



Implementation of restorative justice by investigators in a criminal act of fund transfer at the Blitar Police Regency of East Java

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Abstract

The act of a person who negligently transfer fund to the wrong recipient often escalates into criminal acts when the recipient intentionally refuses to return funds they are not entitled to, as stipulated in Article 85 of Law Number 3 of 2011 concerning Fund Transfers. Furthermore, the enactment of Police Regulation Number 8 of 2021 and Law Number 20 of 2025 concerning the Criminal Procedure Code provide a legal basis for the police, as investigators, to resolve such cases through a restorative justice paradigm. This study aims to analyze the role of the police in implementing the restorative justice principle in criminal fund transfer cases within the jurisdiction of the Blitar Police Resort. The study employs an empirical legal method with a sociological, statutory, and conceptual approach. Primary data are obtained from interviews with some police officers as samples for this article and analyzed using Role Theory from Howard Zehr. The results show that the role of police, as investigators, has undergone a substantive transformation from mere evidence collectors to facilitators, mediators, and peace initiators. Implementation is carried out through four stages: initial assessment, penal mediation, drafting a restorative agreement, and implementing and monitoring the agreement. Although practices at the Blitar Police Resort show a strong commitment to parties involved and victim-oriented, there are still gaps in the depth of dialogue and community engagement, as emphasized by Howard Zehr.

Keywords: Blitar Police, criminal act, fund transfer, restorative justice

Introduction

The development of payment based on electronic systems has made fund transfers a financial activity that can not be separated from modern society. Despite this convenience, there are real legal risks, particularly when errors occur during the transfer process. Law Number 3 of 2011 concerning Fund Transfers, through Article 85, explicitly criminalizes the actions of recipients who know or reasonably suspect that the funds they receive are derived from a mis-transfer, but intentionally refuse to return the funds or instead use the funds for personal gain. Thus, mis-transfers are not merely administrative mistakes, but could also develop into criminal acts when the elements of intent and unlawful behavior are met.

Along with the development of national criminal law, the paradigm for resolving criminal cases has shifted from a retributive approach focused on punishment to a restorative approach focused on recovery. This shift can be theoretically understood through the framework of Emile Durkheim, who distinguished law based on the form of social solidarity: in societies with organic solidarity, law tends to be restorative, aiming to restore disturbed social balance. Restorative justice emerges as a form of legal development that adapts to the increasingly complex dynamics of modern society.^[1]

The Indonesian National Police holds a strategic position as the frontline to interact with criminal conflicts in society. Through Police Regulation No. 8 of 2021 concerning Handling Criminal Acts based on restorative justice principle, police, as investigators, have a clearer legal basis for implementing restorative justice mechanisms at the investigation stage. This legal basis has been further strengthened by the enactment of Law No. 20 of 2025 concerning the Criminal Procedure Code, which regulates

the principles, requirements, and procedures for resolving cases through the restorative justice principle in Articles 76 to 84. The transformation of the police's role from mere law enforcers to peace facilitators reflects a new orientation in law enforcement that is more humane, participatory, and oriented toward restoring social relations.

The Blitar Police Department, located in East Java Province of Indonesia, exhibits an interesting phenomenon to study. Based on data from January–March 2026, although the number of reports at the Blitar Police Department (37 cases) was lower than that at the Blitar City Police Department (43 cases), the implementation of restorative justice mechanisms at the Blitar Police Department was actually higher, namely 6 cases compared to 1 case at the Blitar City Police Department. This condition indicates that the implementation of restorative justice is not solely determined by the volume of incoming cases, but is also influenced by law enforcement policies, investigator capacity, and the culture of case handling that is built within the institution.

One relevant case involved an incident handled by investigators within the jurisdiction of the Blitar Police Department in early 2026 concerning the alleged mis-transfer of funds to which the recipients were not entitled. This case stemmed from an administrative error by the staff of a certain company. An employee made a double payment for corn purchases to a supplier, resulting in an overpayment of Rp. 95,500,700. Attempts to resolve the matter amicably, including sending a warning letter, were unsuccessful, leading to the case being reported to the police. Cases like this have significant potential for resolution through restorative justice if the parties are willing to reach a peace agreement and recover losses.

In practice, the implementation of restorative justice still faces several challenges, stemming from both institutional structures and the legal culture of society. The limited number of investigators competent in penal mediation, the intervention of procedurally oriented legal counsel, and a societal culture that is still retributive-oriented are factors that influence the effectiveness of restorative justice implementation.^[2] Therefore, it is important to examine in depth how the police implement restorative justice in cases of money transfer crimes, by positioning investigators as key actors in transforming the implementation of restorative justice at the local level. Thus, based on the background that has been described, this article focuses on analyzing the role of the police in implementing restorative justice in the crime of funds mis-transfer cases at the Blitar Police Resort.

Research Method

This study employs an empirical research method, focusing on observation towards how the law works in real social and institutional practices. The approaches used in this article include a sociological approach to examine the behavior of investigators in implementing legal rules into concrete actions, a statutory approach to examine the norms that form the basis of investigators' authority, and a conceptual approach to understand the doctrines and expert views related to the role of the police and restorative justice. Primary data were obtained through in-depth interviews and observations of Blitar Police investigators, while secondary data were collected from previous research related to this article. Data analysis was conducted qualitatively using the Miles and Huberman interactive model, which includes data reduction, data presentation, and conclusion drawing.

Results and Discussion

1. Role Theory as a Framework for Analyzing the Role of Investigators

Role theory views each individual within a social structure as having a set of expectations, functions, and norms inherent to their position. Theodore R. Sarbin, in his *Handbook of Social Psychology*^[3] and Bruce J. Biddle, in his work *Role Theory: Expectation, Identity, and Behavior*^[4], are two figures who reinforced this concept. The theory uses the metaphor of drama, namely the individual as the actor, norms as the script, and the social structure as the stage that determines how the role is carried out. Roles are not only shaped by actual behavior, but also by beliefs and attitudes that shape the individual's psychological readiness to carry out their duties.

Role theory encompasses four important indicators: expected role, normative role, actual role, and role conflict.^[4] Expected role refers to societal and institutional expectations of a person within his social sphere, including investigators in this case; normative role is based on legal provisions that have been enacted by authority, such as Police Regulation No. 8 of 2021 and the Criminal Procedure Code; actual role reflects the investigator's actual behavior when facing conflict dynamics and penal mediation; while role conflict arises when investigators find themselves in a situation of role tension, for example when facing pressure from a third party or when there is a long-standing grudge between parties that complicates the neutrality of the mediation process. These four indicators provide a strong foundation for understanding the dimensions of investigator behavior in the implementation of restorative justice.

Through Role Theory, investigators can be mapped from their normative role, defined by regulations, to their actual role, which is shaped by social practices, local culture, and the dynamics of the cases handled. This theory ensures that the analysis assesses the investigator's role not only based on written regulations but also on the sociological and psychological realities that accompany the restorative justice process. Thus, this theory serves as a primary tool for answering the problem of the police role implemented in the empirical context of the Blitar Police Resort.

2. Normative Basis for the Role of the Police in Restorative Justice

Law Number 2 of 2002 concerning the Indonesian National Police is the main legal basis for the functions, duties, and authorities of the Indonesian National Police. Article 13 emphasizes that the Indonesian National Police is tasked with maintaining public security and order, enforcing the law, and providing protection, guidance, and services to the community. These three duties normatively position the Indonesian National Police not only as a repressive law enforcement apparatus, but also as a servant and protector of the community who prioritizes a humanist approach. Furthermore, Article 18 paragraph (1) provides the basis for investigators' discretionary authority to act according to their own judgment in the public interest, which serves as the legal basis for resolving cases in a non-litigation way.

Police Regulation Number 8 of 2021 is the operational basis that directly regulates the implementation of restorative justice in the practice of investigation. Article 5 establishes the material requirements for a case to be resolved through restorative justice, including a criminal sentence of no more than five years, the perpetrator being a non-recidivist, not involving an excluded crime, and the availability of a truly voluntary peace agreement between the perpetrator and the victim. This regulation becomes the basis for the operational of three main principles: voluntariness, proportionality, and equality.

Law Number 20 of 2025 concerning the Criminal Procedure Code strengthens this idea, which accommodates restorative justice mechanisms in Articles 76 to 84. This provision provides stronger legal legitimacy because it is placed in a law at the same level as the Criminal Procedure Code. Article 79, number 5 requires investigators, once all restorative agreements have been implemented, to stop the investigation and request a court order. This requirement introduces judicial oversight that previously did not exist, while also demanding that investigators be more accountable in compiling case files based on the peace agreement that has been made.

3. The Concept of Restorative Policing and Investigators' Multi-Role

The concept of restorative policing essentially refers to the application of restorative justice values in everyday police practice. Stephen Mastrofski and James Willis view this approach as a policing model that emphasizes conflict resolution, mediation processes, and the restoration of social relations within the community, rather than solely prioritizing formal and repressive law enforcement actions.^[5] Within this framework, the police are no longer positioned merely as an execution instrument of state authority, but also as social actors who facilitate communities in managing and resolving conflicts independently, constructively, and sustainably.

In practice, investigators play several roles simultaneously: as law enforcers who remain obligated to uphold formal legal provisions; as mediators who facilitate communication and dialogue between perpetrators and victims; and as conflict managers who manage the emotional and social dynamics that arise during the case resolution process. This multi-role framework is the focus of the analysis, as it directly influences the effectiveness of restorative justice implementation in handling money transfer crimes.

4. Transformation of Investigators' Roles as Facilitator, Mediator, and Initiator

An interview was conducted with Wawan Ardiansyah, the Head of the Criminal Investigation Unit of Kanigoro Sector Police, to gain information regarding the transformation of investigators' roles. Based on in-depth interviews with Ardiansyah, a significant insight emerged regarding the changing role of investigators in the implementation of restorative justice. In eligible cases, including the crime of mis-transfer, investigators no longer fulfill their traditional role as officers focused solely on gathering evidence for prosecution. Instead, their role has expanded substantively, becoming facilitators in building communication between perpetrators and victims. Officers also act as mediators to relieve conflicts, as well as initiators, encouraging peace agreements between parties. This transformation demonstrates that the orientation of law enforcement is no longer solely repressive, but also accommodates the values of restoration.

The role of facilitator is evident in the investigators' ability to establish a safe, equal, and constructive dialogue space for both victims and perpetrators. The role of mediator is reflected in the investigator's ability to find a middle ground in differing perspectives, relieve emotional tensions, and direct communication toward a reconciliation agreement. Meanwhile, the role of initiator is evident in the investigator's proactive steps in identifying cases with the potential for resolution through restorative justice and offering this mechanism to the parties, even before they realize the option is available.

This finding is highly consistent with John Braithwaite's framework regarding the role of the police as reintegrative shaming agents, namely, agents who help perpetrators understand the impact of their actions on victims and society while facilitating the perpetrator's re-acceptance into their social community.^[6] In socio-legal terminology, investigators carry out a boundary-spanning role, namely a role that bridges the boundary between the formal legal system and the informal social system of the local community.

5. Implementation Mechanism: Four Stages of Conflict Settlement

Next, an interview with Ardiansyah revealed that the implementation of restorative justice was carried out through a structured procedure in four main stages that were substantially in line with the normative framework of Police Regulation Number 8 of 2021, although in practice, there were contextual adaptations according to the characteristics of the case and the social dynamics of the parties.

Ardiansyah explained that the first stage is the preliminary assessment, which involves two main agendas: an eligibility assessment based on the normative criteria of Police Regulation Number 8 of 2021, and separate initial meetings

with each party, known in professional mediation terminology as a *caucus*. These meetings aim to build initial trust, explain restorative mechanisms, and ensure that each party's participation is voluntary and free from coercion.

The second stage is penal mediation, a dialogue forum that brings together the victim and perpetrator before an investigator acting as a third party. In this forum, the investigator manages a discussion agenda that includes open disclosure of the victim's losses, clarification of the perpetrator's actions regarding the context of their actions, identification of the victim's needs, and negotiation of an acceptable form of restorative. This stage requires substantive mediation competency, including the ability to manage emotional conflict, maintain neutrality, and prevent one party from dominating the other.

The third stage is the drafting and signing of a restoration agreement, which details the form, value, schedule, and monitoring mechanisms agreed upon by both parties. The fourth stage is the implementation and monitoring of the agreement, where investigators ensure that the signed agreement is actually implemented in a good manner. This fourth stage is the most important indicator of the effectiveness of restorative justice, because without concrete implementation of the agreement, the process has no substantive value for the victim's recovery.

6. Case Selection Criteria and Investigator Discretion

In determining the suitability of a case for resolution through restorative justice, investigators apply a comprehensive set of selection criteria, namely: the criminal penalty must not exceed five years in prison; the perpetrator must be a first-time offender with no prior criminal record; there must be a truly voluntary peace agreement between both parties; and the case must not fall under any of the categories excluded by Police Regulation Number 8 of 2021. In the context of mis-transfer crimes, these criteria can generally be met for simple mis-transfer cases, as illustrated in the previous case with an excess transfer of Rp. 95,500,700.

However, the application of criteria in concrete cases always involves subjective assessment by investigators that cannot be fully standardized. Investigators' discretion in assessing the sincerity of a peace agreement is at risk of being influenced by non-legal factors. Therefore, the professionalism and integrity of investigators are key to ensuring that this discretion remains within the principles of legality, opportunity, and proportionality.

7. An Evaluation of Restorative Justice Based on Howard Zehr's Framework

An evaluation of restorative justice practices within the Blitar Police jurisdiction based on Howard Zehr's principles yields a nuanced picture. In terms of the parties' involvement, the practice demonstrates a strong commitment through pre-mediation *caucus* mechanisms and structured joint mediation forums. The victim-oriented approach is also reflected in the interviewee's assertion that restorative justice can restore victims to a state close to their original state, a statement that resonates with Zehr's concept of making things right.^[7]

However, there is a critical gap between Zehr's theoretical idealism and the reality of implementation. Zehr emphasized that restorative justice is a process, not just an outcome; it requires genuine, transformative, and non-

transactional dialogue.^[7] Investigators' time constraints and the pressure to resolve cases efficiently have the potential to reduce penal mediation to a mere mechanism for negotiating financial compensation, which is substantively closer to a civil settlement than to genuine social reconciliation. Furthermore, Zehr emphasized the importance of community involvement, as parties who are harmed by the crime and share responsibility for the recovery process.^[8] This community dimension appears not to have developed significantly in practice, where case resolution remains limited to bilateral relations between perpetrators and victims without involving broader community representatives. This gap requires attention in the development of future restorative practices, including strengthening the mediation capacity of penal investigators as a determining factor in the success of the restorative process.^[9]

Conclusion

The role of the police in implementing restorative justice in the case of the mis-transfer crime at the Blitar Police Resort has undergone a substantive transformation. Investigators no longer merely fulfill their traditional role as evidence collectors, but instead assume a dual role as facilitators, mediators, and peace initiators, as well as law enforcers and conflict managers. This transformation aligns with the concept of restorative policing and is legitimized by Law Number 2 of 2002, Police Regulation Number 8 of 2021, and Law Number 20 of 2025 concerning the Criminal Procedure Code.

The implementation of restorative justice is carried out through four stages, namely initial assessment through a *caucus*, penal mediation, preparation of a recovery agreement, and implementation and monitoring of the agreement, with case selection criteria based on Police Regulation Number 8 of 2021. Judging from Howard Zehr's principles of restorative justice, practices at the Blitar Police Department show a strong commitment to parties' involvement and victim-oriented, but still leave gaps in the depth of dialogue and community involvement. Therefore, strengthening the mediation competence of investigators, providing conducive mediation infrastructure, and involving the community in the recovery process are important agendas so that the role of the police in carrying out restorative justice can be more accountable and oriented towards true recovery.

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