

APPLICATION OF RESTORATIVE JUSTICE SYSTEM AS AN EFFORT TO SETTLE CRIMINAL ACTS OF VIOLENCE IN HOUSEHOLD (Case Study at Polresta City of Surakarta)

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Abstract: The treatment of criminal cases, particularly the culprits of criminal demonstration whose misfortunes don't hurt the state, are rather handled, arraigned, and condemned in court. As a matter of fact, as per general society, criminal situations where the misfortunes are little are not worth being settled in court. Supportive equity is a settlement of cases that spotlights on the immediate cooperation of culprits, casualties, and the local area. Not all criminal demonstrations should be sought after through the preliminary cycle. Focusing on harmony through pondering to arrive at an agreement is necessary component in individuals' lives. The supportive equity approach can be applied in the policing so it will answer different issues in policing instances of aggressive behavior at home up until this point that poor person yet mirrored the standard of equity as the objective of the law. This exploration technique is a non-doctrinal (standardizing observational) legitimate examination, to be specific examination that looks at regulations that are created not in view of principle, but rather regulations that live and create and apply in the public eye. This kind of exploration is likewise called observational juridical examination, which at the end of the day is a sort of humanistic legitimate examination and can likewise be called field research, which looks at the lawful arrangements that apply and what occurs in the public eye. The exploration brought about discoveries not just introducing culprits in the law enforcement framework yet additionally including the job of casualties and society. Such a cycle is entirely conceivable to be applied in tackling instances of abusive behavior at home. Culprits are reestablished through the law enforcement framework to empower harmony among casualties and culprits. The harmony was helped out through intercession, gatherings, monetary improvement projects, and genuineness training. In the settlement that is completed, the casualty can give input about what equity he needs to get. Similarly, the culprit can do the inverse, for instance, he can pay for the experiencing experienced by the person in question. The satisfaction of pay for casualties can be as compensation or remuneration. Like the local area with their help and consideration, the execution of Supportive Equity isn't simply a custom of execution however is done by the desires of each party, obviously by focusing on the desires of the person in question.

Keywords: Restorative Justice, Domestic Violence, Mediation

INTRODUCTION

The reason for marriage as alluded to in Article 1 of Regulation Number 1 of 1974 concerning Marriage is to frame a blissful and everlasting family (family) in view of Confidence in One All-powerful God. Every family, unquestionably has own principles or habits are not quite the same as others, are applied while cooperating, conveying, and getting along both inside and outside. These principles should be complied by every relative. Truth be told, in the ongoing time, human brutality is as yet a reason to worry. Viciousness doesn't just happen locally however has entered the family region. Up until this point, the family is viewed as the most secure spot since all relatives feel quiet and safeguarded. [1] This supposition that is shaped on the grounds that the violations that are generally unveiled and pitched are wrongdoings that happen outside the home climate, while the house is viewed as a protected spot for relatives. what's more, individuals who live in it, since all relatives can collaborate on a premise of affection, common endlessly regard.

Abusive behavior at home is frequently alluded to as a secret wrongdoing in light of the fact that both the culprit and the casualty attempt to stay quiet about the demonstration from general visibility. Article 28 of the 1945 Constitution which manages Common liberties, that all types of brutality, particularly abusive behavior at home, are infringement of common freedoms and violations against human pride as well as types of segregation, so that in light of these contemplations, Regulation Number 23 of 2004 which controls the Abrogation

of Abusive behavior at home. The supportive equity framework is one of the methodologies used to determine instances of abusive behavior at home [2]. The idea of a helpful equity framework is a model methodology in endeavors to determine demonstrations of infringement of regulation that have happened by bringing the interests of casualties and culprits together to sit in a gathering to talk together during the time spent settling criminal cases. The helpful equity approach is thought to be a model and component that works outside the law enforcement framework to manage issues inside the law enforcement framework itself as well as current crook cases [3].

Intercession is one way that can be taken in endeavors to determine aggressive behavior at home. With intervention, the gatherings will sit together to take care of the issue between them. Casualties will be safeguarded and engaged with each phase of navigation. The private idea of intervention is exceptionally fitting to do in instances of abusive behavior at home since it happens in an individual circle that isn't known by others [4]. Abusive behavior at home is managed in Regulation Number 23 of 2004 concerning the Disposal of Abusive behavior at home, viciousness that happens in one society, really leaves from a specific philosophy that legitimizes persecution on one side, both exclusively and in bunches against different gatherings brought about by the thought of deficiency and correspondence in the public eye. The place of the spouse who is situated as subordinate to her significant other expects that the wife should constantly be accommodating to her better half. In like

manner, a youngster who has never been viewed as an accomplice by his folks.

Restorative justice is an act of empowering alternative settlements outside the court through peaceful efforts that prioritize the win-win solution principle and can be used as a means of resolving disputes through court proceedings. Settlement of criminal cases all through of-court systems is at present progressively normal and can be acknowledged by society since it is felt to be more equipped for arriving at a feeling of equity, despite the fact that specialists and lawful specialists are of the view that helpful equity must be applied in common cases, not to determine criminal cases on the grounds that in the rule is that criminal cases can't be settled through components outside the court. Supportive equity is a case settlement that spotlights on the immediate investment of culprits, casualties, and the local area [4]. Not all criminal demonstrations should be sought after through the preliminary interaction. Focusing on harmony through thought to arrive at an agreement is a basic system in individuals' lives. Settlement of criminal cases through intervention is one method for acknowledging supportive equity which can't be isolated from legitimate goals which depend on a lawful premise, in particular equity (regulation is equity), and the legitimate guideline of the case settlement process which alludes to composed and unwritten wellsprings of regulation [5]. The treatment of criminal cases, particularly the culprits of criminal demonstrations whose misfortunes don't hurt the state, are rather handled, arraigned, and condemned in court. As a

matter of fact, as per general society, criminal situations where the misfortunes are little are not worth being settled in court. Helpful equity is a settlement of cases that spotlights on the immediate interest of culprits, casualties, and the local area. Not all criminal demonstrations should be sought after through the preliminary interaction. Focusing on harmony through consultation to arrive at an agreement is a vital component in individuals' lives. The helpful equity approach can be applied in the policing so it will answer different issues in policing instances of abusive behavior at home up to this point that poor person yet mirrored the rule of equity as the objective of the law [6].

MATERIALS AND METHODS

The kind of examination utilized is subjective exploration. This examination technique is a non-doctrinal (regularizing experimental) legitimate exploration, to be specific examination that looks at regulations that are created not in light of convention, but rather regulations that live and create and apply in the public eye. This exploration is likewise called observational juridical examination. As such, it is a kind of humanistic legitimate examination and can likewise be called field research, which looks at the lawful arrangements that apply and what occurs in the public eye domain [7]. This research is primary data obtained from observations and interviews with several sources, namely the Surakarta Police and Surakarta City Stakeholders, as well as secondary data obtained from literature in the form of books, journals, and previous research.

Subjective information examination is completed in the event that the exact information got is as an assortment of words and not in that frame of mind of a progression of numbers and can't be sorted out into classifications. The information might be gathered in different ways (perception interviews, report cases, and tape accounts). Also, generally handled first prior to being utilized in subjective examination including the consequences of interview records, information decrease, examination, information translation, and triangulation.

RESULTS AND DISCUSSION

Application of Restorative Justice in Settlement of Crimes of Domestic Violence in Surakarta City

Domestic Violence is an act that begins with the realm of resolution through the Criminal Justice System or adheres to the principle of Retributive Justice. In the development of criminal regulation which is fabricated in light of a retributive view, the torment or loss of the casualty has been disconnected and made up for with the danger of criminal endorses that can be forced on the culprit. Settlement of criminal acts that occur entirely under the authority of law enforcement officials. The victim's loss or suffering abstraction and the authority criminal resolving acts in legal channels are only owned by law enforcement officials cannot be separated from the notion of a crime which, according to a retributive view, is conceptualized as an act that violates state law. With this origination, the express, whose legitimate standards have been disregarded by the culprits of criminal demonstrations,

positions itself as a casualty and hence has the right, through its policemen, to indict and force sanctions on the culprits.

In line with the presence of Restorative Justice in criminal law enforcement, there is a theoretical concept that focuses on returning to the victim's self-healing both physically and psychologically, namely the theory of Substantive Justice. As per Suteki, considerable equity can be accomplished through a strategy of not upholding the law (non-implementation of the law), and that implies that the law isn't upheld. On a fundamental level, the law (in the feeling of legitimate guidelines, and parts of lawful sureness) can be disregarded in light of a legitimate concern for celebrating common freedoms, a majority rule government, ethics, and morals. Significant equity can be characterized as truth equity (genuine equity, genuine equity). The fundamental worry for searchers of significant equity is as of now not the formal and material parts of regulation, however parts of the idea of regulation, in particular the contribution of moral, moral, and strict contemplations. This is considered to bring forth significant equity [1]. Equity whose size isn't quantitative is the development of formal equity, however subjective equity depends on open ethical quality and human qualities and can give fulfillment and satisfaction to society.

Completion of the Implementation of Restorative Justice in the Settlement of Crimes of Domestic Violence in the City of Surakarta

The reason for conducting penal mediation is because the police are given the authority in the form of discretion to

settle cases based on their considerations with the aim that the legal process they handle can be resolved fairly and beneficially for the parties involved in cases of domestic violence. Complaint delict is a case handled by the authorities based on the victim's complaint. Objection offenses can be removed assuming that the casualty pulls out his grumbling, for instance, since there is a nonaggression treaty or a nonaggression treaty that is known to the examiner when it has entered the examination stage. Withdrawal of complaints that occur in cases of domestic violence is based on the condition of the victim who feels she wants to save her household from divorce. This settlement is considered capable of reaching a sense of justice, although on the one hand experts think that Alternative Dispute Resolution (ADR), which is only applied in civil cases, is not for criminal cases. This is because in principle crimes cannot be resolved through mechanisms outside the court. The settlement of cases in restorative justice is shown in the form of penal mediation. This settlement is very significant for enforcing the law even though it may deviate from the system's legal procedures [8]. The mediation is carried out based on derivation and ideals as well as legal principles. The pattern also refers to the values of justice, certainty, and expediency. Justice sometimes lives outside the law because it is difficult to achieve balance. Moreover, if justice is to be fully implemented by the majority group, then justice will be followed by its legal certainty.

Reformatory intervention is one of the instruments of the idea of helpful equity. The gatherings decide the worth of

equity they need, not the legal executive. The inclusion of policing is just as a middle person. Punitive intercession is a reasonable debate goal technique in managing instances of abusive behavior at home in Indonesia. This is on the grounds that most of individuals actually focus on serene settlement in question goal, particularly in family debates. Agreement and family uprightness are needs in the way of life of Indonesian culture which keeps on being kept up with. This tradition corresponds to the nature of the collectivity of eastern countries which is different from the individuality of western countries.

Helpful equity is another option or alternate method of law enforcement by focusing on the mix of culprits and casualties or society as a unit to track down arrangements and return to an example of good relations between culprits of violations. Restorative justice focuses to repair the relationship between the perpetrator and the victim and society that has been damaged by the crime committed by the perpetrator. Fundamentally, restorative justice changes the role of victims in the process of the criminal justice system (SPP), namely by empowering them so that victims have personal rights to participate in the process of resolving criminal cases. Defending it without reserving the principles of administering criminal justice based on the perspective of Retributive Justice without reviewing the effectiveness of its function in society will cause greater harm to the people who are to be protected by criminal law [3]. The concept of retributive justice is also used in handling cases of domestic violence. The perpetrators will be subject to punishment

according to their actions that violate the law. The sentence imposed was also a recompense for what he had done and under applicable law. Victims of domestic violence are only considered witnesses and reporters, do not have the right to choose what kind of justice they want to get, and even do not rule out the possibility that after being convicted of the perpetrator, the victim will suffer even more [2].

CONCLUSION

That the idea of helpful equity doesn't just present entertainers in the law enforcement framework yet in addition includes the job of casualties and society. Such a cycle is entirely conceivable to be applied in settling instances of abusive behavior at home. Culprits are reestablished through the law enforcement framework to energize harmony among casualties and culprits. The harmony was brought out through intercession, gatherings, financial improvement projects, and genuineness training. In the settlement that is done, the casualty can give input about what equity he needs to get. In like manner, the culprit can do the inverse, for instance, he can pay remuneration for the experiencing experienced by the person in question. Satisfaction of pay for casualties can be as compensation or remuneration. With respect to the culprits, the discipline given isn't simply restricted to detainment however can be as friendly work discipline, so it will be more valuable for the culprits and society.

In supportive equity, the casualty has the valuable chance to get some information about the subtleties of each and every occasion or occurrence, or

wrongdoing that came upon him. On the off chance that it isn't clear, the casualty can get some information about what occurred, the casualty likewise has the privilege to discuss the terrible sentiments and wounds endured because of the culprit's activities, yet without showing scorn towards the culprit however should be amicable and grin. Preferably, in helpful equity, the gathering between the culprit and the casualty should likewise include different gatherings. Like the local area with their help and consideration, the execution of Supportive Equity isn't simply a custom of execution yet is done by the desires of each party, obviously by focusing on the desires of the person in question. Past that, the spot of execution doesn't need to be in the intervention room that has been given by the Surakarta City Police, however can likewise be in a spot that feels more great and hosts the endorsement of the two gatherings.

Restorative equity is another option or alternate method of law enforcement by focusing on the coordination of culprits and casualties or society as a unit to track down arrangements and return to an example of good relations between culprits of wrongdoings. Helpful equity underscores in fixing the connection between the culprit and the person in question and society that has been harmed by the wrongdoing carried out by the culprit. On a very basic level, supportive equity changes the job of casualties during the time spent the law enforcement framework (SPP), to be specific by enabling them with the goal that casualties have individual freedoms to partake during the time spent settling criminal cases. Guarding

without save the standards of managing law enforcement in light of the point of view of Retributive Equity without auditing the adequacy of its capabilities in the public eye will hurt individuals who are to be safeguarded by criminal regulation. The idea of retributive equity is likewise utilized in taking care of instances of aggressive behavior at home. The culprits will be dependent upon discipline as per their activities that disregard the law. The sentence forced was likewise a reward for what he had done and observing material regulation.

SUGGESTIONS

The Indonesian National Police should facilitate training on discretionary authority through a restorative justice system for members of the police, especially officials who have authority as investigators to increase competence and professionalism so that the process is more effective. Also, the goals of the restorative justice system are achieved. It is also hoped that the police will socialize regarding Law no. 23 of 2004 concerning the Elimination of Domestic Violence Crimes so that people are more able to respond if domestic violence occurs in their environment.

The government through the police and/or can work together with community organizations can provide socialization regarding the crime of domestic violence to the community so that it can change the public's perception that domestic violence is a crime and not an internal family problem, so that the pattern of resolution is also shifted from family settlement to legal settlement, for this reason, family

members can refrain from acts of violence in any form.

The community must play an active role in cases of Domestic Violence that arise, both pre and post, at the pre-community stage it is hoped that they will become agents of the government's hand to participate in campaigning for the Elimination of Domestic Violence, and at the post-stage the community is expected to provide first assistance before assistance from NGOs and the police, considering that the community is the closest person to the victim after family.

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