

RINGKASAN

Penegakan hukum tindak pidana pencurian di Indonesia selama ini masih didominasi oleh paradigma retributif yang menitikberatkan pada penghukuman pelaku melalui proses peradilan formal. Paradigma tersebut dalam praktik sering kali belum sepenuhnya mampu mewujudkan keadilan substantif, khususnya bagi korban dan masyarakat, serta berkontribusi terhadap permasalahan penumpukan perkara dan overkapasitas lembaga pemasyarakatan. Seiring dengan perkembangan hukum pidana modern, pendekatan keadilan restoratif (*Restorative Justice*) mulai diperkenalkan sebagai alternatif penyelesaian perkara pidana yang lebih humanis, dengan menekankan pemulihan kerugian korban, tanggung jawab pelaku, dan pemulihan harmoni sosial. Penelitian ini bertujuan untuk menganalisis efektivitas penerapan *Restorative Justice* terhadap penegakan hukum tindak pidana pencurian di wilayah hukum Polresta Cilacap, serta mengidentifikasi kendala-kendala yang dihadapi dalam pelaksanaannya. Metode penelitian yang digunakan adalah penelitian yuridis empiris dengan pendekatan deskriptif analitis, yaitu dengan mengkaji ketentuan normatif yang mengatur *Restorative Justice*, khususnya Peraturan Kepolisian Negara Republik Indonesia Nomor 8 Tahun 2021, serta mengaitkannya dengan praktik penanganan perkara pencurian berdasarkan data empiris dan studi kasus di Polresta Cilacap. Hasil penelitian menunjukkan bahwa penerapan *Restorative Justice* terhadap tindak pidana pencurian di wilayah hukum Polresta Cilacap pada tahun 2024–2025 telah berjalan cukup efektif. Hal ini ditunjukkan dengan berhasil diselesaikannya lima perkara tindak pidana pencurian melalui mekanisme *Restorative Justice*, yang mencakup pencurian biasa maupun pencurian dengan pemberatan. Penerapan pendekatan ini didasarkan pada pertimbangan nilai kerugian yang relatif terbatas, adanya hubungan sosial tertentu antara pelaku dan korban, pelaku bukan residivis, serta adanya kesediaan dari kedua belah pihak untuk mencapai perdamaian dan pemulihan kerugian. Namun demikian, penelitian ini juga menemukan beberapa kendala dalam pelaksanaan *Restorative Justice*. Kendala tersebut berupa: kelemahan substansi hukum, seperti Peraturan Kepolisian Negara Republik Indonesia Nomor 8 Tahun 2021 tentang Penanganan Tindak Pidana berdasarkan Keadilan Restoratif yang perlu diperbarui lagi secara substansinya agar lebih dinamis, kelemahan struktural dalam penegakan hukum, seperti perlu adanya peningkatan penyelesaian perkara tindak pidana pencurian dengan pendekatan *Restorative Justice*, mengingat perlu adanya pergeseran dari konsep pemidanaan menjadi konsep restoratif, kelemahan budaya hukum, seperti belum meratanya pemahaman *Restorative Justice* di masyarakat Kabupaten Cilacap. Selain itu, penerapan *Restorative Justice* masih sangat bergantung pada aparat penegak hukum dan kesediaan korban, sehingga belum dapat diterapkan secara merata. Berdasarkan temuan tersebut, dapat disimpulkan bahwa *Restorative Justice* memiliki potensi besar sebagai instrumen penegakan hukum yang efektif dan berkeadilan dalam perkara tindak pidana pencurian, namun memerlukan penguatan regulasi, peningkatan kapasitas aparat penegak hukum, serta peningkatan kesadaran hukum masyarakat agar dapat diterapkan secara optimal dan berkelanjutan.

SUMMARY

Law enforcement of theft offenses in Indonesia has long been dominated by a retributive paradigm that emphasizes the punishment of offenders through formal judicial processes. In practice, this paradigm has not always been able to achieve substantive justice, particularly for victims and the community, and has contributed to case backlogs and prison overcrowding. Along with the development of modern criminal law, the concept of restorative justice has emerged as an alternative approach to criminal case settlement, focusing on the restoration of victims' losses, the accountability of offenders, and the restoration of social harmony. This study aims to analyze the effectiveness of the implementation of Restorative Justice in the enforcement of theft offenses within the jurisdiction of the Cilacap Police Resort (Polresta Cilacap), as well as to identify the obstacles encountered in its implementation. The research employs an empirical juridical method with a descriptive-analytical approach, examining the normative framework governing Restorative Justice, particularly Regulation of the Chief of the Indonesian National Police Number 8 of 2021, and correlating it with empirical data and case studies on the handling of theft cases at Polresta Cilacap. The findings indicate that the application of Restorative Justice in theft cases within the jurisdiction of Polresta Cilacap during 2024–2025 has been relatively effective. This is evidenced by the successful resolution of five theft cases through Restorative Justice mechanisms, including ordinary theft and aggravated theft. The application of this approach was based on considerations such as the relatively small value of losses, the existence of social relationships between the offender and the victim, the offender not being a recidivist, and the willingness of both parties to reach an agreement aimed at restoring losses. These obstacles are in the form of: weaknesses in legal substance, such as the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Crimes based on Restorative Justice which needs to be substantially updated to be more dynamic, structural weaknesses in law enforcement, such as the need to improve the settlement of theft cases with a Restorative Justice approach, considering the need for a shift from the concept of criminalization to a concept restorative culture, weaknesses of legal culture, such as the uneven understanding of Restorative Justice in the people of Cilacap Regency. Moreover, the application of Restorative Justice remains highly dependent on the discretion of law enforcement officers and the consent of victims, resulting in uneven implementation. Based on these findings, it can be concluded that Restorative Justice has significant potential as an effective and equitable instrument in the enforcement of theft offenses. However, its optimal and sustainable implementation requires regulatory strengthening, enhancement of law enforcement capacity, and increased public legal awareness.