



The Application of Restorative Justice in Handling Criminal Cases Related to Plantations at the Langkat Police Station

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ABSTRACT

This study aims to analyze the application of Restorative Justice in the handling of plantation-related criminal offenses at the Langkat Police Station, the factors influencing its implementation, and its legal effectiveness. Legal issues in the plantation sector, such as theft of crop yields, land conflicts, and disputes between communities and companies, often lead to security disturbances and social tensions within the community. In this context, Restorative Justice serves as an alternative approach to resolving cases that places greater emphasis on restoring losses and social relationships rather than punishment alone. This study employs a normative-empirical legal methodology using legislative, conceptual, case-based, and sociological-legal approaches. Data were collected through literature review, interviews, and documentation, then analyzed qualitatively.

INTRODUCTION

The development of the plantation sector has a very important role in supporting the national and regional economy. In Lalat Regency, this sector is one of the economic backbones of the community because most of the area is dominated by oil palm, rubber, chocolate, and various other agricultural commodities. Plantations not only absorb local labor, but also become the main source of income for the community and local income. The existence of large plantation companies, both private and state-owned, as well as smallholder plantations, makes Langkat an area that has quite high agrarian activity.

However, the high intensity of plantation activities has consequences for the emergence of various legal problems. Plantation activities often cause potential social conflicts and criminal acts. Some of the crimes that often occur include theft of plantation products such as fresh fruit bunches (FFB) of oil palm, destruction of plantation crops or facilities, land grabbing or forest areas, conflicts over the boundaries of cultivated areas, and disputes between communities and plantation companies. These phenomena show that the plantation sector is a sector that is prone to social friction and crime.

Criminal acts that occur in plantation areas not only cause economic losses for companies and land owners, but also have the potential to disrupt the stability of public security and order (*kamtibmas*). In many cases, land disputes and theft of garden products can cause quarrels, group clashes, and prolonged conflicts involving village communities, plantation workers, and companies. These problems become more complex when accompanied by socio-economic inequality between the surrounding community and large companies, limited employment opportunities, and a lack of legal understanding of the community regarding the limits of criminal acts and land rights.

In addition, the pattern of crime in plantation areas is also influenced by economic, social, and cultural factors. Many cases of theft of plantation products are carried out by local communities who feel they have a historical involvement with the land, or because of the encouragement of economic needs. On the other hand, companies often have formal legal claims backed by licensing documents. This difference in perception between formal legality and social legitimacy is one of the triggers for prolonged disputes.

This condition shows that the settlement of plantation cases cannot depend only on repressive legal approaches or conventional criminal justice processes. A more adaptive, participatory, and oriented approach to the restoration of social relationships is needed. This is where the role of Restorative Justice becomes relevant as an alternative that is able to encourage more peaceful, faster, and low-cost settlement of cases, while avoiding excessive criminalization of small communities involved in minor plantation cases.

So far, the settlement of plantation criminal cases has generally been carried out through formal criminal justice mechanisms as stipulated in the Criminal Procedure Code (KUHAP). The process involves a series of stages ranging from investigation, investigation, prosecution, examination in court, to the judge's decision. Although normatively this mechanism is designed to provide legal certainty, in practice settlement through litigation is often considered less effective in dealing with plantation cases whose characteristics often involve sensitive social relations and relatively small losses.

One of the main obstacles of the litigation process is the length of time it takes to settle cases. When cases are formally processed, investigators, prosecutors, and courts require long stages, while the parties need a quick settlement so that plantation activities can return to normal. In addition, the costs incurred, both for the state and the parties involved, are not proportional to the value of the losses in question, especially for cases such as the theft of fresh fruit bunches (FFB) with low economic value. The use of formal mechanisms for such cases often adds to the administrative burden of law enforcement officials and creates a sense of dissatisfaction in the community.

Formal criminal proceedings also have a tendency to worsen the relationship between the parties to the dispute, especially between the company and the surrounding community. The sustainability of social relations is a crucial factor in the context of plantations, because these parties will continue to coexist and need each other. When cases are resolved through criminal channels, the perpetrator may be sentenced but the social relationship between the perpetrator and the victim remains fractured, and can even trigger further conflicts and damage the social climate in the village. This is contrary to the principle of sustainable social development.

In this context, Restorative Justice emerged as an alternative approach that is more in line with the needs of resolving plantation cases. Restorative Justice prioritizes the restoration of the situation, dialogue, and solutions that provide justice for all parties, not just punishment for the perpetrators. This approach has the advantage of being more flexible, fast, cheap, and emphasizing improving social relationships. Through deliberation involving perpetrators, victims, community leaders, and police officers, case resolution can be achieved peacefully while still paying attention to the principle of substantive justice.

The application of Restorative Justice to minor cases or cases with limited losses in the plantation sector is very relevant, considering that many cases arise due to economic pressure, miscommunication, or land boundary problems that are more socially appropriate to be resolved through a dialogue approach. Thus, Restorative Justice not only functions as an alternative to resolving cases, but also as an instrument to maintain social harmony, reduce the burden on the judiciary, and support the creation of conducive security and order conditions in plantation areas.

Restorative Justice is an approach to resolving criminal cases that focuses on restoration, not retribution. The essence of this approach is to bring together perpetrators, victims, families, and other related parties to dialogue, express their respective interests, and achieve a fair solution for all parties. In this mechanism, settlement focuses not only on punishing the perpetrator, but also on recovering the victim's losses, restoring social relations, and preventing the recurrence of criminal acts. This approach is seen as more humane because it explores the root of the problem and provides space for the parties to resolve the case with mutual understanding.

Institutionally, the Restorative Justice approach has gained legitimacy through the policies of the Indonesian National Police as stipulated in the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice. This regulation is an important milestone because it provides technical and juridical guidelines for police officers in implementing conflict resolution through a non-litigation approach. In the regulation, it is emphasized that the settlement of cases through Restorative Justice is only allowed if a number of formal and material conditions have been met, such as the voluntariness of the perpetrator and the victim, the absence of pressure or coercion, and the existence of a peace agreement signed by the relevant parties.

Furthermore, the regulation also emphasizes that the settlement of cases through restorative justice can only be carried out for certain criminal acts that have a low level of criminal threat, do not cause casualties, and cause irreparable losses. These conditions are created to prevent abuse of authority and ensure that restorative justice is not used as a shortcut to release perpetrators of serious crimes from legal accountability.

In the context of the Lalat Police, the existence of Perpol No. 8 of 2021 is an important foundation in resolving plantation cases that generally involve the community and companies. Many plantation cases, such as oil palm theft or land claim disputes, have relatively small losses and can be resolved through dialogue mechanisms. With a clear legal basis, the Restorative Justice process can run more accountably, transparently, and measurably, so as to maintain consistency with the applicable principles of criminal procedure law.

In addition, the application of restorative justice also supports the principle of law enforcement efficiency. By resolving cases through peaceful mechanisms, police officers can reduce the burden of investigations, while the parties get a faster resolution. This is relevant to the needs of plantation communities in Langkat who want to resolve cases without prolonging conflicts, avoid disproportionate criminalization, and maintain social harmony in their environment.

Thus, the application of Restorative Justice not only serves as an alternative solution in handling criminal cases, but also reflects a transformation of law enforcement that is more responsive to the needs of the community, especially in the context of social dynamics in plantation areas.

The Langkat Police as a law enforcement institution has a strategic role in handling various cases that occur in plantation areas, considering the geographical characteristics of Langkat Regency which is filled with agrarian areas with economic activities that depend on plantation commodities. In practice, the Langkat Police have applied the Restorative Justice approach in a number of cases, especially those related to the theft of fresh fruit bunches (FFB), disputes between plantation workers, horizontal conflicts between community groups, and disputes involving communities and plantation companies. These cases generally have a loss value that is not too large, involve a long social relationship between the parties, and have the potential to develop into a prolonged conflict if resolved through formal litigation.

The application of Restorative Justice in handling these cases is driven by the need to avoid over-criminalization. Many perpetrators of petty crimes in plantation areas are local people who have a weak economic background, or who commit these acts due to living needs, ignorance of land boundaries, or disputes due to agrarian claims. If these kinds of cases are directly processed through formal criminal channels to the courts, then the impact can be much more detrimental, not only for the perpetrator and his family, but also for the social dynamics of the surrounding community.

In addition to avoiding disproportionate criminalization, the implementation of Restorative Justice also has an important function in maintaining security stability in plantation areas. Plantation areas are often conflict-prone areas due to overlapping land claims, unclear plantation boundaries, or industrial relations between workers and companies. Settlement of cases through dialogue and deliberation mechanisms allows social tensions in the community to be reduced more quickly, thereby preventing the emergence of potential for further conflicts that can disrupt kamtibmas (public security and order).

Furthermore, Restorative Justice is also oriented towards restoring social relationships (social healing). In the context of plantations, the parties generally have interdependent relationships, such as village communities who work as plantation workers, plasma farmers who are partners of the company, or community groups living around concession areas. The settlement of cases through a peaceful process provides an opportunity for the parties to improve communication, clarify the boundaries of interests, and build more harmonious relations after the occurrence of a criminal event.

In addition, the Restorative Justice approach provides substantive justice for both perpetrators and victims. For victims, this settlement allows losses to be reimbursed quickly, for example through the return of stolen plantation produce or other compensation. Meanwhile, for perpetrators, this approach provides room for responsibility without having to lose their freedom through a long criminal process. This is in line with the principle of restoration, which is to restore things to the way they were and ensure that both parties feel justice in real terms, not just formally.

In other words, the implementation of Restorative Justice by the Langkat Police is not only an administrative step, but is part of a law enforcement strategy that is more adaptive, humanist, and oriented towards the interests of the wider community, especially in the plantation sector which is sensitive to social and economic dynamics.

However, the implementation of Restorative Justice in plantation cases is inseparable from various complex challenges. One of the main problems is the power imbalance between plantation companies and local communities. In many cases, people are in a weaker position both economically, educationally, and access to legal information. This imbalance can affect the peace agreement process, as people may feel pressured or forced to agree to certain settlements in order to avoid legal repercussions or social pressure. This has the potential to degrade the quality of peace agreements and deviate from the principles of restorative justice that emphasize voluntariness.

Another factor that is a challenge is local social and cultural pressures that often affect the course of the deliberation process. In rural areas, social norms and patron-client relationships often make weaker parties feel hesitant or afraid to object. This situation can hinder the process of honest and equal dialogue, which ultimately makes a peace deal a mere formality without actually resolving the root of the problem.

In addition, in some plantation cases, the value of losses is often unclear or difficult to calculate objectively, especially in the case of the destruction of young crops, land boundary issues, or overlapping land use. This ambiguity makes the mediation process difficult because each party has a different calculation of the value of the loss. Law enforcement officials often have difficulty determining whether the case qualifies for resolution through restorative justice or should be processed through litigation.

The next challenge is the concern of misusing Restorative Justice as a loophole to avoid criminal sanctions. In some cases, the perpetrator or interested party may try to take advantage of this mechanism to be free from the formal legal process. This concern is a serious concern because it can reduce public trust in police institutions and obscure the ultimate goal of restorative justice itself. Therefore, the implementation of this mechanism requires strict supervision and evaluation so that it is not abused.

On the other hand, there is also a problem regarding the uneven understanding of law enforcement officials regarding the limits, procedures, and requirements for the implementation of Restorative Justice. Although the National Police has issued Perpol Number 8 of 2021, its implementation in the field does not always run uniformly. Some officials still interpret the rules differently, and some are even hesitant to apply Restorative Justice for fear of being considered a wrong procedure. The lack of special training and internal coaching leads to inconsistencies in handling cases in various police stations or functional units.

This condition shows that although Restorative Justice has great potential to overcome the problem of plantation crimes, the success of its implementation depends heavily on the quality of the understanding of the apparatus, the integrity of the implementers, the readiness of the community, and the existence of supervision so that this mechanism is not used for personal or group interests. Thus, it is necessary to strengthen the capacity of the apparatus, educate the public, and affirm control mechanisms so that the implementation of restorative justice truly reflects the value of justice, balance, and the restoration of social conditions.

Based on these conditions, an in-depth juridical study is needed on the application of Restorative Justice in handling plantation crimes in the Lalat Police. This study is important to assess its effectiveness, its conformity with laws and regulations, and its impact on the resolution of cases and the restoration of social relations in the community.

THEORETICAL REVIEW

The application of Restorative Justice to minor cases or cases with limited losses in the plantation sector is very relevant, considering that many cases arise due to economic pressure, miscommunication, or land boundary problems that are more socially appropriate to be resolved through a dialogue approach. Thus, Restorative Justice not only functions as an alternative to resolving cases, but also as an instrument to maintain social harmony, reduce the burden on the judiciary, and support the creation of conducive security and order conditions in plantation areas.

Restorative Justice is an approach to resolving criminal cases that focuses on restoration, not retribution. The essence of this approach is to bring together perpetrators, victims, families, and other related parties to dialogue, express their respective interests, and achieve a fair solution for all parties. In this mechanism, settlement focuses not only on punishing the perpetrator, but also on recovering the victim's losses, restoring social relations, and preventing the recurrence of criminal acts. This approach is seen as more humane because it explores the root of the problem and provides space for the parties to resolve the case with mutual understanding.

METHODOLOGY

This type of research is normative-empirical legal research with a descriptive-analytical research nature. The descriptive research aims to systematically describe the practice of resolving plantation crimes through Restorative Justice at the Langkat Police, while the analytical aims to assess the suitability between these practices and the applicable legal provisions.

In this study, several approaches are used, namely:

- a. Statute Approach, this approach is used to examine the legal rules that are the basis for the implementation of Restorative Justice, especially Perpol No. 8 of 2021, the Criminal Code, and other provisions related to the settlement of criminal acts.

- b. Conceptual Approach, this approach is used to understand the concepts on which research is based, such as the concepts of restorative justice, victim restoration, social relationship restoration, non-litigation settlement, and substantive justice.
- c. Case Approach, this approach is used to examine cases of plantation crimes resolved through Restorative Justice, both in the form of theft of fresh fruit bunches (FFB), land conflicts, and other relevant disputes. This approach is important to see how the law is applied concretely in practice.
- d. Socio-Legal Approach, this approach is used to examine the relationship between the rule of law and the social conditions of the plantation community in Lalat Regency. This approach is also useful for understanding how economic, cultural, power relations, and social conditions affect the success or obstacles to the implementation of Restorative Justice.

The data sources in this study consist of:

Data Primer

Primary data was obtained directly from the field through interviews with parties related to the research object, such as:

- a. Investigators or assistant investigators at the Langkat Police.
- b. Criminal Investigation Office or officials who handle plantation crime cases.
- c. Community/village leaders in plantation areas.

If possible, the company or the community that has been involved in resolving the case through Restorative Justice.

Data Seconds

Secondary data were obtained through a literature study, which consisted of:

- a. Primary Legal Materials: Criminal Procedure Code, Perpol No. 8 of 2021, and related regulations;
- b. Secondary Legal Materials: scientific journals, books, legal articles, results of previous research, and relevant decisions;
- c. Tertiary Legal Materials: legal dictionaries, encyclopedias, and other supporting sources.

The data collection technique in this study was carried out through:

- a. Library Research

It is done by collecting and studying various legal materials and literature relevant to research. This technique is used to obtain a theoretical and normative foundation regarding Restorative Justice and plantation crimes.

- b. Interview

The interviews were conducted in-depth interviews with purposively selected informants, namely parties who were considered to know and were directly involved in handling plantation crime cases through Restorative Justice. This interview aims to obtain empirical data on the mechanisms, constraints, and effectiveness of the implementation of the policy in the Langkat Police

Documentation

Documentation is carried out by examining documents related to the object of research, such as minutes of events, peace letters, case settlement documents, and other relevant administrative documents. The data obtained was analyzed qualitatively, namely by debunking, connecting, comparing, and interpreting the data obtained from legal materials and interview results to answer the formulation of research problems. The analysis was carried out with a deductive thinking pattern, namely drawing conclusions from general provisions to special conditions found in practice at the Lalat Police.

RESEARCH RESULTS AND DISCUSSION

Mechanisms for Implementing Restorative Justice at the Langkat Police Station

Based on the research findings, the implementation of restorative justice at the Langkat Police Station generally begins with a report or complaint regarding a criminal offense, particularly cases related to plantations such as theft of plantation produce, disputes among workers, or minor conflicts involving the community and the company. Once a report is received, investigators first identify the type of case to assess whether it qualifies for resolution through a restorative justice approach. This assessment is crucial because not all criminal offenses can be resolved outside the formal judicial process.

The next stage involves mediation or deliberation involving the perpetrator, the victim, the families of the parties, community leaders, and law enforcement officers. In this process, the investigator acts as a facilitator to ensure the achievement of a peace agreement that is reached voluntarily, without coercion, and is oriented toward the restoration of losses and the restoration of social relationships. If peace is achieved, the outcome is documented in a minute of proceedings or a peace agreement letter as the basis for the termination or discontinuation of the case proceedings in accordance with applicable mechanisms.

According to the author's analysis, this mechanism shows that the implementation of Restorative Justice in the Langkat Police is not only an administrative settlement, but is a form of law enforcement that is more adaptive to the character of plantation cases which are often rooted in social and economic problems. However, its effectiveness still depends heavily on the objectivity of the investigator and the equality of the position of the parties in the deliberation process.

Factors that Support and Hinder the Implementation of Restorative Justice in Plantation Cases

Factors that support the application of Restorative Justice in plantation cases include the existence of a clear legal basis, especially Police Regulation Number 8 of 2021, the generally mild nature of cases, and the need to maintain harmonious social relations between the community, plantation workers, and companies. In addition, peaceful settlement is also considered faster, cheaper, and able to reduce the burden of handling cases at the investigation level.

On the other hand, there are a number of inhibiting factors. The main obstacle is the imbalance of bargaining positions between small communities and plantation companies, so that a peace agreement has the potential to not be born out of a truly free will. Another obstacle is the difference in perception regarding the status of land, the amount of loss, and the right to control the plantation, which often makes plantation cases not as simple as ordinary criminal acts. In addition, the uneven understanding of the authorities regarding the limits and conditions for the implementation of Restorative Justice can also cause inconsistencies in practice.

According to the author's analysis, the biggest inhibiting factor does not lie solely in the rules, but in the social conditions of the plantation community which are often economically and structurally unbalanced. Therefore, the application of Restorative Justice must be carried out carefully so as not to turn into a means of formal compromise that actually benefits the stronger party.

Juridical Analysis of the Effectiveness of Restorative Justice in Plantation Cases

Juridically, the application of Restorative Justice in plantation cases at the Langkat Police can be considered relevant and valid as long as it is carried out in accordance with the principles, formal requirements, and material requirements as stipulated in Perpol No. 8 of 2021. From a criminal law perspective, the effectiveness of this approach can be seen from its ability to resolve cases without prolonging conflicts, restoring victims' losses, and restoring social relations between parties.

However, the juridical effectiveness of Restorative Justice should not only be measured by the existence of a peace letter or termination of the case, but also by the quality of justice produced. If peace occurs because of social pressure, power relations, or ignorance of the law on the part of the weak, then substantially the goal of restorative justice has not been achieved. Therefore, the measure of effectiveness must include voluntariness, balance, legal certainty, and real remedies.

According to the author's analysis, juridically Restorative Justice is quite effective in plantation cases where losses are limited, do not cause serious casualties, and still allow social recovery. However, for cases related to serious land conflicts, complex rights claims, or alleged structural violations, it is not enough to resolve them through peaceful mechanisms alone, but still require a firmer and more comprehensive legal handling.

CONCLUSIONS AND RECOMMENDATIONS

The implementation of Restorative Justice at the Langkat Police in plantation cases has basically run through a mediation and peace mechanism between the parties. This approach is considered quite effective for resolving minor cases because it can recover losses, maintain social relationships, and avoid prolonged criminal proceedings. However, its effectiveness is still influenced by social factors, the position of the parties, and the understanding of the apparatus in implementing it.

It is recommended that the implementation of Restorative Justice in the Langkat Police continues to be optimized while still paying attention to legal requirements and the principles of justice. In addition, it is necessary to increase the understanding of the apparatus and supervision in its implementation so that the settlement of cases is truly fair, especially in cases involving the community and plantation companies.

ADVANCED RESEARCH

Further research is recommended to examine the effectiveness of applying restorative justice in resolving criminal cases related to plantations in other police jurisdictions in order to obtain a more comprehensive comparison.

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