante, verification and early notification in medio, and proportional escalation measures ex post. Each episode generates documented feedback in the form of transfer evidence, minutes of verification of non-monetary obligations, and warning letters. This feedback serves as a quality control for the role as it signals whether the behaviour carried out is consistent with expectations, needs correction, or must shift from facilitation to enforcement. By linking episodes and feedback to the measure of victim recovery, the assessment of the role shifts from intention to verifiable results.

Finally, although there is no standard operating procedure that codifies this pattern, repeated and documented work habits have fostered a relatively consistent culture of internal evaluation. When each case produces comparable data trails, collective feedback can be summarised into organisational learning, such as refining the wording of clauses that most often cause delays, adjusting deadlines, or improving the format of evidence for certain types of obligations. Thus, role theory does not stop at conceptual definitions, but works as an operational lens that guides the daily practices of Jatanras investigators, while opening up space for standardisation in the future if necessary.

Victim Recovery Theory views victim recovery as a process of rebuilding a sense of control, meaning, and wholeness after experiencing victimisation. Within the framework of restorative justice, this recovery is facilitated through opportunities for victims to engage in dialogue with perpetrators in a safe and structured forum, obtain explanations for the events, and witness tangible accountability. The literature indicates that professionally managed meetings between victims and perpetrators contribute to the psychological recovery of victims, as the information obtained and the perpetrator's acknowledgement restore the victim's sense of control and trust in their social environment (Aertsen et al., 2011; Wemmers et al., 2023). Within this framework, the practice of the Jatanras Sub-Directorate, which places safe forums, fulfillment verification, and meaningful apologies as the pillars of the process, is already aligned with these recovery prerequisites, although the overall work pattern still exists as an unwritten habit.

The safe forums established during the H+7, H+30, and H+60 sessions serve a dual purpose. First, they protect victims from further pressure. Second, they ensure that dialogue does not turn into new, unrealistic promises. From a recovery theory perspective, safe forums

provide a space for victims to validate their losses and restore their sense of self through dialogue that is respected by all parties. Validation and dialogue are core factors highlighted in recent research, alongside supporting factors such as the victim's personal resilience, support networks, compensation or restitution, and, at certain points, forgiveness. Therefore, when Jatanras combines a clear verification schedule, the use of easy-to-understand language, and assistance when needed, the process does not stop at administrative procedures but becomes a traceable channel for psychological recovery.

Verification of compliance through transfer evidence, reports of repairs, or documentation of counselling sessions reinforces the perpetrator's responsibility. From the victim's perspective, concrete evidence confirms that recovery does not stop at words. This reduces uncertainty, lowers recurring anxiety, and increases the sense of control over the ongoing process. When verification runs parallel to the mechanism for handling non-compliance that has been established in Jatanras, victims have an objective reference point for when further steps will be taken, thereby reducing the psychological burden of 'begging' for compliance. The connection between verification and recovery also justifies the emphasis on compliance-oriented performance indicators and recovery outcomes, rather than simply the number of cases that have been terminated.

The meaning of a meaningful apology is a sensitive issue. Research shows that insincere apologies and perpetrator strategies to neutralise responsibility are obstacles to recovery. Apologies that are perceived as inauthentic not only fail to bring about recovery, but can cause further harm by obscuring responsibility. Therefore, in limited re-mediation or verification meetings, investigators need to guide the expression of responsibility that is specific, measurable, and directly related to recovery actions, for example, linking apologies with evidence of reparations that have been or will be made. This approach is in line with findings that place compensation and support networks as supporting variables, while rejecting neutralisation strategies that weaken accountability.

Secondary victimisation analysis adds depth by identifying triggers for revictimisation. Unresponsive procedures, social pressure, unequal power relations, and insincere apologies are triggers that are often noted in the literature. Revictimisation can also arise from the way institutions respond to reports and from victims' expectations that are not managed sensitively. In Jatanras practice, common safeguards include postponing meetings when signs of pressure appear, providing companions, strictly enforcing no-contact clauses, and accurately recording the results of three-party verification meetings in official reports. These measures are designed so that victims are not forced to bear the burden of proof alone and so that verification meetings do not become a source of secondary trauma.

These safeguards need to be aligned with the usual handling of non-compliance. When a no-contact clause is violated, the dimension of victim protection requires a quick shift from recovery efforts to enforcement recommendations. Affirming the trigger threshold for violations that touch on safety helps prevent the recurrence of injustice through a 'second chance' that is risky for the victim. This principle is in line with policy critiques that remind us that restorative justice should not be reduced to a case termination mechanism, but should focus on recovery and a sense of security as key outcomes. Thus, the relationship between safe forums, verification of compliance, meaningful apologies, and firm handling measures forms a series that supports psychological recovery and prevents revictimisation in Jatanras practices, even though these practices currently still exist as unwritten working patterns.

Therefore, the integration of Victim Recovery Theory with the concept of secondary victimisation provides a clear direction for strengthening Jatanras supervision. A safe, evidence-based, communicative process, supported by consistent handling measures, will

transform the normative goal of recovery into a concrete experience for victims. When these mechanisms are documented at each meeting and repeated consistently, they not only fulfil procedural accountability but also uphold substantive justice, as victims obtain real recovery and are protected from secondary victimisation.

4.3. Draft for Strengthening the Implementation of Restorative Justice in the General/Jatanras Sub-Directorate of the Ditreskrimum, Polda Metro Jaya

4.3.1. Strengthening Investigator Competence Based on Field Needs

The second reinforcement focuses on practical skills in penal mediation and empathetic communication. The role of investigators in restorative justice schemes requires neutral and ethical facilitation skills. Therefore, the training module needs to teach effective communication techniques that encourage balanced participation, the ability to manage the emotions of the parties, and the use of non-coercive open-ended questions. Mediation simulations for cases involving violence against persons and cases involving daily property can help participants understand the real dynamics, including how to deal with resistance or deadlock in negotiations. Restorative ethics must also be given adequate attention, particularly regarding the voluntary participation of the parties, the prohibition of pressure on victims, and efforts to maintain equality so that agreements are not born out of discomfort or fear. Various studies show that a lack of understanding of the philosophy and technicalities of restorative justice at the implementation level is one of the main obstacles; therefore, learning practices through workshops, case simulations, and sharing experiences among personnel who have successfully facilitated peace will strengthen the skills needed at the mediation table.

The third reinforcement concerns the establishment of a restorative justice competency certification scheme for investigators. Collaboration between the National Police and educational institutions such as SESPIM, PTIK, or universities is needed to formulate a short curriculum that includes procedural law knowledge, penal mediation techniques, victim safety risk assessment, and sensitivity to victim needs. The certification scheme ensures that investigators handling cases with the potential for restorative resolution have met minimum standards in terms of knowledge and skills. In the long term, competency certificates can be used as one of the prerequisites for assigning personnel to cases directed towards dialogue forums. Thus, capacity building does not stop at short-term training, but rather creates verified human resources who are ready to serve as the front line in the implementation of restorative justice.

The fourth reinforcement needs to be directed at specific needs that arise from the practices of the Sub-Directorate of Special Crimes. Feedback from the field indicates that some investigators are hesitant to apply restorative resolutions due to concerns about the legal basis for terminating cases. These doubts relate, for example, to the issuance of letters terminating investigations on legal grounds in the context of reconciliation, which could lead to assessments that do not comply with procedures. To address this, the reinforcement material must include a detailed discussion of the discretionary authority of investigators, the legal construct that can support the termination of peace-based proceedings, and how Police Regulation No. 8 of 2021 provides a valid legal basis as long as the formal and material requirements are met. Investigators also need to understand restorative justice-based prosecution policies in other institutions, such as the Attorney General's Regulation, so that inter-agency coordination runs smoothly. This knowledge is important, for example, to ensure that peace agreements at the investigation level are communicated appropriately to prosecutors so that there are no differences in approach that cause confusion for the parties.

4.3.2. Draft for the Development and Structuring of Regulations

a. Development and Structuring of Internal Restorative Justice SOPs

To strengthen the implementation of restorative justice, internal regulations must be operational and uniform across police units. Although Perpol 8/2021 provides a general framework, work-unit level SOPs are still absent, resulting in uneven procedures and uncertainty for investigators. Developing integrated SOPs is therefore essential. These SOPs should first clarify the types of cases eligible for restorative handling, adopting Perpol 8/2021 criteria such as offence thresholds, exclusion of serious crimes, and the requirement that cases do not create public unrest. Abstract terms (e.g., "public unrest") must be defined with clear indicators to reduce subjectivity and ensure consistent screening across regions.

SOPs must also regulate authorisation and accountability. Termination of investigations through restorative justice should require tiered approval rather than a single-investigator decision, combined with mandatory reporting and recording in an internal database accessible to supervisory bodies. Public complaint channels should be incorporated, and investigators must inform parties of their right to report irregularities to deter extortion and enhance participatory oversight.

Cases involving power imbalances require special safeguards. The SOP should restrict or prohibit restorative justice in situations of vulnerability, such as domestic violence or child victims, unless a psychologist or social worker accompanies the victim. This ensures voluntariness and prevents restorative justice from being misused to pressure victims into forgiveness. Victim safety and rights must remain the primary consideration.

Finally, the SOP should be modular and adaptable so that regional units can adopt it with minimal adjustment. Issued as a Unit Head Regulation or technical guidelines, it can then be replicated nationally to create standardised practices aligned with Perpol 8/2021 while accommodating local contexts, such as indigenous involvement in rural areas. With unified and trial-tested SOPs, the Police can ensure consistent application, greater legal certainty, and improved public trust in restorative justice.

b. Alignment with External Regulations and Solutions for Legal Disharmony

This draft emphasises the need to align the Police's internal restorative justice framework with external regulations to prevent normative conflicts. Key references include the new Criminal Code (Law No. 1 of 2023) and cross-agency policies such as Police Regulation 8/2021, Prosecutor guidelines, and Supreme Court regulations. Harmonisation is essential so that restorative measures at the investigation stage remain consistent with the national criminal justice system.

The new Criminal Code adopts a restorative spirit by viewing punishment as conflict resolution and social balance restoration. However, it does not automatically terminate legal proceedings when parties reconcile; agreements instead function as mitigating considerations or grounds for conditional penalties. This differs from current Police practice, where reconciliation often leads to full case termination (SP3). To address this, the draft proposes two strategies: (1) institutional coordination between the Police, Prosecutor's Office, and Supreme Court to create common guidelines on when settlement may end proceedings and when cases should proceed with reduced sentencing; and (2) advancing an overarching legislative framework, either a standalone Restorative Justice Law or amendments to the Criminal Procedure Code, so all law-enforcement bodies use consistent standards.

Potential conflicts between Police Regulation 8/2021 and criminal procedural law can also arise because termination authority ideally belongs in the Criminal Procedure Code. To ensure legitimacy, the Police should ground restorative SP3 decisions in Article 109(2) ("the

interest of law") and consult legal experts to avoid vulnerability to judicial review. When the new Criminal Code becomes effective, Police Regulation 8/2021 may require revision to avoid overlap with new reconciliation mechanisms. Coordinating with lawmakers to embed restorative justice clearly into the future Criminal Procedure Code will further eliminate legal uncertainty.

Alignment is also required across agencies. Differences between Police Regulation 8/2021 and Prosecutor Regulation 15/2020, such as varying offence thresholds or procedural criteria, can lead to prosecutors rejecting restorative outcomes. Joint guidelines or an MoU should standardise material and procedural requirements, documentation formats, and termination mechanisms. Coordination with the Supreme Court is likewise necessary so investigators understand when reconciliation is sufficient for SP3 and when court involvement is appropriate, especially under Supreme Court Regulation 1/2024.

Overall, the goal is an integrated restorative criminal justice system in which investigation, prosecution, and adjudication operate coherently, prioritise victim recovery and substantive justice, and avoid institutional disharmony.

4.3.3. Draft for Strengthening the Implementation of Restorative Justice Based on Community, Cultural, and Facility Factors

Strengthening cultural factors focuses on two main issues: the meaning of apology and the tendency to maintain surface harmony. Apology facilitation is structured so it is not merely ceremonial. Investigators guide perpetrators to acknowledge the act, its impact, and concrete recovery steps, and help refine wording when necessary. Victims then confirm whether the apology feels sincere. This aligns cultural politeness with accountability rather than allowing harmony norms to overshadow responsibility.

To reduce misunderstandings, key sections of peace agreements use clear, direct language paired with everyday equivalents. Each clause is restated by the parties to ensure comprehension, and meetings may be postponed if understanding is incomplete.

Facility strengthening addresses information gaps and evidence management. A simple compliance sheet is added to the case file to record obligations, deadlines, and verification notes. Evidence formats are standardized, monetary proof is cross-checked, while non-monetary tasks use templates such as before, after photos or certificates. Folder structures are made uniform to ease tracing.

For higher-risk cases, the Sub-Directorate adds brief risk screening, safe meeting locations, and early verification schedules. Indicators of insincerity or delaying tactics are documented as objective grounds for follow-up. Clear language is the backbone of all strengthening components, ensuring each obligation states who does what, when, where, and how proof must be submitted.

Overall, the strengthening plan streamlines restorative work: cultural values are directed toward responsibility, facilities ensure consistent monitoring, and misunderstandings are reduced through clarity. This supports Soekanto's view that community, culture, and facilities must align for legal norms to be effectively implemented.

5. Conclusion

Investigators of the General/Jatanras Sub-Directorate of the Ditreskrimum at Polda Metro Jaya play an active role as key drivers in the restorative justice process, from the initial stage to the issuance of administrative decisions. At the early stage, investigators assess the eligibility of cases, ensure the voluntary participation of all parties, arrange a safe forum, and facilitate dialogues focused on the victim's recovery needs. The outcomes of these discussions

are then formulated into clear, measurable, and verifiable agreements, complete with mandatory documentation to ensure legitimacy and accountability. Throughout the process, investigators maintain neutrality, explain the legal implications of each option, and align the agreement with the provisions of Perpol 8/2021, ensuring that reconciliation is not merely a private settlement but a legitimate case resolution within the criminal justice system. With such a role, investigators do not merely "mediate" but ensure that every stage of restorative justice (RJ) runs in accordance with legal norms, is well-documented, and genuinely oriented toward recovery.

In addition, investigators in the General/Jatanras Sub-Directorate act as both preventers and supervisors against potential non-compliance with the agreement through three interconnected phases. In the upstream phase, they assess case eligibility and formulate SMART agreements—specific, measurable, achievable, relevant, and time-bound—by verifying the offender's capability, agreeing on evidence forms, and setting operational default clauses. During the implementation phase, investigators establish monitoring checkpoints at H+7, H+30, and H+60, send early notifications, verify evidence within safe forums, and document each verification meeting in a tripartite report. When violations occur, investigators execute a tiered escalation process, starting with written warnings, limited re-mediation for stalled points, and, if necessary, recommending continuation of criminal proceedings. This process distinguishes clearly between financial non-compliance and behavioral violations to ensure victim protection. Anchored in evidence, victim safety, and auditable records, this monitoring approach ensures that case resolution extends beyond a mere declaration of "case closed," guaranteeing genuine compliance with the agreement and the realization of recovery.

An operational and measurable strengthening design is built upon three interrelated phases. In the ex ante phase, investigators assess case eligibility, verify the offender's capacity, and draft SMART agreements complete with default clauses, evidence channels, and initial verification schedules to ensure that obligations are concrete, measurable, and monitorable. In the in medio phase, monitoring occurs through control points at H+7, H+30, and H+60, early deadline notifications, tripartite verification notes, and a centralized compliance register that enables continuous tracking of each item's status, evidence, and decision. In the ex post phase, responses are organized in tiers—from written warnings, limited re-mediation on unresolved points, to recommendations for resuming criminal proceedings in cases of continued default. This stage maintains a clear distinction between financial failures and behavioral violations affecting victim safety. The entire process is supported by internal SOPs that standardize workflows, trigger thresholds, and document templates, harmonized with external frameworks such as the 2023 Criminal Code (KUHP) and Perpol 8/2021. Evaluation is conducted through measurable indicators including the percentage of fulfilled items on time, time to compliance, recurrence rates, and victim satisfaction. Safe forums and empathetic communication are also maintained to prevent secondary victimization. Through this design, prevention and supervision of potential non-compliance become consistent, proportional, and auditable across cases.

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