



RESEARCH ARTICLE

The Role of the Asahan Resort Police Samapta Unit in Handling Misdemeanor Crimes through a Restorative Justice Approach

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ABSTRACT

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This study discusses the role of the Asahan Resort Police Samapta Unit in handling minor crimes through the application of a restorative justice approach. As one of the operational functions of the police, the Samapta Unit has the main task of maintaining public security and order, including rapid response to violations and misdemeanors. Through the restorative justice approach, Samapta seeks to resolve cases by prioritizing the restoration of relationships between perpetrators, victims, and the community, as well as minimizing lengthy judicial processes. The results of the discussion show that the role of Samapta includes preventive, responsive, and solutive actions through mediation, peace facilitation, and assistance in the peaceful case settlement process. The application of this approach is considered to be able to increase the effectiveness of case handling, reduce the burden of formal law enforcement, and strengthen public trust in the National Police. However, its success is still influenced by personnel commitment, supporting regulations, and active participation from related parties. This study emphasizes that the optimization of restorative justice by the Samapta Unit can be a strategic alternative in handling minor crimes that are more humane, fast, and just

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Introduction

The criminal justice system in Indonesia is basically built to maintain law and order, protect the community, and provide justice for all parties involved in criminal acts. For many years, the main orientation of criminal law enforcement has tended to lead to a retributive justice approach, which is to provide punishment commensurate with the perpetrator's actions as a form of retribution. Although this approach can have a deterrent effect in some cases, it is often unable to provide solutions that restore the social relationships and psychological condition of the victim, and in many cases triggers new problems such as overcrowding. In response to these limitations, a restorative justice approach has emerged that focuses on restoration, as before the crime occurred, through dialogue and agreement between perpetrators, victims, and the community. This approach was born out of criticism

of the conventional criminal justice system that is considered to place too much emphasis on criminal sanctions without considering the social and psychological impact on the parties involved. In practice, restorative justice provides space for the perpetrator to be directly responsible to the victim, compensate for the losses incurred, and commit not to repeat his or her actions, while the victim has the opportunity to express his views and needs openly.

The concept of restorative justice has gained legal legitimacy in Indonesia through the National Police Chief's Regulation Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice. This regulation emphasizes that the handling of criminal cases, including tipping, can be resolved through peaceful channels as long as certain conditions are met, such as the agreement of both parties and does not cause serious impacts on the community. Thus, the National Police, including the Samapta Unit, has a strong legal basis to implement restorative justice.

In the context of Indonesian criminal law, the idea of restorative justice gradually gained its normative foundation. Although the Criminal Code has not explicitly mentioned this term, derivative regulations have begun to include it, for example in the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice and the Supreme Court Circular Letter (SEMA) Number 4 of 2014 which encourages the settlement of minor cases through a peaceful mechanism. The presence of this regulation emphasizes that the settlement of criminal cases does not always have to go through the trial process until the verdict, but can be stopped early if a peaceful agreement has been reached that meets the legal requirements. The crime of minor persecution is one type of case that has the potential to be resolved through a restorative justice approach. Article 352 paragraph (1) of the Criminal Code stipulates that minor persecution is threatened with imprisonment for a maximum of three months or a fine. These crimes often arise as a result of momentary emotional problems or minor disputes that do not cause serious injury, and the perpetrator often has ongoing social relationships with the victim, such as neighbors, co-workers, or even family members. In a situation like this, imposing a prison sentence has the potential to break social ties and trigger further conflicts. The benefits of applying restorative justice in cases of minor persecution are quite significant. First, it can reduce the burden of cases in court and speed up conflict resolution. Second, it is able to reduce the negative impact of short-term imprisonment which is often ineffective in providing coaching. Third, he supports the goal of the modern criminal justice system that prioritizes substantive justice over procedural formalities. Fourth, it can help overcome the problem of prison overcapacity which is one of the major problems in Indonesia. Based on data from the Directorate General of Corrections in 2023, the prison occupancy rate has exceeded capacity to above 100% of its ideal capacity.

The Asahan Police Samapta Unit has a significant role in implementing restorative justice. Samapta is often the first unit to receive reports or directly find minor crimes through routine patrols, securing community activities, and responding quickly to potential disturbances in the community. Therefore, Sampata's ability to facilitate peace, prioritize dialogue, and prioritize the interests of victims and perpetrators greatly determines the success of restorative justice.

Thus, it is important to examine the role of the Asahan Resort Police Samapta Unit in handling misdemeanor crimes through a restorative justice approach. This research is expected to be able to provide an overview of the effectiveness of the implementation of restorative justice, the obstacles faced, and solutions that can be applied to strengthen the role of the police in realizing fair, humane, and beneficial law enforcement for the community.

Academic studies on the application of restorative justice in cases of minor persecution are relevant and important. This study will not only provide an overview of the effectiveness of existing policies, but can also identify obstacles to implementation, evaluate the suitability of their application with criminal law principles, and provide recommendations for strengthening regulations. This research is expected to be able to enrich the criminal law discourse in Indonesia and encourage the realization of a justice system that is more humane, responsive, and recovery-oriented.

Prior to the TPKS Law, the legal umbrella that was often used was the Based on the description of the background of the problem, in this study the author raised the title "The Application of Restorative Justice in Cases of Minor Persecution". With the formulation of the problem How to

regulate the implementation of the role of the samapta unit of the Asahan resort police in handling misdemeanor crimes through the restorative justice approach, How is the urgency of implementing the role of the samapta unit of the asahan resort police in handling minor crimes through the restorative justice approach and How are the obstacles to the implementation of the role of the samapta unit of the asahan resort police in handling minor crimes through the restorative justice approach..

Method

This research uses a normative legal method (normative juridical) by examining law as a norm in the positive legal system, especially related to the application of restorative justice in the settlement of minor persecution crimes based on Article 352 of the Criminal Code and Perpol Number 8 of 2021. Data collection is carried out through literature studies and document studies by examining primary legal materials such as the Criminal Code, the SPPA Law, Perpol 8/2021, and court decisions; secondary legal materials in the form of books, journals, and previous research; as well as tertiary legal materials such as dictionaries and legal encyclopedias. The document study also includes BAP examinations, investigators' reports, peace documents, and penal mediation records. Data collection tools include interview guidelines, a list of questions, and a document analysis checklist. The data is analyzed qualitatively through the process of data reduction, presentation in descriptive-analytical descriptions, and drawing conclusions that are verified with the theory and applicable legal provisions, resulting in an evaluative study of the effectiveness of the application of restorative justice in cases of minor persecution

Results and Discussion

Regulation of the Implementation of the Role of the Asahan Resort Police Samapta Unit in Handling Misdemeanor Crimes through a Restorative Justice Approach

The regulation of the implementation of the role of the Asahan Resort Police Samapta Unit in handling minor crimes through a restorative justice approach is an effort to realize more humane, effective, and recovery-oriented law enforcement. Normatively, the Samapta Unit has the main task regulated in the National Police Regulation of the Republic of Indonesia Number 14 of 2018 concerning the Organizational Structure and Work Procedures at the Resort Police Level, namely carrying out the functions of prevention, guarding, escorting, patrolling, and community services. In the context of misdemeanor crimes, this function does not only stop at efforts to maintain security and order, but also includes initial handling that prioritizes peaceful settlements in accordance with the principles of restorative justice as emphasized in the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice.

The regulation of the implementation of the role of the Asahan Police Samapta is carried out through several mechanisms. First, the Samapta Unit acts as the front line in receiving public reports related to minor crimes such as minor disputes, petty fights, theft with a low loss value, or actions that do not cause significant casualties. In this stage, Samapta officers have discretion to assess the feasibility of implementing restorative justice in accordance with normative criteria, namely the willingness of victims and perpetrators, the absence of pressure or coercion, and the small impact of losses.

Second, Samapta plays a role in facilitating communication between parties to the conflict. The mediation or problem solving process carried out by officers refers to the principles of recovery, mutual agreement, and the formation of understanding to prevent the escalation of the case into a formal legal process. This arrangement is strengthened by documentation and reporting obligations, so that every restorative settlement process remains monitored and accountable.

Third, the regulation of the implementation of the role of Samapta also emphasizes cross-unit coordination, especially with the Criminal Investigation Unit, to ensure that any mediation step does not conflict with the provisions of the law and does not eliminate the rights of victims. This collaboration is important considering that Samapta is the spearhead of the police service which often first handles situations in the field before being deepened by other units.

Fourth, the Asahan Police Samapta also prioritizes prevention through dialogue patrols and community development activities (Binmaste). This approach aims to build a harmonious relationship between the police and the community so that the restorative process is easier to implement when minor conflicts occur. Thus, Sampata's work pattern is not only responsive, but also proactive in maintaining social stability.

Overall, the regulation of the implementation of the role of the Asahan Police Samapta shows that the restorative justice approach has become an integral part of handling misdemeanor crimes. This approach reinforces the paradigm that law enforcement does not always have to lead to criminalization, but can be pursued through a recovery process that brings more benefits to victims, perpetrators, and society. In addition, this implementation strongly supports the efforts of the National Police in realizing the transformation towards a Precise Police (Predictive, Responsible, and Fair Transparency).

The Urgency of Implementing the Role of the Asahan Resort Police Samapta Unit in Handling Misdemeanor Crimes through a Restorative Justice Approach

The implementation of the role of the Asahan Resort Police Samapta Unit in handling minor crimes through a restorative justice approach has a very strong urgency in the context of modern police services. This urgency is based on the need to present a more effective, fast, and peaceful-oriented law enforcement process. As a unit that is at the forefront of maintaining public security and order, Samapta has a strategic position in responding directly to various minor criminal incidents that arise in the community. Therefore, Sampata's ability to implement restorative justice principles greatly determines the quality of case handling and the creation of a harmonious relationship between the police and the community.

First, the urgency of implementing restorative justice by the Samapta Unit lies in the characteristics of minor crimes which are generally social conflicts between individuals and do not cause major losses. Cases such as petty disputes, insults, squabbles between citizens, and petty theft are actually more appropriately resolved through mediation and a peaceful agreement than formal legal proceedings that tend to be time-consuming, costly, and energy-consuming. If these minor cases are forced into the criminal justice system, the potential for overcriminalization, case accumulation, and damage to social relations becomes enormous. This is where the role of Samapta becomes very important to reduce conflicts from the beginning through restorative solutions that prioritize recovery and harmony.

Second, the urgency can also be seen from the need to increase public trust in the police institution. People tend to want a quick, fair, and non-verbose solution to the problems they face. The restorative justice approach provides space for Samapta to carry out tasks with a humanist, persuasive, and not merely repressive approach. When Samapta officers are able to facilitate mediation, bring together conflicting parties, and produce mutually agreed agreements, this has a direct impact on increasing public trust in the professionalism and problem-solving skills of the police. This trust is an important social capital in creating sustainable public security and order.

Third, from the institutional perspective of the National Police, the implementation of restorative justice by Samapta is a policy mandate in accordance with Police Regulation Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice. The National Police is driving a transformation towards a Precise Police (Predictive, Responsible, Transparent and Just), and the restorative approach is one of the key instruments to make this happen. By providing space for alternative settlements, the National Police can reduce the burden of cases, optimize resources, and improve the quality of community services. The Samapta unit as the unit that most often interacts with the community has an important role in realizing this transformation at the operational level.

Fourth, the urgency of implementing the role of Samapta is also related to the aspect of preventing crime in a sustainable manner. The restorative justice approach not only resolves conflicts, but also eliminates the root causes of problems that can trigger greater criminal actions. Through dialogical patrol activities, problem-solving approaches, and active communication with the community, Samapta is able to identify potential conflicts early on. Settlements carried out through

dialogue and recovery make social relations stronger and reduce the possibility of similar cases appearing in the future.

Fifth, the role of Samapta is very important in maintaining social stability in the jurisdiction of the Asahan Police. Small conflicts that are not dealt with immediately can develop into large conflicts that disrupt public security and order. The restorative justice approach provides a more peaceful and preventive method of settlement. Samapta not only stops criminal acts, but also restores public relations so that a conducive atmosphere is created that supports the creation of regional security.

Thus, the urgency of implementing the role of the Asahan Resort Police Samapta Unit in handling misdemeanor crimes through a restorative justice approach is an urgent need from a legal, social, and institutional perspective. This approach provides dual benefits, namely optimizing law enforcement while maintaining social harmony in society. In addition, this implementation is in line with the direction of the National Police's policy in creating humane and fair law enforcement. Therefore, strengthening the capacity of Samapta in implementing restorative justice is very important as part of improving the quality of police performance and public services.

Obstacles to the Implementation of the Role of the Asahan Resort Police Samapta Unit in Handling Petty Crimes through a Restorative Justice Approach

The implementation of the role of the Asahan Resort Police Samapta Unit in handling minor crimes through a restorative justice approach still faces a number of obstacles, both structural, technical, and cultural. These obstacles affect the effectiveness of the implementation of restorative justice as a model for resolving minor cases that is faster, humane, and in favor of the restoration of social relations. The obstacles encountered are as follows:

Human Resources (HR) Barriers

Lack of conflict mediation and communication competence. Although Samapta is a leading unit that interacts with the community, not all personnel have the expertise in mediation, negotiation, or interpersonal communication that is at the core of restorative justice. Many officers are more accustomed to limited preventive and repressive approaches, so peaceful conflict resolution methods have not been fully mastered.

Doubts in the exercise of discretion. Some officers are worried about carrying out restorative justice for fear of being considered a violation of procedures. The lack of a thorough understanding of Perpol Number 8 of 2021 makes the use of discretion not run optimally.

Limited number of Samapta personnel. In some situations, the number of officers in the field is not proportional to the number of public complaints, so the restorative process that requires time, dialogue, and assistance often cannot be handled optimally.

Barriers to Facilities and Infrastructure

There is no adequate mediation space. One of the common obstacles is the lack of a special space for the mediation process or meetings between the victim and the perpetrator. As a result, the settlement process is forced to be carried out in less conducive places, such as guard rooms or public areas, thereby reducing the quality of dialogue and comfort of the disputing parties.

Limited administrative support facilities. The implementation of restorative justice requires recording, documentation, and making agreements in writing. Limited documentation facilities (such as computers, printers, or standard formats) make the process slow and poorly documented.

Regulatory and Administrative Barriers

There is no technical SOP for restorative justice at the Police level. Although Perpol 8/2021 already exists, its implementation requires more detailed operational SOPs at the Asahan Police level. The absence of technical guidelines leads to different and often non-uniform implementations.

Weaknesses in recording and reporting. Some settlement of cases through peace agreements is not recorded in the system or is not officially reported. This has an impact on a lack of accountability and can lead to administrative problems down the road.

Constraints of inter-functional coordination. The restorative justice process requires coordination between Samapta, Reskrim, Binmas, and community elements. However, in practice, the coordination has not run optimally so that case handling is not always integrated.

Societal Legal Culture Barriers

Not all people understand the concept of restorative justice. Some people still think that every conflict must be resolved by punishing the perpetrator through a formal judicial process. This ignorance makes some residents reject mediation and prefer formal legal channels.

Distrust of peaceful solutions. There are people who are worried that peace does not provide a deterrent effect to the perpetrators, so they are skeptical of the restorative approach. This attitude makes it difficult for Samapta officers to facilitate dialogue voluntarily.

Emotional culture and reluctance to reconcile. Some minor conflicts are triggered by momentary emotions, but the parties concerned often still hold their egos, thus rejecting the peaceful settlement efforts offered by the officers.

Conclusions and Recommendations

The regulation of the implementation of the role of the Asahan Resort Police Samapta Unit in handling minor crimes through a restorative justice approach shows that the mechanism for resolving disputes peacefully, quickly, and proportionally can be applied effectively to low-intensity cases. The Samapta unit plays an important role as the front line in prevention, early handling, mediation, and facilitation of peaceful agreements between perpetrators, victims, and the community. However, implementation still faces obstacles in the form of limited technical regulations, lack of public understanding, and lack of supporting facilities. Overall, the implementation of restorative justice by the Asahan Police Sat Samapta is able to support a more humane and fair settlement of cases, as well as strengthen public trust in the National Police.

The urgency of implementing the role of the Asahan Police Samapta Unit in handling minor crimes through a restorative justice approach lies in the need to resolve cases quickly, humanely, and proportionately without burdening the judicial process. Sat Samapta is an important element because it is at the forefront of interacting directly with the community, so that it is more effective in facilitating mediation, preventing conflict escalation, and restoring social relations. The application of restorative justice in minor cases also strengthens public trust, reduces the burden of formal law enforcement, and supports the creation of more sustainable security and order in the Asahan region.

Obstacles to the implementation of the role of the Asahan Police Samapta Unit in the implementation of restorative justice mainly come from limited technical regulations, lack of public understanding of the peace settlement mechanism, and lack of supporting resources such as mediation facilities and trained personnel. In addition, not all parties are willing to settle cases deliberatively, so the process is often hampered by the distrust or reluctance of the victim and the perpetrator. These factors make the implementation of restorative justice not be able to run optimally even though it has great potential in solving minor crimes..

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