

ABSTRAK

Deskripsi Penerapan Restorative Justice terhadap Tindak Pidana Pengeroyokan (Studi Kasus Polsek Kupang Timur, Kabupaten Kupang)."

Penelitian ini berjudul "**Deskripsi Penerapan Restorative Justice terhadap Tindak Pidana Pengeroyokan (Studi Kasus Polsek Kupang Timur, Kabupaten Kupang).**" Penelitian ini dilatarbelakangi oleh adanya perbedaan penyelesaian perkara tindak pidana pengeroyokan, di mana sebagian perkara diselesaikan melalui pendekatan *Restorative Justice*, sedangkan sebagian lainnya tetap dilanjutkan ke tahap penuntutan. Rumusan masalah dalam penelitian ini adalah mengapa terdapat perkara tindak pidana pengeroyokan yang diselesaikan melalui *Restorative Justice* dan mengapa terdapat perkara yang tetap diproses hingga tahap penuntutan.

Metode penelitian yang digunakan adalah penelitian **yuridis empiris** dengan sifat penelitian **deskriptif**. Data diperoleh melalui wawancara dengan Kapolsek, Kanit Reskrim, penyidik, korban, pelaku, serta pihak pemerintah yang berkaitan dengan penanganan perkara pengeroyokan di wilayah hukum Polsek Kupang Timur. Selain itu, penelitian ini didukung oleh studi kepustakaan terhadap peraturan perundang-undangan, buku, jurnal, dan dokumen yang relevan. Data yang diperoleh dianalisis menggunakan metode **deskriptif kualitatif**.

Hasil penelitian menunjukkan bahwa penerapan *Restorative Justice* terhadap tindak pidana pengeroyokan di Polsek Kupang Timur tidak dilakukan terhadap seluruh perkara, melainkan secara selektif berdasarkan pemenuhan persyaratan formil dan materiil sebagaimana diatur dalam Peraturan Kepolisian Negara Republik Indonesia Nomor 8 Tahun 2021. Perkara dapat diselesaikan melalui *Restorative Justice* apabila terdapat kesepakatan damai antara korban dan pelaku, pelaku mengakui kesalahan serta bersedia bertanggung jawab, akibat tindak pidana tidak tergolong berat, dan perkara tidak menimbulkan konflik sosial maupun keresahan masyarakat. Sebaliknya, perkara yang mengakibatkan luka berat, tidak tercapai perdamaian, pelaku tidak menunjukkan itikad baik, atau menimbulkan dampak yang luas terhadap ketertiban umum tetap diproses melalui mekanisme peradilan pidana hingga tahap penuntutan.

Kesimpulan penelitian ini adalah bahwa penerapan *Restorative Justice* dalam penyelesaian tindak pidana pengeroyokan di Polsek Kupang Timur telah dilaksanakan sesuai dengan ketentuan hukum yang berlaku dan mempertimbangkan keseimbangan antara kepastian hukum, keadilan, dan kemanfaatan hukum. Perbedaan penyelesaian perkara bukan merupakan bentuk diskriminasi dalam penegakan hukum, melainkan didasarkan pada karakteristik masing-masing perkara, terpenuhinya syarat hukum, alat bukti, serta kondisi konkret yang ditemukan dalam proses penyidikan.

Kata Kunci: Restorative Justice, Tindak Pidana Pengeroyokan, Penuntutan, Polsek Kupang Timur.

ABSTRACT

Description of the Implementation of Restorative Justice in the Crime of Assault Committed Collectively (A Case Study at the East Kupang Sector Police, Kupang Regency)

This study is entitled "**Description of the Implementation of Restorative Justice in the Crime of Assault Committed Collectively (A Case Study at the East Kupang Sector Police, Kupang Regency)**." The research was motivated by the different approaches used in resolving cases of assault committed collectively, where some cases are settled through the **Restorative Justice** approach while others proceed to the prosecution stage. The research problem addressed in this study is why certain assault cases are resolved through **Restorative Justice**, whereas others continue through the formal criminal justice process.

This research employed an **empirical juridical** method with a **descriptive** research design. The data were collected through interviews with the Head of the East Kupang Sector Police, the Head of the Criminal Investigation Unit, investigators, victims, offenders, and local government representatives involved in handling assault cases within the jurisdiction of the East Kupang Sector Police. In addition, the research was supported by a literature review of statutory regulations, legal books, scientific journals, and other relevant documents. The collected data were analyzed using a **descriptive qualitative** approach.

The findings indicate that the implementation of **Restorative Justice** in assault cases at the East Kupang Sector Police is applied selectively rather than universally. Its application depends on the fulfillment of both formal and substantive requirements as stipulated in the Regulation of the Chief of the Indonesian National Police Number 8 of 2021. A case may be resolved through **Restorative Justice** when there is a mutual settlement agreement between the victim and the offender, the offender admits responsibility and demonstrates good faith, the consequences of the offense are not severe, and the case does not create social conflict or public unrest. Conversely, cases involving serious injuries, the absence of reconciliation, the offender's unwillingness to accept responsibility, or significant impacts on public order continue through the formal criminal justice process until the prosecution stage.

This study concludes that the implementation of **Restorative Justice** in resolving assault cases at the East Kupang Sector Police has been carried out in accordance with the applicable legal provisions while balancing the principles of legal certainty, justice, and legal expediency. The differences in case resolution do not constitute discriminatory law enforcement but are based on the specific characteristics of each case, the fulfillment of legal requirements, the sufficiency of evidence, and the factual circumstances revealed during the investigation process.

Keywords: Restorative Justice, Assault Committed Collectively, Criminal, Prosecution, East Kupang Sector Police.