

Abstract

The resolution of domestic violence (DV) cases through a restorative justice approach is an alternative to conventional criminal justice, which tends to be retributive (punitive). Although aimed at restoring family harmony, the application of this concept in cases of DV still generates debate regarding the aspect of victim protection. The purpose of this study is to analyze the effectiveness of the application of restorative justice in resolving domestic violence crimes and to identify inhibiting factors in its implementation. The research method used is empirical juridical with a sociological legal approach. Primary data was obtained through interviews with the Gunungsitoli Prosecutor's Office and legal academics, while secondary data was obtained through document studies of related regulations, such as Police Regulation No. 8 of 2021. The results show that the application of restorative justice is quite effective in resolving domestic violence classified as minor psychological or physical violence (complaint offenses), which is characterized by the restoration of the husband-wife relationship and a commitment to peace. However, this restoration is considered ineffective in severe physical DV due to the power imbalance that places the victim in a weak bargaining position, as well as the high risk of re-victimization. Major obstacles to its implementation include the lack of a post-peace agreement monitoring mechanism and limited understanding of gender perspectives among law enforcement officials. The study's conclusions confirm that restorative justice can be an absolutely effective instrument if applied selectively, on a case-by-case basis, and accompanied by regular monitoring to ensure victim safety.

Keywords: Legal Effectiveness, Domestic Violence, Restorative Justice.

Abstrak

Penyelesaian perkara Kekerasan Dalam Rumah Tangga (KDRT) melalui pendekatan *restorative justice* sebagai alternatif dari peradilan pidana konvensional yang cenderung retributif (menghukum). Meskipun bertujuan untuk memulihkan keharmonisan keluarga, penerapan konsep ini dalam kasus KDRT masih menimbulkan perdebatan terkait aspek perlindungan korban. Tujuan penelitian ini adalah untuk menganalisis efektivitas penerapan *restorative justice* dalam penyelesaian tindak pidana KDRT serta mengidentifikasi faktor penghambat dalam implementasinya. Metode penelitian yang digunakan adalah yuridis empiris dengan pendekatan sosiologi hukum. Data primer diperoleh melalui wawancara dengan Kejaksaan Negeri Gunungsitoli dan akademisi hukum, sedangkan data sekunder diperoleh melalui studi dokumen terhadap regulasi terkait, seperti Peraturan Kepolisian No. 8 Tahun 2021. Hasil penelitian menunjukkan bahwa penerapan *restorative justice* cukup efektif dalam menyelesaikan KDRT yang tergolong kekerasan psikis atau fisik ringan (delik aduan), yang ditandai dengan pulihnya hubungan suami-istri dan adanya komitmen perdamaian. Namun, pemulihan ini dinilai tidak efektif pada KDRT fisik berat karena adanya ketimpangan relasi kuasa (*power imbalance*) yang menempatkan korban dalam posisi tawar yang lemah, serta tingginya risiko kekerasan berulang (*revictimization*). Hambatan utama dalam implementasinya mencakup belum adanya mekanisme pengawasan pasca-kesepakatan perdamaian serta keterbatasan pemahaman aparat penegak hukum mengenai perspektif gender. Kesimpulan penelitian ini menegaskan bahwa *restorative justice* dapat menjadi instrumen yang efektif mutlak jika diterapkan secara selektif, kasuistik, dan disertai dengan pengawasan berkala demi menjamin keselamatan korban.

Kata kunci: Efektivitas Hukum, Kekerasan Dalam Rumah Tangga, *Restorative Justice*.