

ABSTRAK

PERAN PENYIDIK DALAM MENERAPKAN PERATURAN KEPOLISIAN NOMOR 8 TAHUN 2021 TENTANG PENYELESAIAN PERKARA (KDRT) MELALUI KEADILAN RESTORATIF (Studi Kasus di Polda Lampung)

OLEH

TIARA UTAMI

Kekerasan Dalam Rumah Tangga (KDRT) walaupun telah diatur tersendiri, Kepolisian sebagai penyidik dapat mengupayakan penyelesaian alternatif yakni melalui keadilan restoratif. Dalam Penelitian ini tindak pidana KDRT dilakukan dengan dasar Peraturan Kepolisian Nomor 8 Tahun 2021. Penyidik Kepolisian melakukan penghentian kasus KDRT berdasarkan keadilan restoratif karena telah terpenuhinya beberapa persyaratan. Permasalahan dalam penelitian ini adalah bagaimanakah peran penyidik dalam penerapan *Keadilan Restoratif* terhadap penyelesaian perkara KDRT dan apakah faktor penghambat peran penyidik kepolisian dalam penerapan *Keadilan Restoratif* pada perkara KDRT.

Metode pendekatan yang digunakan adalah yuridis normatif dan yuridis empiris, dengan menekankan pada kajian kaidah hukumnya dan ditunjang dengan pendekatan lapangan berupa perolehan tambahan informasi serta opini penegak hukum terkait. Narasumber dalam penelitian ini terdiri dari Penyidik Kepolisian dan Akademisi. Pengumpulan data dilakukan dengan studi pustaka dan studi lapangan. Analisa data dilakukan secara kualitatif.

Hasil penelitian menunjukkan bahwa penyidik di wilayah hukum Polda Lampung mengutamakan penyelesaian perkara kekerasan dalam rumah tangga (KDRT) melalui pendekatan keadilan restoratif, khususnya pada perkara yang tergolong ringan. Pendekatan ini dilaksanakan melalui mekanisme mediasi antara korban dan pelaku guna memulihkan hubungan keluarga serta menciptakan keharmonisan sosial. Namun, penerapan Peraturan Kepolisian

Tiara Utami

Nomor 8 Tahun 2021 masih menghadapi beberapa hambatan. Faktor penghambat tersebut meliputi faktor hukum berupa rendahnya kesadaran dan pemahaman hukum masyarakat, faktor budaya yang masih memandang pemidanaan sebagai satu-satunya bentuk penyelesaian perkara pidana, serta faktor sosial berupa tekanan lingkungan dan keluarga terhadap korban. Selain itu, keterbatasan pemahaman masyarakat terhadap konsep keadilan restoratif turut memengaruhi efektivitas penerapannya. Oleh karena itu, faktor-faktor tersebut saling berkaitan dan memengaruhi keberhasilan penyidik dalam menerapkan keadilan restoratif dalam penanganan perkara KDRT.

Saran dari penelitian ini adalah Penyidik sebaiknya mengutamakan keadilan restoratif dalam penanganan perkara KDRT ringan melalui mediasi korban dan pelaku dengan pendampingan profesional. Pendekatan ini diharapkan melindungi korban, memulihkan hubungan keluarga, menjaga keharmonisan sosial, serta menekan angka perceraian di Provinsi Lampung. Selain itu, penyidik perlu meningkatkan sosialisasi Peraturan Kepolisian Nomor 8 Tahun 2021 agar masyarakat memahami bahwa penegakan hukum tidak selalu berujung pidana, melainkan solusi humanis dan berorientasi pemulihan dalam penanganan kasus KDRT ringan berkelanjutan.

Kata Kunci: Peran Penyidik Kepolisian, *Keadilan Restoratif*, Kekerasan Dalam Rumah Tangga.

ABSTRACT

THE ROLE OF INVESTIGATORS IN IMPLEMENTING POLICE REGULATION NUMBER 8 OF 2021 CONCERNING CASE SETTLEMENT (DOMESTIC VIOLENCE) THROUGH KEADILAN RESTORATIF

By

TIARA UTAMI

Although domestic violence (KDRT) has been regulated separately, the police, as investigators, can seek alternative solutions through Keadilan Restoratif. In this study, the crime of domestic violence was carried out based on Police Regulation Number 8 of 2021. Police investigators terminated the domestic violence case based on Keadilan Restoratif because several requirements had been met. The problem in this study is how investigators apply Keadilan Restoratif to the resolution of domestic violence cases and what factors hinder the role of police investigators in applying Keadilan Restoratif to domestic violence cases.

The approaches used are normative and empirical juridical, emphasizing the study of legal principles and supported by a field approach in the form of obtaining additional information and opinions from relevant law enforcement agencies. The sources for this study consisted of police investigators and academics. Data collection was conducted through literature and field studies. Data analysis was conducted qualitatively.

Based on research and discussion, it is known that the normative role of investigators is outlined in Police Regulation Number 8 of 2021 concerning the Resolution of Domestic Violence Cases through Keadilan Restoratif. The role of police investigators is essentially to carry out their functions and authorities, such as conducting investigations. Ideally, police investigators should handle criminal cases in accordance with their status and the legal system, ensuring that investigators handle cases effectively within their jurisdiction.

Keadilan Restoratif must also meet requirements, such as ensuring that domestic violence cases remain classified as minor crimes.

The results of the study indicate that investigators in the jurisdiction of the Lampung Regional Police prioritize the resolution of domestic violence (DV) cases through a restorative justice approach, particularly for cases classified as minor. This approach is implemented through mediation between victims and

Tiara Utami

perpetrators with the aim of restoring family relationships and creating social harmony. However, the implementation of Police Regulation Number 8 of 2021 still faces several obstacles. These inhibiting factors include legal factors in the form of low public legal awareness and understanding, cultural factors that continue to view criminal

punishment as the sole means of resolving criminal cases, and social factors such as pressure from the community and family toward victims. In addition, limited public understanding of the concept of restorative justice also affects the effectiveness of its implementation. Therefore, these factors are interrelated and influence the success of investigators in applying restorative justice in handling domestic violence cases.

The suggestion from this Investigators are advised to prioritize a restorative justice approach in handling minor domestic violence cases through mediation between victims and perpetrators, supported by professional assistance. This approach is expected to protect victims, restore family relationships, maintain social harmony, and reduce divorce rates in Lampung Province. In addition, investigators should strengthen public outreach on Police Regulation Number 8 of 2021 so the community understands that law enforcement does not always lead to criminal punishment, but can emphasize humane, recovery-oriented solutions in handling minor domestic violence cases sustainably.

Keywords: Role of Police Investigators, Keadilan Restoratif, Domestic Violence.