Handling Community Social Conflict Through Restorative Justice in East Bintan Police Station

Zamzami A Karim, Nurbaiti Usman, Endri Bagus Prastiyo, Indah Oktaviani, Dimas Wibowo

Program Studi Ilmu Pemerintahan dan Sosiologi Sekolah Tinggi Ilmu Sosial dan Ilmu Politik Raja Haji

ARTICLE INFORMATION

CORRESPONDENCE

Name: Indah Oktaviani
E-mail: indahoktaviani1428@gmail.com

ABSTRACT

The purpose of this study was to determine the Handling of Social Conflict in the Community Through Restorative Justice (Restorative Justice) at the East Bintan Police. In this study, the sample consisted of 3 police officers from the East Bintan Police and 5 people from East Bintan who had undergone Restorative Justice. The sample in this study was 5 people. The data analysis technique used in this study was a qualitative descriptive data analysis technique. Based on the results of the study, it can be concluded that the Handling of Social Conflict in the Community Through Restorative Justice at the East Bintan Police has been running well, this can be seen from the police conducting investigations to collect evidence and information related to the reported cases, bringing in witnesses, listening to both parties. The police of course seek the best solution, especially in social cases that exist in the community. There are at least three focuses of restorative justice. First, repairing losses caused by crime by involving victims. Second, seeing the perpetrator's accountability. Finally, preventing similar losses in the future. Then there is a deliberation, Actually Restorative Justice is a method, not a form of decision on crimes as a resolution to solving problems by improving the situation or losses for victims. The principle of Restorative Justice is to restore good relations between the perpetrator and the victim, by paying attention to the victim's suffering.

INTRODUCTION

The intensity of this conflict of interest varies depending on the means used. Everyone wants to defend the values they believe to be true and force others to recognize these values, either subtly or violently. The emergence of conflict comes from the conditions of pluralistic social structures and conflict is a phenomenon that often occurs throughout human life, wherever we see conflict, the conflict cannot be separated from social life(Dreu & Gross, 2019; Folger et al., 2021). Research related to conflict problem solving will be one of the interests in people's lives. In real human life, wherever and whenever, there is always a conflict of attitudes, opinions, behaviors, goals, and needs, so that the process leads to change (Müller & Gries, 2024). Conflict theory attempts to understand conflict from a social science perspective. Conflict theory is a theory that states that social change does not occur through a process of value adjustment that leads to change but rather occurs through conflict that leads to a compromise that is different from the initial conditions. Conflict theory emerged as the antithesis of structural-functional theory which considers the importance of order in society (Agazarian, 2018).

Various governments in the context of conflict management efforts both in the context of conflict prevention, conflict termination and post-conflict recovery efforts. These government efforts were then formulated in Law No. 7 of 2012 concerning Handling Social conflicts (Adityo, 2022). Social conflict is a conflict between members of society that is comprehensive in life. Social conflict itself is a social process in which individuals or groups try to fulfill their goals by challenging the opposing party accompanied by threats and violence (Dahrendorf, 2021; Demmers, 2012; Vinsonneau, 2019).

Based on previous research by Adityo (2022), on Handling Social Conflict with a Restorative Justice Approach, it was found that the Restorative Justice Approach in conflict resolution is basically a new method for resolving disputes, especially in concept-criminal cases, but using traditional patterns whose values do not have the concept of local wisdom in each culture. Therefore, the application of the restorative justice approach in conflict resolution, is actually the use of traditional patterns with conflict resolution values that exist in local cultural wisdom, with a focus on fulfilling victims of justice, through the concepts of equality, partnership, reconciliation and participation.

Conflict itself is triggered by various things such as social inequality, ethnic, racial and religious differences. There are conflicts that often occur in the community such as bullying, adultery that makes noise in the community, domestic violence, theft, fights between neighbors (Kıraç, 2021). These cases can be resolved quickly without having to undergo various investigations, provided that they are in accordance with Kejakgung Regulation No. 15 of 2020 concerning Discontinuation of Prosecution Based on Restorative Justice. where first-time crimes will get a loss of under Rp 2.5 million and there will be an agreement between the perpetrator and the victim (Burke, 2015).

Restorative Justice is the resolution of crimes by involving perpetrators, victims, families of perpetrators, families of victims, community leaders, religious leaders, traditional leaders or stakeholders to jointly seek a fair solution through peace by emphasizing restoration to the original state (Braithwaite, 2015). In the context of strengthening and enforcing restorative justice in Indonesia, where the key success factor lies in the active participation of the community, theoretically there is one branch of science that is very relevant here, namely the Sociology of Law. Sociology of Law has relevance in the enforcement of restorative justice because its main concern is the patterns of behavior of society. Sociology of Law is a branch of science that, among others, examines why people obey the law and why they fail to obey the law and other social factors that influence them (Sutton, 2012).

METHOD

This research uses a descriptive qualitative method, according to Mohajan (2018), is descriptive research, namely research that seeks to tell the solution of existing problems now based on data, while the qualitative approach in this study intends to understand the phenomenon of things experienced by research subjects holistically and by means of descriptions in the form of words and language in a special natural context and by utilizing various scientific methods.

The population in this study were 45 people from the East Bintan Police Station and 2 people from the community who had undergone Restorative justice in 2023. In this study, the sample was drawn using Purposive sampling technique, which is a technique for collecting data sources by determining the sample with certain considerations (Sugiyono 2015), which are divided as follows; 3 members of the Polsek who directly handle cases resolved through Restorative justice and understand Restorative justice both the process and requirements and 2 people from the community who have undergone Restorative justice in their case in 2023.

Data analysis method in this study uses Data reduction is an effort made to select data from research informants in the form of information data related to questions that have been asked based on interview guidelines that have been asked. Presentation of data in this study in the form of interview results presented and then analyzed so that it can be illustrated how Restorative Justice handles cases to reduce existing conflicts from the perpetrator. And at the end, conclusion drawing or data verification will be carried out, which is the part of the analysis that will later conclude the research results in depth and so that they are easy to understand.

RESULT AND DISCUSSION

Integrating

Based on the results of the interview, so far before determining the efforts made, the police conduct investigations and investigations to collect information related to the crime, the investigation is the first method or action taken by law enforcement officials before the investigation or investigation. The aim is to examine the extent of the truth of information in the form of reports or complaints or direct incidents caught directly by the authorities in order to legally strengthen further actions. Because the authorities cannot arrest, detain, search, confiscate, examine letters, summon and submit files to the public prosecutor if the preliminary evidence or sufficient evidence has not been done at the beginning. This can be a mistake in arresting the perpetrator if the authorities do not test the information first so as not to degrade human dignity.

The act of investigation places emphasis on the act of searching and finding an event that is considered or suspected of being a criminal offense. In the investigation, the emphasis is placed on finding and collecting evidence. So that the criminal offense found can become clear. In order to find and determine the perpetrator. Between investigation and investigation are two phases of action that form one. Both are interrelated and fill in the content in order to complete the examination of a criminal event. Community life will not be free from conflict (Tualeka, 2017), often in the body of society conflict is inevitable. This is because many individuals or community institutions have different interests from one another, so that these differences in interests will cause political clashes that lead to competition.

Conflict is a form of interaction between groups that differ in interests, perceptions, and preferences. In group problems with other groups according to Sucipto (2008), vonflict with other groups will lead to negative streotyping and distrust, heighten differences, decrease communication and increase communication distortions. Conflict is a process in which one party perceives that its interests are opposed or negatively affected by another party (Kinicki., 2003).

Based on the results of the interview, it is known that the police have helped provide solutions to the case that the victim is currently undergoing. The function of the Police is to carry out one of the functions of state government in law enforcement duties in addition to protection, protection and community services. In carrying out their function as law enforcement officers, the police must understand the principles of law that are used as a consideration in carrying out their duties.

Obliging

Based on the results of the interview, it is known that the role of the police is to carry out a fair solution and in accordance with the laws and regulations, restorative justice is an approach to resolving criminal cases by emphasizing the restoration of the situation, not retaliation. The focus of restorative justice is at least threefold. First, repairing the harm caused by the crime by involving the victim. Second, it looks at the accountability of the perpetrator. Finally, it prevents similar harm from occurring in the future. Miller et al., (2003), uses causal logic to look at the degree of coerciveness of a conflict relationship. Coercive actions when in a conflict relationship will create conflict dynamics (Meredith, et al., 2024).

Miller et al., (2003), the source of conflict is the process of conflicting groups utilizing certain instruments to deal with conflict. Wehr's original contribution to the sociology of conflict is his attention to conflict dynamics, which are conditions characterized by conflict escalation and de-escalation. Conflict escalation is always characterized and caused by increasing conflict solidarity activity, conflict resource movement, and strategic escalation. An escalation strategy is a rational response from one party to a conflict that sees the actions of the opponent (Fadilah & Halim, 2021). Conflict de-escalation is characterized and caused by a decrease in conflict solidarity activities, conflict resources and strategic escalation. A case can be examined for various forms of actions that can increase the escalation and de-escalation of conflict. Wehr's analysis is useful for creating forms of conflict management strategies and tactics (Miller et al, 2003).

Dominating

Based on the results of the interview, it is known that the settlement of criminal cases through the principle of restorative justice is not merely the settlement of criminal cases by terminating the case and then resolving it peacefully. Rather, the settlement of criminal cases by applying the principles of restorative justice is broader than just the method of terminating the case and the peaceful process between the parties, namely the principle of restorative justice is a form of settlement by emphasizing the fulfillment of a sense of justice for all parties involved in the criminal case that occurred through the direct participation of victims, perpetrators of criminal acts, and the local community. Meanwhile, the police, who generally act as investigators and/or investigators, in the

principle of restorative justice also participate as mediators in resolving criminal cases that occur (Kirkwood, 2022). Based on the description above, the Anatomy of Social Conflict can be interpreted as a series of organs or elements related to the process of conflict, namely: 1) Causes of conflict; 2) Conflicting parties; 3) The process of conflict; 4) The impact of conflict; 5) The process of conflict resolution.

Avoding

Based on the results of the interview, it is known that the police after making a series of peace efforts will help restore the trauma felt by the victim, provide assistance and continue to warn to remain cautious. Restorative justice is a settlement process carried out outside the criminal justice system by involving victims, perpetrators, families of victims and families of perpetrators, the community and parties with an interest in a criminal offense that occurred to reach an agreement and settlement. Restorative justice is considered a new way of thinking/paradigm in looking at a crime committed by a person.

The approach used by the police in assisting victims to recover from trauma and providing warnings to the community to remain vigilant reflects the implementation of humanistic values in law enforcement. This action demonstrates that the primary goal of the law enforcement process is not merely to punish offenders but also to ensure that victims receive psychological support and a sense of security to resume their lives. Such efforts are crucial in rebuilding public trust in law enforcement institutions while reducing the risk of long-term trauma for victims.

Restorative justice, as explained, is a new paradigm that focuses on conflict resolution through a collaborative approach involving all related parties. This approach offers a solution that prioritizes healing over mere punishment, making it an effective alternative for certain less severe cases. By emphasizing dialogue and mutual agreement, restorative justice can create harmony within the community while encouraging offenders to take responsibility for their actions. Additionally, this process can alleviate the burden on the criminal justice system and provide an opportunity for the community to actively participate in conflict resolution.

Compromising

Based on the results of the interview, it is known that there are deliberations carried out by the police before conducting RJ. The settlement of minor criminal cases through Restorative Justice can be carried out provided that peace has been made between the perpetrator, victim, family of the perpetrator/victim, and relevant community leaders who are litigating with or without compensation. One form of restorative justice mechanism is dialog, which is better known among Indonesian society as "deliberation for consensus". Therefore, diversion, especially through the concept of restorative justice, is a very important consideration in resolving criminal cases. The tradition and mechanism of consensus deliberation is a tangible manifestation of strengthening the law that has lived in society for a long time. Thus, the core of restorative justice is healing, moral learning, community participation and attention, dialog, forgiveness, responsibility and making changes, all of which are guidelines for the restoration process in the perspective of restorative justice (Marder, 2022).

Based on the findings, it is known that the handling of community social conflicts through restorative justice at the East Bintan Police has been running well. Based on interviews, it is known that the police conduct investigations to collect evidence and information related to the reported case, bring witnesses, listen to both parties. The investigation action carried out by the Police is very influential on the implementation of criminal law and criminal procedure law itself, this is because the investigation process is the first step in the law enforcement process carried out by actors. The investigation process cannot be underestimated and easy, because this concerns whether or not an action is said to fulfill the elements of a crime so that the perpetrator can be subject to appropriate punishment (Miranda, 2021).

The police can see in terms of victims and perpetrators and do not see things objectively or personally, everything is done fairly and in accordance with statutory regulations. The application of restorative justice by the East Bintan Police is to realize justice because the members have been equipped with knowledge about the nature of how someone is a victim in a criminal case so that the spirit to implement restorative justice is realized to restore the rights of victims first. At the East Bintan Police Station, a peace process is often applied between the complainant and the reported party. After the peace process is successful, then the complainant submits a letter of revocation of the complaint. Then on the basis of the peace and revocation of the complaint report, the East Bintan Police investigator will follow up by conducting a case title to stop the investigation of the case.

CONCLUSION

Based on the results of the research, it can be concluded that the Handling of Community Social Conflicts Through Restorative justice (Restorative Justice) at the East Bintan Police has been running well, this can be seen from the police conducting investigations to collect evidence and information related to the reported case, bringing witnesses, listening to both parties. the police of course strive for the best solution, especially in social cases that exist in the community, the conditions of community life that are grouped based on ethnicity, religion and class often trigger divisions between other groups that disturb the harmony of living together.

The main thing that triggers riots and divisions is often focused on differences in ethnicity, religion, race and group, each of which feels that it is better than other groups and groups. Because of these things, people no longer see the point of the existing problems but rather look at the losses caused immediately without considering the causes of these losses. The noble value of the nation in the form of consensus deliberation is no longer a way out in resolving conflicts. The focus of restorative justice is at least threefold. First, repairing the harm caused by the crime by involving the victim. Second, it looks at the accountability of the perpetrator. Finally, preventing similar losses from occurring in the future.

Restorative Justice is actually a method, not a form of verdict on crime as a resolution of the problem by repairing the situation or harm to the victim. The principle of Restorative Justice is to restore good relations between the perpetrator and the victim, taking into account the suffering of the victim. However, in implementing this Restorative Justice method, it will be difficult to realize if the people who triggered this case

do not want to be reconciled or do not want to resolve the case by discussing and deliberating so that a solution will be difficult to find.

REFERENCES

Adityo, R. D. (2022). Interpretation of Public Figures in Indonesian Law Number 7 of 2012 Concerning Handling Social Conflicts in The Perspective of Legal Certainty. *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, *5*(1), 13–25. https://doi.org/10.24090/volksgeist.v5i1.6402

Agazarian, Y. M. (2018). Functional subgrouping in systems-centered groups and the theory from which it emerged. In *Systems-Centered Therapy: Clinical Practice with Individuals, Families and Groups* (pp. 97–112). Routledge. https://doi.org/10.4324/9780429480737-4

Braithwaite, J. (2015). Paralegals changing lenses. *Restorative Justice*, *3*(3), 311–324. https://doi.org/10.1080/20504721.2015.1109332

Burke, M. (2015). Strangers and neighbors: multiculturalism, conflict, and community in America. *Ethnic and Racial Studies*, *38*(8), 1436–1437. https://doi.org/10.1080/01419870.2014.984739

Dahrendorf, R. (2021). Social Structure, Group Interests, and Conflict Groups. In *Class and Conflict in an Industrial Society* (pp. 157–205). Routledge. https://doi.org/10.4324/9781003260257-7

Demmers, J. (2012). Theories of violent conflict: An introduction. In *Theories of Violent Conflict: An Introduction*. https://doi.org/10.4324/9780203869512

Dreu, C. K. W. D., & Gross, J. (2019). Revisiting the form and function of conflict: Neurobiological, psychological, and cultural mechanisms for attack and defense within and between groups. *Behavioral and Brain Sciences*, *42*, e116. https://doi.org/10.1017/S0140525X18002170

Fadilah, G., & Halim, I. A. (2021). Potential for Peacebuilding in Conflict and Violence in Sri Lanka Based on the Thoughts of Johan Galtung. *Proceedings the 1st Confrence on Ushuluddin Studies*, *4*(1), 770–781.

Folger, J. ., Poole, M. ., & Stutman, R. . (2021). *Working through conflict: Strategies for organizations*.

Kinicki., K. dan. (2003). *Perilaku Organisasi*. Jakarta: Salemba empat.

Kirkwood, S. (2022). A practice framework for restorative justice. *Aggression and Violent Behavior*, *63*, 101688. https://doi.org/10.1016/j.avb.2021.101688

Kıraç, Z. K. (2021). *Identity, Belonging, and Conflict* (pp. 153–168). https://doi.org/10.4018/978-1-7998-8911-3.ch010

Marder, I. D. (2022). Mapping restorative justice and restorative practices in criminal justice in the Republic of Ireland. *International Journal of Law, Crime and Justice*, *70*, 100544. https://doi.org/10.1016/j.ijlcj.2022.100544

Meredith, S., Cefaratti, A., Battle, T., & Gonzalez, H. (2024). *The Mediating Role of Cognitive Pre-Sleep Arousal on the Association Between Romantic Relationship Conflict and Sleep Problems*. https://kb.gcsu.edu/researchday/2024/all/128/

Miller, G., Bartos, O. J., & Wehr, P. (2003). Using Conflict Theory. In *Contemporary Sociology* (Vol. 32, Issue 4). Cambridge University Press, UK. https://doi.org/10.2307/1556608

Miranda, M. D. (2021). The trace in the technique: Forensic science and the Connoisseur's gaze. *Forensic Science International: Synergy*, *3*, 100203. https://doi.org/10.1016/j.fsisyn.2021.100203

Mohajan, H. K. (2018). Qualitative Research Methodology in Social Sciences and Related Subjects. *UTC Journal of Economic Development, Environment and People*, *7*(1), 23–48.

Müller, V., & Gries, T. (2024). Real-life Cases and the Link between Needs, Ideology, and Conflict. In *Ideology and the Microfoundations of Conflict* (pp. 398–434). Oxford University PressNew York. https://doi.org/10.1093/oso/9780197670187.003.0010

Sucipto, S. d. (2008). *Teori & Perilaku Organisasi*.

Sugiyono. (2015). Metode Penelitian dan Pengembangan Pendekatan Kualitatif, Kuantitatif, dan R&D. *Metode Penelitian Dan Pengembangan Pendekatan Kualitatif, Kuantitatif, Dan R&D*, 130.

Sutton, J. (2012). An Introduction to the Sociology of Law. In *Law/Society: Origins, Interactions, and Change*. https://doi.org/10.4135/9781452233956.n1

Tualeka, M. W. N. (2017). Teori Konflik Sosiologi Klasik Dan Modern. *Al-Hikmah : Jurnal Studi Agama-Agama*, *3*(1), 32–48. https://journal.um-surabaya.ac.id/Ah/article/view/409

Vinsonneau, G. (2019). Conflict between social groups: Cognitive psychology and the reduction of conflict between groups. In *Intercultural Education: Theories, Policies and Practice* (pp. 299–316). Routledge. https://doi.org/10.4324/9780429024047-19