

The Application of Restorative Justice in Cases of Domestic Violence in Makassar: Studies at the Makassar Polrestabes

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ABSTRACT

The research aims to analyze the application of restorative justice to cases of domestic violence at the Makassar Polrestabes; and obstacles by the Makassar Polrestabes. This research is empirical legal research (non-doctrinal). The results of this study indicate that: The application of the principle of restorative justice carried out by the Makassar Polrestabes is part of the Alternative Dispute Resolution or ADR, which among other things goes through the peace process, stopping the investigation because an agreement is reached, not detaining the perpetrators, continuing to determine suspects, considering certain aspects for mediation, decided to reconcile between the victim and the perpetrator, the considerations of the Makassar Polrestabes Police Investigators in the process of resolving Domestic Violence Cases through a restorative justice approach focused not on law enforcement but on the values of benefit and justice as the basis for the needs or interests of the victims. parties to find a solution, as well as avoid a lengthy criminal justice process.

Keywords: restorative justice; Violence; Household

ABSTRAK

Tujuan penelitian menganalisis Penerapan Restoratif Justice terhadap Kasus Kekerasan Dalam Rumah Tangga di Polrestabes Makassar; dan hambatan-hambatan oleh pihak Polrestabes Makassar. Penelitian ini merupakan penelitian hukum empiris (Non Doktrinal). Hasil penelitian ini menunjukkan bahwa: Penerapan prinsip restorative justice yang dilakukan oleh Polrestabes Makassar merupakan bagian dari Alternatife Dispute Resolution atau ADR yang antara lain melalui proses perdamaian, penghentian penyidikan karena dicapainya kesepakatan, tidak menahan pelaku, tetap melakukan penetapan tersangka, mempertimbangkan aspek tertentu untuk mediasi, memutuskan untuk rujuk kembali antara korban dengan pelaku, Pertimbangan-pertimbangan Penyidik Kepolisian Polrestabes Makassar dalam proses penyelesaian Kasus Kekerasan Dalam Rumah Tangga melalui pendekatan restoratif justice diitik beratkan bukan pada penegakan hukumnya akan tetapi pada nilai-nilai kemanfaatan dan keadilan sebagai dasar kebutuhan atau kepentingan para pihak untuk mendapatkan solusi, serta penghindaran dari proses peradilan pidana yang panjang.

Kata Kunci: Restorative Justice; Kekerasan; Ruma Tangga

INTRODUCTION

The phenomenon of cases of domestic violence (hereinafter referred to as domestic violence) is currently increasing, in terms of quantity and quality. This phenomenon is a serious concern for all parties to understand all forms of crime and the factors that cause it, as well as efforts to deal with domestic violence (Sutiawati & Mappas). The forms of domestic violence that occur vary widely, such as physical, psychological, sexual violence, and violence in the form of neglect. These various forms of crime are crimes that are prohibited and subject to punishment as stipulated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence (hereinafter referred to as the PKDRT Law) which aims to make victims of domestic violence, especially women, receive legal protection (Forests, 2016).

Violence against women is also a social phenomenon which is currently a concern of various parties (Sanyata). In its development, victims of domestic violence find it difficult to complain about the suffering they experience to law enforcement, because of the strong view that husbands' abusive treatment of wives is part of private events (domestic affairs). (Puspitasari, 2020). Law enforcement against perpetrators of domestic violence against wives can use legal rules, both in the Criminal Code (KUHP), Law Number 1 of 1974 concerning Marriage, and the PKDRT Law (Wuladari, 2008),

The main characteristic of domestic violence committed against wives is the multidimensional nature of the violence it involves. Violence data recorded at the Rifka Annisa Women's Crisis Center (WCC) confirms that Eastern Indonesia has a strong tendency to involve various forms of violence. Violence with one type of violence is only 20%, which means one-fifth of the total number of cases (Baroroh, 2017) Violence that has the largest number is violence that involves emotion and economics and physical, respectively as much as 24% and 20%. 2 WCC Female Partners also stated the same thing, 9 out of 10 women who used the services of WCC Female Partners had experienced more than one type of violence (physical, psychological, sexual or neglect/economic), in addition to facing domestic disputes WCC Women's Partner statistics for 2011 (up to 10 December 2011) recorded the number of complaints and assistance services provided to 209 women and children who experienced cases of violence (Arife & Rahim, 2018). Based on these data, 90.43% of the 209 cases of violence experienced by women were cases of domestic violence (KDRT). If you look at it from the perpetrator's point of view, the violence perpetrated by husbands was 5.60% (158 people); ex-

husbands as much as 6.70% (14 people); parents/children/siblings 8.13% (17 people), girlfriends/close friends 9.09% (19 people).

Domestic violence cases are mostly the main cause of divorce (Prianto, Wulandari & Rahmawati, 2013). Within the scope of the religious court, divorce must first be resolved by mediation by Marriage Law No. 1 of 1974. Meanwhile, in the District Court, there is no legal basis governing mediation as an alternative settlement. In the criminal sphere, it is better known as penal mediation as a method of handling domestic violence cases.

In a press release for the 2019 National Commission on Violence against Women (CATAHU), the National Commission on Violence against Women released that complaints of cases of violence against women in 2018 increased by 14% from the previous year. Likewise, what happened in Makassar City, cases of domestic violence reported to the Women and Children Protection Unit of the Makassar City Police (hereinafter referred to as the PPA Polrestabas Makassar Unit) from 2015 to August 2017, there were 142 cases. Physical violence is the most reported type of domestic violence, while sexual violence is the least reported type of violence.

Physical violence is the easiest type of violence to prove, whereas sexual violence is not easy to collect evidence (Asmadi, 2018). Violence against women resulting in physical, sexual, psychological misery or suffering, and/or neglect of the household including threats to commit acts, coercion, or unlawful deprivation of liberty within the household sphere. These acts are often associated with torture, both physical and psychological, by people who have close relationships (Hasanagh 2014).

Physical violence was reported to the Makassar Police PPA Unit in 2015-August 2017, totalling 133 cases. Physical violence was the most frequently reported, namely 101 cases. The form of physical violence is beating, either by hand or using a tool. Eight cases of psychological violence were reported, in the form of swearing, mentioning obscene words, having an affair, threatening divorce, and separating children. Household neglect was reported in as many as 33 cases.

Based on the results of observations at the Makassar City Polrestabas with the Makassar City Women and Children Empowerment Integrated Service Post (P2TP2A), it was found that cases of domestic violence had increased in reports. Report data obtained from P2TP2A is a collection of data from various sources such as the Polres and Polsek in the city of Makassar and several NGOs that care about the fate of women and children such as LBH APIK Makassar, LPA Sul-Sel, YKPM (FIK NGOs Sul Sel), and FPMP. Whereas in reporting cases of domestic

violence to the police, especially at the Makassar Polrestabes, reported cases have decreased from 2018-2020.

Table 1 Cases of Domestic Violence in Makassar City in 2018-2020

No	Types of Domestic Violence	2018	2019	2020	Amount
1	Physical abuse	67	76	81	224
2	Psychic Violence	41	40	42	123
3	Sexual Violence	26	28	31	85
4	Family Abandonment	29	36	38	103

Data Source: Makassar Polrestabes 2020

Domestic violence is one of the criminal cases in Indonesia as regulated by a special criminal law, namely Law no. 23 of 2004 so it can also be handled through drafts of *restorative justice* namely by using penal mediation. In this discussion, more emphasis is placed on the settlement of criminal cases with a peace mechanism.

Rolerestorative justice in criminal justice which is used to deal with cases of domestic violence prioritizes the integration of perpetrators and victims or the community as a unit to find solutions and return to a pattern of good relations between perpetrators of criminal acts (Ginging %. Draft *justice* is a concept of justice proposed in the abolitionist movement to replace the concept used in the criminal justice system via retributive *justice*. The concept of restorative justice does not focus on past wrongs, but on how to solve the problem of future responsibilities and obligations of the offender. In application, *restorative justice* can be implemented in the resolution of matters through *Alternative Dispute Resolution (ADRs)*. ADR is an act of empowering alternative settlements outside the court through peaceful efforts that prioritize principles of win-win *solutions* and can be used as a means of resolving disputes in addition to resolving disputes through court proceedings.

Settlement of criminal cases through mechanisms outside the judiciary is currently increasingly common and can be accepted by society because it is felt to be more capable of reaching a sense of justice, although practitioners and legal experts are of the view that ADR can only be applied in civil cases, not to resolve criminal cases because in principle Criminal cases cannot be resolved through mechanisms outside the court. The settlement of criminal cases in restorative justice can be exemplified in the form of penal mediation, because the

impact of penal mediation is very significant in the law enforcement process, even though it may deviate from the legal system procedures.

RESEARCH METHODS

The type of research used in this study is the type of empirical legal research (non-doctrinal). This type of research is focused on legal reality, namely the application of restorative justice in domestic violence cases at the Makassar Polrestabes. This research is planned to be carried out at the Makassar Polrestabes, with the consideration that the location is considered by researchers to have great potential in finding the data needed for this research, both from primary and secondary data related to research.

FINDING & DISCUSSION

1. *Application Restorative Justice against Cases of Domestic Violence at the Makassar Polrestabes*

Settlement of domestic violence when viewed from a philosophical aspect relates to the perception of the values contained in marriage, and relates to the relationship between husband and wife, while from a sociological aspect, it pays attention to the costs of spending a lot and takes a long time if cases of domestic violence are processed the law continues, from the sociological aspect it is also stated that the settlement of penal mediation is carried out by deliberation so that later there is an apology from the reported party to the complainant and will not repeat his actions and from an institutional aspect by carrying out penal mediation it will reduce the accumulation of cases in the police.

Investigators' actions in solving domestic violence crimes by using restorative *justice* when examined further this is an act that upholds the legal objectives in the preamble to the 1945 Constitution, namely the protection of every citizen. The form of legal protection is in the form of a conflict resolution process in this case domestic violence which is resolved using penal mediation to produce a solution that benefits both parties in conflict and prevents both the reporter and the reported from the criminal justice process which tends to pay attention to legal certainty compared to justice and legal benefits.

By the theory of the purpose of law when viewed from the perspective of legal philosophy, the purpose of the law is emphasized in terms of justice, this is supported by ethical teachings which assume that basically, the purpose of the law is solely to create justice. And according to Radbruch that we must use the principle of priority where the priority is always "justice" then benefits and legal certainty.

Domestic violence is a type of violence that has distinctive characteristics, namely that it is carried out in the home, the perpetrators and victims are family members and are often considered not to be a form of violence. Law Number 23 of 2004 concerning the Elimination of Domestic Violence provides a strong legal basis that makes domestic violence, which was originally a private (domestic) affair, a state (public) affair. For this reason, the idea emerged

to use penal mediation as part of the concept of restorative *justice* by striving for a solution that within-win *solution* as well as trying to be a solution to problems in the criminal justice system

The process of solving domestic violence cases through the channel of *restorative justice* can be done through mediation between the perpetrator and the victim facilitated by law enforcement officials, in this case, the police. In society, mediation is not a new thing. The renewal of mediation is proven by deliberations. Indonesian culture is full of compromise and cooperation appears everywhere in various layers of society. The community prefers to resolve disputes by bringing them to existing customary institutions to be resolved peacefully

The reason for doing restorative *justice* is that 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 offence is a case handling by the authorities based on complaints victim. Complaint offences can be withdrawn if the victim withdraws his complaint, for example, because there is a peace agreement or a peace agreement that is known to the investigator when it has entered the investigation stage. The withdrawal of the complaint that occurred in the domestic violence case was based on the condition of the victim who felt she wanted to save her household from divorce. By going through the penal mediation process, the expected solution is obtained due to the agreement of the parties involved in the criminal case, namely between the perpetrator and the victim. The victims and perpetrators are expected to be able to find and reach the best solutions and alternatives to resolve the case. The number of cases that occurred at the Makassar Polrestabes in 2018-2020.

Table 1 Number of Domestic Violence Cases at the Makassar Polrestabes in 2018-2020

Year	Polrestabes	Police ranks	Amount
2018	29	93	122
2019	9	86	95
2020	8	45	53

Data source: Makassar Polresatabes, 2020

Based on the results of the author's interview with Makassar Police Investigators Akp Ismail, S.H. that the process of carrying out the settlement of crimes of domestic violence with the system of restorative *justice* is carried out through the following stages:

- a. The investigator asked the victim whether the case would be continued or would mediation be held first, in this offer the investigator advised to the reported and the reporter about the importance and positive impact of penal mediation on resolving the process of domestic violence that befell the complainant and the reported so that from the suggestions this explanation the parties are compelled to mediate;
- b. If both parties, both the victim and the reported party, have agreed that the case should not be continued and the process is resolved at the investigative level through deliberation,

then the investigator summons both parties and asks again about the agreement that was made.

- c. Investigators put the results of the agreement between the two parties on stamped paper to be signed by both parties and witnessed by the witnesses, parents of both parties or community, religious leaders or the head of the local RT/RW.
- d. Investigators advise both parties to live in harmony in the household and especially to the perpetrators not to repeat their actions. and. In the bidding process for the implementation of penal mediation, the investigator can find reasons why the reported party and the complainant are compelled to carry out penal mediation which is then used as the basis for carrying out penal mediation by investigators.

Based on interviews with Makassar Polrestabes Police investigator Aipda Yoel Rante, S.H, against restorative *Justice* stated that: “*Restorative Justice* is a principle that we apply at the Makassar Polrestabes as a form of peace between the perpetrator, the perpetrator's family and the victim's and the victim's family, therefore in our opinion *Restorative Justice* is a form of settlement with peace between the perpetrator, the perpetrator's family with the victim and the victim's family. for us, *Restorative Justice* is a relieved peace. Although criminal law does not recognize peace, however, *Restorative Justice* We implement it because we think it is more useful.”

Based on interviews with investigator Ipda Faizal, S.H., restorative *Justice* stated that: “*Restorative Justice* is a system of peace between parties who commit crimes and victims. So, *Restorative Justice* is a system of reconciliation of the parties. Understanding, *Restorative Justice* is a means of treating the victim's suffering that the purpose of the crime is not only to punish but also to rehabilitate the victim.

Principle *Restorative Justice* for me is an option for the resolution of matters involving children because, in my opinion, the resolution of matters in restorative *Justice* involves both the perpetrator and the victim so it is hoped that someone will be responsible for the victim. We know that this principle promotes peace, so this model is a form of legal settlement outside the court.”

Based on interviews with investigators Mr AKP Ismail explained: "In implementation restorative *justice* where in this model directly brings together victims and perpetrators, this model also involves various parties who meet attended by appointed mediators and can be held at every stage of the process. Considering that mediation in cases of domestic violence is mostly carried out at the investigative stage, investigators at the Makassar Polrestabes are often asked to directly act as mediators by both parties to the conflict. In this model, the moderator does not direct but helps the parties to formulate goals so that the desire for problem-solving and the form of resolution are truly pure from both parties. Third parties do not dictate and force the parties to choose the form of settlement. Thus the goal in-win *solution* is expected to be achieved. In addition, the presence of investigators as mediators is important as a guide for

restorative *justice* It remains integrated with the criminal justice system. According to what is decided in restorative *justice* will have the force of law.

In its development, the settlement of matters outside the court through restorative *justice* according to Mr AKP Ismail can be done on condition that: "Settlement of criminal cases by using restorative *justice* must be agreed upon by the parties to the dispute, but if there is no new agreement resolved by applicable legal procedures professionally and proportionately.

Informants/victims also provided in-depth information about the forms of violence they experienced. As stated by NF: "Yes, I was beaten by my husband resulting in a bruise on my right eye, abrasions and bruises on my left wrist and the sole of my right foot, a burn from being scalded with hot water on my right thigh. dik said glory *be to God it's* okay to hit a little bit, just shy. he was deliberately listening to people. This isn't bad about my husband, but the reality is, for a husband and wife relationship, if I don't want to, I don't force it.

Mrs NF or the first informant in this study, gave information about her husband's behaviour, in addition to hitting, spitting, also kicking while pregnant and coercion in having marital relations, regardless of the readiness and condition of Mrs NF, as said by Mrs NF.

Furthermore, Mrs TH also gave her statement regarding the forms of violence perpetrated by her husband, in the form of beatings, neglect of the household by not providing a living for Mrs TH, and sexual violence in the name of religion. As stated by Mrs TH that: Usually it hits, when TH comes home there is no food to cook, no matter what the living is not given. Every time I went out of the house, my husband would always look for me to find me, so I couldn't go anywhere.

The form of violence experienced by Mrs SA, who was the fourth informant, was the violence committed by her husband apart from physical violence by using objects, psychological violence in the form of restraint and an attitude of her husband who had excessive jealousy caused Mrs SA's social access to be absent. As stated by Mrs SA, namely that apart from hitting things with things, when she is angry she destroys TVs, radios, and all kinds of things. My husband also likes to be restrained, once at that time I wanted to go to a yasinan, or go out of the house and not say goodbye to SN, after arriving home my husband was angry and screaming with his words which hurt me, he also often Slamming things in the house, for example, I want to go and then try to ask permission, it's never been allowed, but my husband still respects me, especially in conjugal relations, my husband won't force me if I refuse.

Based on the results of the interview with the victim (WA), information was obtained that: "I received harsh treatment from my husband where there were beatings and abuse, hitting my hands and feet until they were bruised, but I still forgave my husband because I have 2 young children- small.

Based on the results of the interview with the victim (KL), information was obtained that: "I received harsh treatment from my mother because she did not want to study, so my mother hit her with a palm fibre broom and caused bruises on her left upper arm and forearm so she could not stand up.

Based on the results of the interview with the victim (IA), information was obtained that: "I received harsh treatment from my mother because she did not want to study, so my mother hit her with a palm fibre broom and caused bruises on her left upper arm and forearm so that she could not stand up.

Related to the behaviour of husbands (men) who commit acts of violence against their wives (women) can be categorized as deviant behaviour. Because the husband should be a protector for his wife and children and families who live under one roof (house).

Even so, the driving factor for the occurrence of domestic violence can be caused by various factors, both those influenced by external factors, but also due to factors within the perpetrator himself. In this case, the husband/perpetrator of domestic violence who has the heart to commit violence against his wife also participates in providing his information or reasons for committing the act of violence against his wife. As expressed by P (NF's husband): "Yes, the reason I did this to my wife was that the children's mother could not manage all her household affairs properly, be it taking care of children or dealing with financial problems. So I yeah, did that.

Even though P committed acts of violence against NF, P also conveyed his rights and obligations as a husband, that: Yes, I know, it's my duty as a husband to provide for my wife and children and me, as a husband too, must know the expenses incurred my wife for household needs.

Followed by the second informant who is the husband of Mrs TH, namely Mr MA, stated the reason for committing acts of domestic violence, namely his wife (Mrs TH) who could not carry out her duties as a wife properly and explained her rights and obligations to her wife, namely providing a place to live and a living. He also said the reason I did that with my wife was that my wife couldn't do her job as a wife properly. If it's my obligation as a husband, it's to give my wife a decent place to live and then provide a living.

Next is Mr A who is the third informant and husband of Mrs SA. The reason he often commits acts of domestic violence is: "I also do it for a reason, because the wife demands too much, want too much, besides that she can't carry out her duties as a wife properly."

The fourth informant is Mrs WA's husband, namely SN. He gave his opinion regarding the reason why he often commits acts of violence against Mrs S, namely: "The reason why I often do this is that my wife cannot manage the household properly. Apart from that, WA also explained his rights and obligations as a husband, namely only to provide a place to live for his wife and children.

The fifth informant was Mrs N (Mother and Victim of KL), she stated that the reason for committing acts of physical violence against her child was that KL did not want to study and do her online assignments and did not want to help her mother who was selling cakes at the market.

From several cases of domestic violence at the Makassar Polrestabes, the results of the mediation carried out were in the form of mutual forgiveness from both parties and a desire to

improve the household situation, and there was no other concept of mediation. As explained by Akp Ismail, the concept of mediation carried out by the Makassar Polrestabes is indeed only to improve the relationship between husband and wife by forgiving each other and has not reached the concept of providing compensation, except in cases of domestic violence which lead to divorce, the Makassar Polrestabes will assist victims through legal assistance to victims to get a living during the iddah period and child care rights.

2. Obstacles in Completion of Crimes Based on Domestic Violence Restorative Justice at Makassar Polrestabes

Settlement of criminal cases through mechanisms outside the judiciary is currently being carried out more frequently and can be accepted by society because it is felt that it is more capable of reaching a sense of justice, although practitioners and legal experts are of the view that alternative *dispute resolution* (ADR) can only be applied in civil cases, not to resolve criminal cases because criminal cases cannot be resolved through mechanisms outside the court.

Settlement of internal matters *restorative justice* can be exemplified in the form of *restorative justice*, because of the impact it has *restorative justice* is very significant in the enforcement process even though it may deviate from the system's legal procedures. The formulation of legal principles to resolve criminal cases is carried out through *restorative justice* which is verified from legal ideals and legal principles. Therefore the pattern of mediation that is applied must refer to the values of justice, the value of legal certainty and expediency. The sense of justice sometimes lives outside the law, what is clear is that the law will be very difficult to balance. Vice versa, the law itself is felt to be unfair when a sense of justice exists and is felt by a collective majority, and then legal certainty will move towards a sense of justice itself. Legal certainty is a sense of justice itself because justice and law are not two separate elements.

Policies for dealing with cases of domestic violence through *restorative justice* as an alternative to the settlement of domestic violence crimes in its application, there are several obstacles including

1. Not yet institutionalized the settlement process through *restorative justice among* law enforcement and the public
2. The absence of a strong legal basis for settlement through mediation has resulted in law enforcement officials not having the courage to exercise discretion.
3. The criminal justice system spearheads the investigative process, if the suspect has been subject to detention in the investigative process then inevitably it will continue in the next process, namely prosecution and trial. If the suspect has been detained, there is no other choice but for the judge to impose a prison sentence, as a result, the mediation process cannot be carried out.
4. For the victim, especially a wife, sometimes they don't want to do *restorative justice*, especially if previously there was another ideal man, then having a sentencing decision will make the divorce process easier

5. The consequences or adverse effects of the crime of domestic violence are severe enough that the victim cannot forgive.
6. The parties did not comply with the decision of *restorative justice*, for example, the defendant repeats the crime again
7. Public distrust of law enforcement officials, so that if law enforcement officials become mediators, the public will have a negative perception, giving rise to unwarranted suspicions.

Restorative Justice is one of the instruments of the concept of justice. The parties who determine the value of justice they want are not the judiciary. Based on the results of interviews with investigators from the Makassar Polrestabes Police, they said that the involvement of law enforcement officers in resolving cases of domestic violence was only as a mediator. *Restorative Justice* is a suitable dispute resolution method in dealing with cases of domestic violence in Indonesia. Based on interviews with Makassar Polrestabes Police Investigators Iqda Salahuddin. This is because the majority of people still prioritize peaceful resolution of disputes, especially in family disputes because family harmony and integrity is a priorities in the culture of Indonesian society which is continuously maintained.

In applying or implementing the concept of restorative justice, police investigators often experience doubts in making decisions during the investigation process, especially if the perpetrators/their families and the victims/their families and the community want peace in resolving cases or disputes. This is because there are no rules or legal umbrellas or formal procedures/mechanisms to accommodate this, so this situation becomes a dilemma for Polri investigators in the field based on the following factors:

1. Concerns or fears that investigators will be blamed by the leadership or superiors and questioned in the supervision and examination by supervisory institutions and internal police examiners who use formal procedural parameters.
2. There is no legal umbrella that regulates and becomes the basis for legitimacy in making decisions in the investigation process whether it is based on a concept of *restorative Justice* or other approach concepts that are compatible with the low sociological *Jurisprudence*.
3. There is no formal procedural procedure or mechanism to implement it

In addition to the obstacles above, there are several technical obstacles experienced by investigators in applying the principles of *restorative justice* against crimes of domestic violence are as follows:

1. It is difficult for parties who are victims of violence to be consulted to reach a consensus and difficult to compromise. This is because there is still a grudge that is difficult to forgive or in other words, the victim is already hurt by the perpetrator of the crime. The victim prefers that the perpetrator be punished according to the actions he has committed. This is intended so that the perpetrators are deterrents and do not repeat their mistakes. Then the average victim does not believe that peace or mediation can guarantee that the perpetrator will not repeat his actions. So that victims think that the perpetrators should be sentenced to prison to create a deterrent effect for the perpetrators.

2. The obstacle was when inviting the victim and his family which at that time had not yet accepted the existence of a crime committed by the perpetrator.
3. Determine the right time to discuss peace and it can be attended by both parties, both victims and perpetrators and their families.
4. There is a request for a sum of money or other material from the victim or his family to the perpetrator
5. Another obstacle also comes from the perpetrators themselves, where the perpetrators feel that it is better to be punished and put in prison than have to make peace with the victim. This can be seen from the case data. Domestic Violence in the Legal Area of the Makassar Polrestabes Police Where two cases have reached the P-21 level.

The obstacles experienced by the Makassar Polresabes Police in resolving cases of domestic violence, among others, are related to legal formulations or substance, institutional or structural issues, and cultural or cultural issues that live and develop in society. This is consistent with Lawrence M. Friedman's theory regarding three elements of the legal system, namely legal structure regarding law enforcement officials, legal substance regarding laws and regulations, and legal culture or legal culture, namely views that live and develop in society.

These things are related to the knowledge possessed by law enforcement officers and public knowledge about the application of the principles of restorative justice. Based on these aspects, the obstacles experienced include:

1. The number of policewomen is still minimal
2. Inadequate understanding of gender
3. Understanding of principles of *restorative justice*, not deep
4. The application of restorative justice is considered not to deter the offender and it is possible to repeat the act
5. Not all cases can be resolved with restorative justice because there is an assumption that the wrong person must be punished.

Efforts made to overcome obstacles in the Settlement of Domestic Violence Crimes Based on restorative *Justice* by the Makassar Polrestabes Police are to provide advice to the complainant and the reported what the harm will be if this case is extended/goes to court, and both the families of the reporting and reported participate in signing the results of the agreement or agreement that has been agreed upon. Based on restorative *justice* is the need for confirmation of standardized mediation qualifications in the form of more concrete formulations so that implementation is by the expected goals so as not to cause doubts for Polri investigators. It is necessary to train mediators at the investigative level, not only from investigators to produce professional mediators who have integrity so that the resolution of cases of domestic violence gets solutions and does not lead to things that are not right.

Investigators or the police can provide an understanding to victims or perpetrators about the path that should be taken to resolve cases of domestic violence. *Restorative justice* must be carried out by providing an understanding of victims and perpetrators, as well as families of

victims and families of perpetrators to jointly decide on appropriate actions against perpetrators of crimes

CONCLUSION

1. Apply principles of *restorative justice* in the settlement of acts of domestic violence committed by perpetrators. Application of principles of *restorative justice* conducted by Polrestabes Makassar is part of alternative *Dispute Resolution* or ADR which, among other things, went through the peace process, stopped the investigation due to reaching an agreement, did not detain the perpetrator, continued to determine the suspect, considered certain aspects for mediation, decided to reconcile between the victim and the perpetrator, Considerations of the Makassar Police Investigator in the process of resolving the case Domestic Violence through approach *restorative justice* the emphasis is not on law enforcement but on the values of expediency and justice as the basis for the needs or interests of the parties to find a solution, as well as avoidance of a lengthy criminal justice process.
2. The Makassar Polrestabes Police should start socializing Perkap No. 6 of 2019 concerning *Restorative Justice* which governs the settlement of matters using principles of *restorative justice* so that people's views through the prison process shift to recovery through the peace process. The professionalism the work of law enforcement officials is also required to always be ready with a deep understanding of the principles and their application so that they are in the process of implementing *restorative justice* in a case can provide the best benefit for the perpetrator and by the objectives of punishment

SUGGESTION

1. The need for confirmation of qualification *for restorative justice* is standardized in the form of a more concrete formulation so that implementation is by the expected goals.
2. The need for mediator training at the investigative level at the Makassar Polrestabes not only from investigators to produce professional mediators who have integrity so that the settlement of cases of domestic violence gets a solution and does not lead to things that are not right. The Law on the Elimination of Domestic Violence needs to be reviewed, bearing in mind that there have been many acts of violence that have been regulated in other laws such as the Criminal Code and the Child Protection Law so that there is no overlap in implementation.

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