


## The Utilization of Restorative Justice as a Means of Solving Crimes on the Outermost, Frontier and Remote Islands

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### Abstract

**Introduction:** The legal community needs a criminal justice system that is fast, easy, economical and not complicated for the community of Letti Island District, which is the most remote outermost island, the court that hears criminal and civil cases is located on the Tanimbar Islands, the use of restorative justice by the Serwaru Police and the application of culture "Snyoli – Lieta" As "Hidup Orang Basudara" on the island in Letti Island acts as a filter in resolving criminal cases.

**Purposes of the Research:** Analyze and discuss the basis for using restorative justice as a means of resolving criminal acts in the Serwaru Police Legal Area, Letti Island District, Southwest Maluku Regency as the outermost, foremost, and remote island.

**Methods of the Research:** This research was conducted using an empirical legal research type. The empirical legal research method is a study of how the law is carried out in the field as it should be in people's lives.

**Results Main Findings of the Research:** The basis for the use of justice restorative as a means of resolving criminal acts in the Legal Area of the Serwaru Police, Letti Island District, Southwest Maluku Regency as the outermost, foremost, remote island is based on the "Snyoli Lyeta" culture whose resolution mechanism is the same as the mediation process adopted in restorative justice which prioritizes the deliberation process between victims and perpetrators of criminal acts, so that almost all criminal acts handled by the Serwaru Police in implementing National Police Chief Regulation Number 8 of 2021 can be resolved using justice.

**Keywords:** Restorasi Justice; Solution; Criminal Art; Outer Island.

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## INTRODUCTION

As a country of law, Indonesia adheres to three legal systems at once that live and develop in society, namely the civil law system, the customary law system, and the Islamic law system. The three legal systems complement each other, harmonious and romantic. Islamic law affects the legal landscape in Indonesia because the majority of the population in Indonesia adheres to Islam which allows Islamic law to become an important and influential part of the legal system in Indonesia. Meanwhile, customary law as an original law that grows and develops from the habits of the community affects the process of enacting laws in Indonesia. In fact, the values contained in customary law and Islamic law in Indonesia are used in the formation of laws and regulations.<sup>1</sup> In addition, customary law is an original law that grows and develops from the habits of the community that greatly

<sup>1</sup> Peter de Cruz, *Perbandingan Sistem Hukum Common Law, Civil Law, and Socialist Law*, (Bandung: Nusa Media, 2010), p. 46.

influence the process of enacting laws in Indonesia, and this customary law is very diverse in Indonesia. So, in general implementation it will face obstacles but it is quite efficient for the local community who enforce it. In fact, when calculated, more people obey and submit to customary laws than state laws.

Based on Article 28D paragraph (1) of the Constitution of the Republic of Indonesia of 1945, everyone has the right to fair legal recognition, guarantee, protection, and certainty as well as equal treatment before the law,<sup>2</sup> from the mandate of the law that the role of the State through authorized state institutions is obliged to provide legal certainty to every citizen of the Republic of Indonesia starting from the State Capital to those in remote parts of the country, even people who are on the outermost, frontier and remote islands. The presence of the State in protecting the individual rights of citizens, protecting the community and protecting the State is the responsibility of the State which is carried out by the State apparatus of law enforcement. On the other hand, the law enforcement state must be able to see the existence of laws that live in the community and the customs that apply in the local community since generation and can be used as a medium to solve legal problems in the community as well as provide certainty and legal guarantees to the community.

Article 30 Paragraph (4) of the Constitution of the Republic of Indonesia gives the authority to carry out the task of maintaining Public Security and Order to the National Police of the Republic of Indonesia as a state tool that maintains public security and order tasked with protecting, protecting, serving the community, and enforcing the law.<sup>3</sup> The role of the National Police of the Republic of Indonesia, hereinafter abbreviated as the Indonesian National Police, as a tool of the State of law enforcement in the context of the maintenance of the next Public Security and Order as regulated in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia. The National Police of the Republic of Indonesia in its duties and authorities as written in Article 13 of Law Number 2 of 2002 concerning the main duties of the National Police of the Republic of Indonesia is to maintain public security and order, enforce the law and provide protection, protection, and services to the public. Furthermore, it is regulated in Article 14 paragraph (1) Letter g, explaining that one of the duties of the Police is to conduct Investigation and Education on all criminal acts in accordance with the criminal procedure law in other laws and regulations, in carrying out duties as investigators and investigators of criminal acts in dealing with problems that occur in the community in accordance with the procedural law mechanism in the Procedural Code where the judicial process is faced by The community starts from the process of making reports/complaints, investigations, investigations, prosecutions and court-level trial processes and producing a binding decision (*inkraht*), requires a fairly long judicial process, consuming the time and energy of the community and law enforcement officials. As happened to the Serwaru Police, the Southwest Maluku Resort Police, the Maluku Regional Police which is domiciled in Letti Island District, Southwest Maluku Regency which is part of the outermost, frontier and remote island in Maluku Province as the State boundary between the Republic of Indonesia and the State of Timor Leste and also the State of Australia.

Letti District with the capital city of Serwaru is part of Southwest Maluku Regency with an area of 243.30 km<sup>2</sup> of Letti District and is divided into 7 villages, namely Luhulely,

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<sup>2</sup> <https://www.dpr.go.id/jdih/uu1945>

<sup>3</sup> <https://www.dpr.go.id/jdih/uu1945>

Laitutun Village, Batumiau Village, Tutukei Village, Tomra Village, Nuwewang Village and Tutuwaru Village, astronomically Letti sub-district is located between 08 09' 35" – 08 14' 4" south latitude and 127 36' 30" – 127 45' 10" east longitude, Letti District consists of 7 villages located on one island, namely Letti Island, with the boundary of the territory to the west bordering the State of Timor Leste and Kisar Island, to the east bordering Moa District, to the south bordering the Timor Sea and the State of Australia, to the north bordering the District of Romang Island and the Banda Sea.

According to the explanation of the chairman of the Latupatti / chairman of the Customary Council, Mr. Goly Lakusa in an interview conducted by the author, the philosophy of customary law of the Letti island community with the culture of "*Snyoli – Lieta*" which in Indonesian can be interpreted as "Deliberations of Father, Mother, Sister, Brother properly", in its application for the settlement of criminal acts of the first is the problem of violence against children and women where the parties to the case Together with the integrity of the customary institution in a village, it is agreed to sit together to tell the story or talk about the problems that occur, then from the speech of the offense, several decisions can be given in the form of customary sanctions directly to the guilty party and ended by the advice of the customary institution and parents. If studied from the settlement process carried out by the Letti people with the "*Snyoli-Lieta*" culture, which in the language of the Letti people can be interpreted as "Deliberations of Fathers, Mothers, Sisters, Brothers and Sisters in a good way", is a customary law that has been inherited to solve various problems in the Letti community as a form to create a sense of justice in society. These settlement patterns illustrate that this settlement process is the same as the concept of restorative justice as a form of a new approach model in the settlement of criminal cases.

Restorative justice is not something new for the Indonesian people because in fact it was born from the local wisdom of the customary law community which then became a new paradigm in criminal law, thus restorative justice is not new for the customary law community, including in Letti District, it can even be considered as a metamorphosis of restorative wisdom whose existence is constitutionally recognized by the people of Letti District. because the substance of restorative wisdom is the norms that apply in a community in Letti District which is believed to be true and becomes a reference in daily actions and behaviors. In the community of Letti District, in resolving conflicts or disputes based on restorative justice values has been practiced for a long time, especially in the indigenous people of Letti District whose customary law still survives.

The settlement of criminal cases with the approach or concept of restorative justice focuses on the direct will of both the perpetrator, the victim and the community in the process of resolving the case.<sup>4</sup> In addition, the concept of corrective justice in a fair situation emphasizes more on the values of balance, harmony, peace, tranquility, equality, brotherhood and kinship in society rather than punishment or imprisonment. Efforts to resolve cases in this way not only solve the problems that arise, but also deeper. Resolving cases through a restorative justice approach is likely to provide greater justice to the community.

The principle of restorative justice can be simply interpreted as a model of out-of-court case resolution, or often out-of-court settlement, which pays more attention to justice, goals and desires of the parties, with the concept of victim awareness work. Both in a normative

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<sup>4</sup> Andrew Ashworth, Victim Impact Statements and Sentencing, *The Criminal Law Review*, 1993, p. 23.

and theoretical framework, the principle of mediation of criminal cases judicially or extrajudicially is often questioned, but in reality there are many practices of resolving criminal cases outside the criminal justice system.<sup>5</sup>

Departing from the two approaches to solving criminal cases between the "Snyoli – Lieta" culture in the Letti community and the restorative justice approach is very necessary considering the location of the Saumlaki District Court which is authorized to adjudicate cases in the jurisdiction of southwest Maluku regency is very far away where in Southwest Maluku regency with the capital city of Tiakur which is the outermost island, Frontier, remote because it has a strategic location that borders and faces directly with other countries without being hindered by other islands. This outermost, frontier, remote island is very sensitive and can be threatened if it is not handled and paid attention from the government. So that until now there is no District Court Office that serves legal cases, both criminal and civil that occur in Southwest Maluku district, all cases, both criminal and civil, must be heard at the Saumlaki District Court, for the indigenous people of the Letti Islands is one of the reasons why the settlement of criminal acts reported / complained to the Serwaru Sector Police is resolved restoratively justice (*settlement by family / customs of the Letti people*). So that the community gets a system for resolving legal problems that is fast, easy, uncomplicated and effective and makes a deterrent effect in resolving a criminal case. The problem described by the author in this background that will be analyzed is What is the basis for the use of restorative as a means in solving criminal acts in the Jurisdiction of the Serwaru Police, Letti Island District, Southwest Maluku Regency as the Outermost, Frontier, Remote Island ?.

## METHODS OF THE RESEARCH

This research was conducted using an empirical legal research type. The empirical legal research method is a study of how the law is carried out in the field as it should be in the life of the community, in this study will examine the use of restorative justice as a means in solving crimes in the jurisdiction of the Serwaru Police Station, Letti Island District, Southwest Maluku Regency as the outermost, frontier, and remote island.

## RESULTS AND DISCUSSION

### A. Forms of Criminal Acts That Occurred in the Hukm Area of the Serwaru Sector Police

The term Criminal comes from the Javanese Hindu language which means punishment, sorrow or sadness, in Dutch it is called *straf*. Convicted means punished, criminality means everything that is not good, evil, criminality means punishment. So Criminal Law as a translation from Dutch *strafrecht* is all rules that have orders and prohibitions that use sanctions (threats) of punishment for those who violate them.<sup>6</sup>

Criminal acts are a basic definition in criminal law (normative juridical law) that is related to acts that violate criminal law. The term criminal act is a translation of "*strafbaar feit*", in the Criminal Code there is no explanation of what exactly is meant by *strafbaar feit* itself. Usually criminal acts are synonymous with delicacy, which comes from the Latin word *delictum*, in the Great Dictionary of the Indonesian Language listed as follows:<sup>7</sup>

<sup>5</sup> <https://ugm.ac.id/id/berita/15667-asas-keadilan-restoratif-hukum-pidana-indonesia-perlu-diformulasi-ulang/>

<sup>6</sup> Hilman Hadikusuma, *Bahasa Hukum Indonesia*, (Bandung: Penerbit Alumni, 1992), p. 114

<sup>7</sup> Teguh Prastyo, *Hukum Pidana*, (Jakarta: Raja Grafindo Persada, 2012), p. 47.



Observing the above conditions, the Serwaru Sector Police, Pulau Letti District, Southwest Maluku Regency, as a State tool that plays a role in maintaining public security and order, is required to be able to participate in securing the border area from the potential for various crimes to realize domestic security and in the context of its territory. The responsibility placed on the shoulders of the Serwaru Sector Police, Pulau Letti District, Southwest Maluku Regency is clearly illustrated as stated in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, which states that the National Police of the Republic of Indonesia has duties and responsibilities in realizing domestic security which includes the maintenance of Public Security and Order, order and law enforcement, the implementation of protection, protection, and service to the community as well as the development of community peace by upholding human rights. Therefore, in order to realize conducive security and public order stability, especially in the jurisdiction of the Serwaru Sector Police, Pulau Letti District, Southwest Maluku Regency, it is necessary to carry out law enforcement in resolving several forms of criminal acts that have occurred in the jurisdiction of the Serwaru Sector Police, Pulau Letti District, Southwest Maluku Regency in recent years, which can be seen in the following table.

**Table 1. Forms of Criminal Acts That Occurred in the Jurisdiction of the Serwaru Sector Police in 2021 - 2023**

No	Types of Criminal Acts Year 2021 - 2023	Reported Numbers	Settlement Process			
			P-21	Squirrel	Sidik	Restoration Justice
1	Violence Against Minors	1 Case	-	-	-	1
2	Persecution	5 Case	-	-	1	4
3	Collective violence against people and/or Persecution	3 Case	-	-	-	3
4	Sexual intercourse of minors	1 Case	1	-	-	-
5	Fraud and Embezzlement	1 Case	-	-	-	1
6	Murder and/or violence together cost the deceased	1 Case	1	-	-	-
7	Destruction	2 Case	-	-	-	2
8	Abuse	1 Case	-	-	-	1
9	Joint Violence against Goods and/or Destruction	1 Case	-	-	-	1
10	Domestic violence and/or abuse causes death	1 Case	-	-	-	1
11	Electronic Information and Transaction Law	1 Case	-	-	-	1
12	Sex Against A Helpless Woman	1 Case	-	-	-	1
13	Violence against minors	1 Case	-	-	-	1

No	Types of Criminal Acts Year 2021 - 2023	Reported Numbers	Settlement Process			
			P-21	Squir rel	Sidik	Restorasi Justice
1	Violence Against Minors	1 Cases	-	-	-	1
2	Persecution	5 Cases	-	-	1	4
3	Collective violence against people and/or Persecution	3 Cases	-	-	-	3
4	Sexual intercourse of minors	1 Cases	1	-	-	-
5	Fraud and Embezzlement	1 Cases	-	-	-	1

6	Murder and/or violence together cost the deceased	1 Cases	1	-	-	-
7	Destruction	2 Cases	-	-	-	2
8	Abuse	1 Cases	-	-	-	1
9	Joint Violence against Goods and/or Destruction	1 Cases	-	-	-	1
10	Domestic violence and/or abuse causes death	1 Cases	-	-	-	1
11	Electronic Information and Transaction Law	1 Cases	-	-	-	1
12	Sex Against A Helpless Woman	1 Cases	-	-	-	1
13	Violence against minors	1 Cases	-	-	-	1
<b>Sum</b>		<b>20 Cases</b>	<b>2</b>	<b>-</b>	<b>1</b>	<b>17</b>

**Data Source: Serwaru Sector Police Criminal Investigation Unit**

The results of the research conducted by the author in the Serwaru Sector Police Criminal Investigation Unit, Southwest Maluku Resort Police, Letti District, Southwest Maluku Regency can be seen in the case data / complaint reports processed by the Serwa Sector Police Criminal Investigation Unit starting from 2021, Year 2022 and 2023 the number of crimes/criminal acts that occurred in Letti District which is a jurisdiction The Serwaru Sector Police as many as 20 cases, which were reported to have been completed to the Prosecutor's level as many as 2 cases and which were completed with the approach of Restorative Justice as many as 17 cases were completed with the Restotif Justice approach which in the application of the application of the rules of law - invitations of the Serwaru Sector Police Investigators carried out the criminal procedure law as stipulated in Law Number 8 of 1981 concerning the Book The Criminal Procedure Law, Regulation of the Chief of Police of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice is also in conjunction with the Regulation of the Police of the Republic of Indonesia Number 6 of 2009 concerning the Investigation of Criminal Acts, for the types of criminal acts that occur in the jurisdiction of the Serwaru Sector Police are dominated by conventional crimes that violate or attack the dignity and dignity of people or individuals, especially the type of act Violence against people and/or persecution of people that causes injury or pain with the causative factor is a misunderstanding and also the legal blood of the community which is still low on the other hand on the island of Letti is the place where Sopi type drinks are produced which has an impact on the free sale and consumption of the traditional type of liquor.

#### **B. The basis for the use of restorative justice as the basis for solving crimes in the jurisdiction of the Serwaru Sector Police, Pulau Letti District, Southwest Maluku as the outermost, frontier and remote island.**

In principle, the law cannot be separated from people's lives. Roman jurist Marcus Tullius Cicero (106-43 BC) once said that where there is society, there is law (*ubi societas ibi ius*)<sup>8</sup>. Although there are other opinions, according to Heinrich von Cocceji (1644-1719), professor of international law at the University of Heidelberg, who introduced this expression. Regardless of who first uttered this phrase, the phrase "*ubi societas ibi ius*" can begin to provide an answer as to the reason for the existence of the law. Society is traditionally defined as a group of people who live together for a relatively long period of time so as to

<sup>8</sup> Darji Darmodihardjo, Sidharta, *Pokok-Pokok Filsafat Hukum*, (Jakarta: Gramedia Pustaka Utama, 1995), p. 208

create a culture. This culture has values, attitudes, and behaviors in dealing with members of society. This interaction is actually a key word of the law. Without communication, there will be no conflict of interest or potential conflict of interest. Laws are needed to regulate these interactions so as not to harm society. The law is dedicated to norms that guarantee the return of chaos to peace (cosmos) again. The law is *restitutio in integrum*.

Conflict resolution is carried out through customary law mechanisms with the medium of deliberation both for civil and criminal cases. In contrast to western criminal law, the purpose of customary criminal law is to restore the legal balance which is the purpose of all customary reactions or corrections while the purpose of correcting the wrong person, the person who violates the law, as one of the bases found in the western criminal law system, is not found in the customary law system.<sup>9</sup>

The results of the study in the Maluku Islands show that Maluku is the largest archipelago with 1,340 small islands, and its dominant sea area, which is 92% and land area is 7.6%. It has 117 sub-ethnicities and approximately 120 regional languages (ethnic), so that it becomes a *cultural area* with very high diversity. Each has its own restorative perspective with different restorative concepts. Each one lives his life with his philosophy. The Kei people organize and maintain their lives with the Kei philosophy, the Seram people with the Seram philosophy, the Ambon people with the Ambon philosophy, the Buru people with the Buru philosophy, the Aru people with the Aru philosophy and so on.<sup>10</sup>

The implementation of the authority to investigate and/or prosecute criminal acts by the National Police that applies the principle of restorative justice (*restorative justice*) not in the investigation method can be based on the following provisions:<sup>11</sup> 1) Article 7 paragraph (1) letter j of Law Number 8 of 1981 concerning the criminal procedure law, that the investigator by virtue of his obligation has the authority to carry out other actions in accordance with the responsible law; 2) Article 16 paragraph (1) letter l and Article 18 of Law number 2 of 2002 concerning the State Police of the Republic of Indonesia and Article 5 paragraph (1) number 4 of Law number 8 of 1981 concerning the law of criminal procedure that other actions as intended in Article 16 paragraph 1 letter l are acts of investigation and investigation that are carried out if they meet the following conditions: a) Not contrary to a rule of law; b) Violation of the legal obligation that requires such action to be performed; c) Must be proper, reasonable, and included in the scope of their position; and d) Respect for human rights.

### C. *Snyoli* - *Lieta* Culture in the Letti Community as Local Wisdom

According to Cornelis Van Vollenhoven, customary law is a whole set of rules of positive behavior that on the one hand have sanctions (legal) and on the other hand in a state of uncodified (custom). Positive behavior has a legal meaning that is stated to apply in the here and now. While the sanction in question is a reaction (consequence) from another party to a violation of norms (law).<sup>12</sup> Regarding Indonesian customary law, it is indeed very principled, because customary is one of the mirrors for the nation, customary is an identity for the nation, and an identity for each region. Indonesia is a country that adheres to

<sup>9</sup> Syahrizal, Agustina Arida, "Pola Penyelesaian Konflik dalam Tradisi Masyarakat Gampong Aceh", *Jurnal Seumikee*, 2, 2006, Aceh Institute

<sup>10</sup> Elsa R M Toule, Keadilan Restoratif Dalam Budaya Orang Maluku (Kajian Dari Perspektif Hukum Pidana Adat), *Jurnal*, Faculty of Law Pattimura University, 2015. p. 1.

<sup>11</sup> Kurnia Tri Widodo, Erri Gunrahtin Yuni Utaminingrum, *The Implementation of Restorative Justice in the Criminal Justice System in Indonesia*, (Jakarta: Papas Sunar Sinanti, 2022), p. 69.

<sup>12</sup> *Ibid.* p. 20.

plurality in the field of law, where the existence of western law, religious law and customary law is recognized. The unity of the indigenous people of Letti Island District still upholds the values of customary and Snyoli Lyeta as a guideline for the totality of daily social life of the community for the purpose of order, order and peace collectively and dynamically. The customary values of Snyoli Lyeta certainly originate from the early lives of the ancestors or the ritual system of unwritten legal regulations that grew and developed and were maintained based on the legal consciousness of the community.

Each will defend its legal interests, be it the legal interests of individuals, the legal interests of the community or the interests of the state. The unity of indigenous peoples in Letti Island District, Southwest Maluku Regency adheres to the culture of Snyoli Lyeta (coexistence well) as a culture that is also the highest guideline of life and kinship applied in daily life that regulates kinship relations between individuals and between families in the integrity of life as a customary society. The Indigenous Peoples Unit of Letti Island District in Southwest Maluku also knows various legal issues (private law/civil law and public law/state law). As a social creature (*zoon polyticon*) is never defeated from various legal interests (*rechtsbelang*) of every legal subject, that of course.

The unity of the Indigenous Peoples of Letti Island District in Southwest Maluku with the Snyoli Lyeta culture is often found in the existence of a simple court at the village court level known as Tommara/Molumolu (eliminating/closing the acts committed by every legal subject or restoration of social conditions) which in legal science is known as "*simple justice/restorative justice*". What is still maintained, this is often used to solve problems to avoid the treatment of family groups that are biased and arbitrary when a conflict (*delict*) occurs between legal subjects and between groups.

The culture of "*Snyoli – Lieta*" from the ancestors of the indigenous people of Letti Island which has been carried out for generations is a legacy of very good norms and ethics that have been adopted until now by the current generation, which is in line with Pancasila and the Constitution of the Republic of Indonesia in 1945 in entering deliberations for consensus as in the 4th precept of Pancasila. So that if used side by side with the positive law carried out by the Serwaru Sector Police, especially in solving problems on Letti Island as the outermost island, it is very good, besides that in terms of restoring the rights of the victims, it provides a sense of justice and does not cause unrest in the community.

#### **D. The Application of Restorative Justice in Solving Crimes in the Serwaru Sector Police as the Outermost, Frontier and Remote Island**

Law enforcement is a shared responsibility, including in this case the police as a law enforcement officer in Indonesia, the police are the spearhead, because the police are institutions that have authority in the field of law enforcement, security and order in society, and are the apparatus that can determine whether a violation or crime that occurs in the community will be processed or not or over time called the judicial system punishment.<sup>13</sup> Discretionary measures are used as long as they are used against small matters and do not threaten public safety by being limited by actions.<sup>14</sup> Discretionary actions are limited to the principle of necessity that the necessity of action is needed, action taken in the interest of police duties, the principle of fairness that the investigator is obliged to be objective without

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<sup>13</sup> Kurnia Tri Widodo, Erri Gunrahtin Yuni Utaminigrum, *Implementasi Keadilan Restoratif Dalam Sistem Peradilan Pidana Di Indonesia*, (Jakarta: Papas Sunar Sinanti, 2022), p. 63.

<sup>14</sup> Sudarto, *Kapita Selekta Hukum Pidana*, (Bandung: Alumni, 1986), p. 119.



any personal motive intention, the principle of purpose as a measure to eliminate disturbance or negate a large consequence so that the goal can be achieved and the principle of balance by taking into account the balance between the nature or objective of the action used with consideration of the magnitude of the disturbance from an object to be retrieved.<sup>15</sup>

The principle of restorative *justice cannot* be interpreted as a method of peaceful termination of cases, but more broadly in fulfilling the sense of justice of all parties involved in the case through efforts by involving victims, perpetrators, and local communities, as well as investigators/investigators as mediators. Meanwhile, the settlement of the case, one of which is in the form of a peace agreement and the revocation of the right of the perdu victim, is requested by the judge through the public prosecutor to abort the authority to prosecute the victim, and the public prosecutor.<sup>16</sup> Article 18 of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia in carrying out its duties and authority can act according to its own judgment. Article 18 paragraph (2) of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia as intended in the most necessary circumstances by paying attention to laws and regulations and the Professional Code of Ethics of the National Police of the Republic of Indonesia.

Solving cases with a restorative justice approach so as not to give rise to the diversity of the administration of investigation investigations and differences in the interpretation of investigators and irregularities in its implementation, the following handling guidelines are needed: 1) Material requirements are met, namely; 2) It does not cause public unrest and there is no rejection from the community; 3) It does not have an impact on social conflicts; 4) There is a statement from all parties involved not to object and relinquish the right to sue before the law.

The implementation of case settlement with a restorative *approach (restorative justice)* of the National Police of the Republic of Indonesia Serwaru Sector Police as a tool of the law enforcement state carries out the function of investigation and investigation of criminal acts in the Letti Island sub-district as the outermost, frontier and remote island seeing the local wisdom of the "*Snyoli - Lieta*" culture which has grown as a law that lives in society juxtaposed with the criminal justice system that applies in the Republic of the Republic, namely Law Number 8 of 1981, Law Number 2 of 2002 and restorative enforcement rules at the police level, namely the National Police Chief's Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice, has never caused social conflicts and has an impact on community unrest and there is no direct rejection of the community. This means that the culture of "*Snyoli - Lieta*" is positive in the implementation of mediation carried out directly by the Serwaru Sector Police, the values of the cultural and familial approach with the aim of restoring the rights of victims of criminal acts are carried out properly, as evidenced by mutual acceptance of deliberation for consensus which is stated in the statement of agreement signed by the victim and the perpetrator as well as figures the community and the village head who played a role in resolving the case.

In the Regulation of the Police of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice, the requirements that are met in organizing Restorative Justice are more strict. Article 3 paragraph (1) of the regulation states that the handling of criminal acts based on restorative justice as referred to in Article 2 must

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<sup>15</sup> Subroto Brotodirejo, *Polri Sebagai Penegak Hukum*, (Jakarta: Fakultas Hukum UI, 1995), p. 543-535.

<sup>16</sup> Kurnia Tri Widodo dan Erri GunrahtinYuni Utaminingrum, *Implementasi Keadilan Restoratif Dalam Sistem Peradilan Pidana Di Indonesia*, (Jakarta: Papas Sunar Sinanti, 2022), p. 69, 70, 74.

meet general requirements; and/or special. The general requirements as referred to in Article 3 paragraph (1) letter a include materri; and formal. Article 5 of the National Police of the Republic of Indonesia Regulation Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice states that material requirements include; a) Not causing anxiety and/or rejection from the community; b) It does not have an impact on social conflicts; c) Not radicalism; d) Not a perpetrator of repeating a criminal act based on a court decision; and e) Not a crime of terrorism, a crime against state security, a crime of corruption and a crime against the life of a person.

#### **E. Model - Model of the Implementation of Justice Restoration in Solving Crimes at the Serwaru Police Station as a Remote Frontier Outermost Island**

Restorative justice is a holistic and systematic response to wrongdoing that emphasizes repairing the harm and healing of parastakeholders (victims, perpetrators, and their communities) caused by criminal behavior, and ultimately reintegrating the interests of the parastakeholders involved. Central to the approach is the principle that the victims, the perpetrators, their families (micro-systems), and their communities, who are involved in the crime are the ones who should have the institution (become involved) in responding to the harm caused by the crime.<sup>17</sup>

According to Zehr,<sup>18</sup> The three pillars or elements of restorative justice are, first, the loss and related needs (first of all, of the victim, but also of the community and the perpetrator); second, the obligations that have been generated from the perpetrator, but also the community; and third, the involvement of people who have legitimate or territorial interests in violations and resolutions (victims, perpetrators, and community members) so that victims and/or offenders can be reintegrated into society. Restorative justice is also the prevention of crime by building and strengthening society and the state. In short, the restorative justice approach is holistic both in understanding the causes and processes of domestic violence and in the approach to handling it.

How does a restorative approach differ from traditional criminal justice? Zehr continues to elaborate on the collaborative, inclusive, and holistic nature of the restorative process, the outcome of which is mutually agreed upon, not forced.<sup>19</sup> This is contrary to the criminal retributive justice model. Criminal justice policy is focused on balancing the rights of offenders and the interests of government power in maintaining public order and security. Therefore, the policy is aimed mainly at the crime dimension with a limited role for victims and/or perpetrators. In contrast, restorative justice focuses on the needs of the victim (as opposed to the needs of the state in the criminal justice model): The victim needs real information about what happened and what has happened; telling the truth as an essential element of recovery; empowerment to regain lost control, and restitution, whether tangible or symbolic, as a means to vindication, in the restorative justice process also changes the notion of society, unlike in traditional criminal justice, the term in which the state/government represents victims and their communities, the theory of restorative justice remaps the sense of community to include, not only the victim and the perpetrator, but also the concern of their community and other stakeholders.

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<sup>17</sup> Van Ness, Daniel W., and Karen Heetderks Strong. *Restoring Justice: An Introduction to Restorative Justice* (third edition). 2006. [www.lexisnexis.com/anderson/criminaljustice](http://www.lexisnexis.com/anderson/criminaljustice) <Oktober 2023>.

<sup>18</sup> Zehr, *The Little Book of Restorative Justice*. Intercourse, (PA: Good Books, 2002), p. 5.

<sup>19</sup> Zehr, *Changing Lenses: A New Focus for Crime and Justice* (third edition). Scottsdale, (PA: Herald Press, 2005), p. 12.

Pleased with this, John Braithwaite stated that "Restorative justice means restoring victims, a more victim-centered criminal justice system, as well as restoring offenders and restoring communities." Howard Zehr called Restorative Justice a "victim-oriented approach." One of the most famous attempts to define the values of restorative justice was made by Zehr. He compares and contradicts retributive and restorative justice. Retributive justice is mainly related to distributing retribution or punishment to the perpetrator, restorative justice is mainly about putting the right thing for everyone, especially the victim. There are several mechanisms in restorative that can be applied according to the context, including:<sup>20</sup> 1) Mediation (conflicts); 2) *Victim-offender mediation*; 3) *Reparation*; 4) *Victim-offender conferencing*; 5) *Family Group Conferencing*; 6) *Victim-offender groups*; 7) *Victim awareness work*.

Mediation and conferencing are key processes in restorative justice, in facilitating communication between victims and perpetrators, either in person (in meetings) or indirectly (through letters, videos or messages). There are several advantages for victims, offenders, courts and society: 1) For victims, victims have the opportunity to: a) learn about the perpetrator and deal with crimes; b) ask questions to the perpetrator; c) expressing their feelings and needs after the crime; d) accept an apology and/or appropriate remedy; e) educate the perpetrators about the impact of their violations; f) sorting out any existing conflicts; g) be part of the criminal justice process; h) putting evil behind them. 2) For the offender to have the opportunity to: a) have responsibility for their crimes; b) to know the influence of their crimes; c) apologize and/or offer appropriate remedies; d) reassess their future behavior with this knowledge. 3) For the Court to have the opportunity to: a) learn about how the victim who experienced the crime; b) make the punishment more realistic. 4) For the Community: The community has the opportunity to: a) receive apologies and compensation from the perpetrators, b) help reunite the victims and perpetrators.

The victim and the perpetrator under certain conditions, consider not to conduct mediation or conferences. One of the main reasons for this is anxiety and fear, on both sides. The victim may be afraid of becoming a victim again, and the perpetrator may be afraid of revenge. Given that it often takes a long time to catch the perpetrator, many victims don't want to bring up something from the past.

Judging from the description above and from the number of criminal acts solved by investigators and investigators at the Serwaru Sector Police, more in the stage of solving the act taking advantage of the implementation of the Regulation of the Chief of Police of the Republic of Indonesia Number 8 of 2021 which is combined with the cultural approach of the indigenous people on Letti Island "*Snyoli - Lieta*", for the Retorative Justice settlement mechanism used is to use the Family Group Conferencing model and also the Victim-offender Conferencing starting from the initial settlement process at the police level by making a reconciliation agreement letter to the restoration of victims' rights and customary sanctions or fines that are born in the agreement with the victim's family and the perpetrator's family who sit together to settle a thing. The Serwaru Sector Police are in principle present as mediators both at the respective Village Hall/Office and at the Serwaru Sector Police office.

## CONCLUSION

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<sup>20</sup> Elsa R M Toule, *Kebijakan Kriminal yang Integral (Upaya Perlindungan Perempuan)*, (Bandung: Unpad Press, 2010), p. 65

The culture of "*Snyoli-Lieta*" from the ancestors of the indigenous people of Letti Island, which has been carried out from generation to generation, is a heritage of very good norms that have been adopted by the next generation, are in harmony and in line with the noble values contained in the state foundation of Pancasila and the Constitution of the Republic of Indonesia in 1945 in which it welcomes deliberation for consensus as implied in the 4th precept of Pancasila. So that if it is used side by side with positive law, especially in solving problems / criminal acts with the Retotarif Justice Approach on Letti Island as the Outermost, Frontier and Remote Island is very effective and efficient, society in the modern era today needs how the criminal justice law process is fast, easy, not convoluted and also very important how the judicial process provides a sense of justice to the victim, The perpetrators are also the parties involved in the case as well as the State apparatus, in this case the investigators and investigators who resolve the case as mediators. In accordance with the 1945 Constitution of the Isle of Letti even though its geographical location is located in the outermost, frontier and remote island area, but has the same rights about the Law and as citizens are obliged to get a State service that meets legal needs through a criminal justice system that protects the rights of individuals, local communities and the State. The role of the State is present through the State law enforcement apparatus, in this case the National Police of the Republic of Indonesia, the Prosecutor's Office and the Court that we know as *the (criminal Justice System)*. On Letti Island itself, the only tools of the Law Enforcement State to implement laws and regulations are the Serwaru Police which is under the control of the Southwest Maluku Resort Police, the Southwest Maluku District Attorney's Office which is located on Moa Island, Tiakur City as the capital of Southwest Maluku Regency, and the District Court that adjudicates both criminal and civil cases is in the Tanimbar Islands Regency with the capital city of Saumlaki. The conditions mentioned above are the reality and obstacles for the justice-seeking community on Letti Island as the outermost island so that the State is responsible by providing adequate laws and law enforcement officials to accommodate the archipelago and implement these laws and regulations as well as meet the needs of the community about the law, and provide services for a good criminal justice system. From the results of the research conducted by the author at the Serwaru Sector Police in accordance with case data that occurred in Letti Island District from 2021 to 2023, there are 20 cases of crimes/criminal acts that occurred in Letti District, which is the jurisdiction of the Serwaru Sector Police, as many as 2 cases, which were reported to have been completed up to the Prosecutor's level as many as 2 cases and those that were completed with the approach of Restorative Justice as many as 17 cases, From the number of settlements, we can see how the role of investigators and investigators of the Serwaru Sector Police in implementing the Regulation of the Chief of Police of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice which is combined with the local culture of the approach of the indigenous people of Letti Island, namely the "*Snyoli - Lieta*" Culture. can directly answer the legal needs of justice seekers to provide legal certainty and a sense of justice for Crime Victims, Crime Offenders and the Parties involved in the settlement as well as police officers who act as mediators on the outermost, frontier and remote islands.

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