

ANALYSIS OF THE RESOLUTION OF ASSAULT CASES THROUGH THE RESTRIBUTIVE JUSTICE APPROACH AT THE SORONG AIMAS POLICE

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Abstrak

Penelitian ini membahas penyelesaian kasus penyerangan melalui pendekatan keadilan retributif di Polda Sorong Aimas. Kejahatan penyerangan adalah bentuk kejahatan terhadap tubuh yang dapat menyebabkan kerugian fisik, psikologis, dan sosial bagi korban. Dalam menyelesaikannya, pendekatan keadilan retributif menekankan pentingnya pertanggungjawaban pidana pelaku melalui proses hukum yang tegas, proporsional, dan berorientasi pada kepastian hukum. Penelitian ini bertujuan untuk menganalisis dasar hukum, mekanisme penyelesaian, dan relevansi pendekatan keadilan retributif dalam penanganan kasus penyerangan di tingkat kepolisian. Metode yang digunakan adalah penelitian hukum normatif dengan pendekatan undang-undang, konseptual, dan kasus. Data diperoleh melalui tinjauan literatur peraturan perundang-undangan, jurnal ilmiah, buku hukum pidana, dan sumber resmi terkait rediskusi pidana. Hasil penelitian menunjukkan bahwa penyelesaian kasus penyerangan melalui pendekatan keadilan retributif memainkan peran penting dalam menegakkan peradilan pidana, memberikan efek jera bagi pelaku, dan menjamin perlindungan hukum bagi korban. Polda Sorong Aimas, sebagai lembaga penegak hukum, memiliki peran strategis dalam memastikan proses penyidikan dan penyelidikan berjalan secara profesional, objektif, dan berdasarkan bukti yang sah.

Kata kunci: penganiayaan; keadilan pembalasan; penyelidikan; Polres Sorong Aimas; hukum pidana.

Abstract

This study examines the settlement of assault cases through the retributive justice approach at Sorong Aimas Police Department. Assault is a criminal offense against the body that may cause physical, psychological, and social harm to the victim. In its settlement, the retributive justice approach emphasizes the importance of criminal accountability through a firm, proportional, and legally certain process. This study aims to analyze the legal basis, settlement mechanism, and relevance of the retributive justice approach in handling assault cases at the police investigation level. The research uses normative legal research with statutory, conceptual, and case approaches. The data were obtained through library research involving laws and regulations, legal journals, criminal law books, and official sources related to criminal investigation. The results show that resolving assault cases through the retributive justice approach plays an important role in enforcing criminal justice, creating a deterrent effect for offenders, and ensuring legal protection for victims. Sorong Aimas Police Department has a strategic role in ensuring that investigation procedures are conducted professionally, objectively, and based on valid evidence..

Keywords: retributive justice; criminal investigation; Sorong Aimas Police Department; criminal law.

1. INTRODUCTION

The crime of assault is a form of crime against the body that still frequently occurs in society. Assault is understood not only as an act of physical violence, but also as an act that has legal consequences because it attacks a person's safety, health, and dignity. In practice, cases of assault can arise for various reasons, such as personal conflicts, family disputes, quarrels between residents, the influence of momentary emotions, and even unresolved social issues. Therefore, assault is a criminal law issue that requires firm handling to prevent it from escalating into more serious acts of violence.

In Indonesian criminal law, assault is classified as a crime related to the protection of the human body. This act can result in minor injuries, serious injuries, or even death if carried out in a dangerous manner. Regulations regarding crimes against the body demonstrate the state's obligation to protect every citizen

from acts of violence that harm physical or psychological safety. In the context of criminal law reform, Law Number 1 of 2023 concerning the Criminal Code also maintains that violence against the body is an act that requires criminal accountability.[1] This shows that protection for victims of abuse is an important part of the national criminal law system.

The resolution of assault cases is fundamentally inseparable from the role of the police as law enforcement officers in the initial stages of the criminal process. The police have the authority to receive reports, conduct investigations, gather evidence, question witnesses, question victims, apprehend perpetrators, and proceed to the investigation stage. Regulation of the Chief of the Indonesian National Police Number 6 of 2019 concerning Criminal Investigations emphasizes that the investigation process must be conducted professionally, transparently, and accountably.[2] In cases of assault, the investigator's thoroughness is crucial because these cases often depend on the victim's testimony, witness testimony, post-mortem examination results, and other evidence that demonstrates the consequences of the violent act.

The Sorong Aimas Police, as part of the police force, plays a crucial role in handling assault cases occurring within its jurisdiction. The Sorong Aimas region has diverse social dynamics, creating the potential for conflict between individuals and groups that can arise in various forms. When such conflicts escalate into violence, the police need to be present to ensure that resolution is based on the law, not on personal vengeance or social pressure. The presence of the Sorong Aimas Police in handling assault cases is crucial because a proper legal process can provide certainty to victims, the community, and perpetrators regarding the consequences of a criminal act.

In resolving assault cases, the retributive justice approach is an important perspective to analyze. Retributive justice is an approach to criminal justice that emphasizes that perpetrators of crimes must receive punishment commensurate with their actions. This approach differs from restorative justice, which focuses more on restoring relationships and reconciliation between the parties involved. In retributive justice, the primary focus is on the perpetrator's culpability, the consequences, and the need for criminal sanctions as a form of legal accountability.[3]. Thus, this approach is relevant to use in cases of abuse, especially if the perpetrator's actions cause injury, trauma or a serious threat to the victim's safety.

The retributive justice approach does not necessarily imply harsh enforcement of the law without considering the circumstances of the case. Rather, this approach demands that punishment be proportionate to the perpetrator's level of culpability and the consequences for the victim. In cases of assault, this proportionality can be determined by several factors, such as the form of violence, the instrument used, the extent of the injury, the motive, the relationship between the perpetrator and the victim, and the subsequent social impact. Therefore, investigators are not only tasked with proving that assault occurred but also with establishing a clear case structure to ensure a fair legal process.

The importance of proof in assault cases also relates to the need to avoid errors in the law enforcement process. One form of evidence frequently used in assault cases is a post-mortem examination (*visum et repertum*), a written statement from a doctor regarding the victim's condition after experiencing violence. A post-mortem examination can help investigators assess the extent of injuries and the relationship between the perpetrator's actions and the consequences experienced by the victim.[4] In addition to the post-mortem examination, witness and victim testimony is also crucial in establishing the chain of events in a criminal case. Without strong evidence, the process of resolving assault cases can encounter obstacles, both during the investigation stage and when the case is handed over to the prosecutor's office.

Although the restorative justice approach is increasingly used in resolving certain criminal cases, retributive justice still holds a vital place in the criminal law system. Not all cases of abuse can be resolved through reconciliation or restoration of relationships. In certain cases, particularly when the perpetrator's actions result in serious injuries, are repeated, involve severe violence, or create public unrest, a firm legal process is still necessary. While Indonesian National Police Regulation Number 8 of 2021 does open up opportunities for resolving criminal acts based on restorative justice, its implementation must meet certain requirements and must not disregard the interests of victims or public order.[1] Therefore, an analysis of the retributive justice approach is important so that the resolution of assault cases is not solely directed at reconciliation, but also considers a sense of justice and legal certainty.

In the context of the Sorong Aimas Police Department, the application of a retributive justice approach can be seen in how police officers carry out legal proceedings against perpetrators of assault. If a case meets the elements of a crime and is supported by sufficient evidence, the perpetrator must be prosecuted according to applicable law. This process aims not only to punish the perpetrator but also to convey a message to the public that acts of violence are unacceptable. With criminal sanctions, the law serves a deterrent function, both for the perpetrator to prevent repeat offenses and for the public to refrain from similar actions.

Based on the above description, this study aims to analyze the resolution of assault cases through a

retributive justice approach at the Sorong Aimas Police Resort. The main focus of this study is to examine the legal basis for resolving assault cases, the mechanisms for handling cases by the police, and the relevance of the retributive justice approach in providing legal certainty, a deterrent effect, and protection for victims. This research is important because assault cases involve not only the relationship between the perpetrator and the victim, but also the state's role in maintaining public order and enforcing criminal law fairly.

The research questions are as follows: First, what is the legal basis for resolving assault cases using a retributive justice approach? Second, what is the mechanism for resolving assault cases at the Sorong Aimas Police Department? Third, how relevant is the retributive justice approach in providing legal certainty, a deterrent effect, and protection for victims? These research questions serve as the basis for developing an analysis so that this research is not only descriptive but also provides a legal assessment of the resolution of assault cases at the police level.

The purpose of this study is to determine and analyze the legal basis for resolving assault cases through a retributive justice approach, explain the mechanism for resolving assault cases at the Sorong Aimas Police, and assess the relevance of the retributive justice approach in the criminal law enforcement system. Theoretically, this study is expected to contribute to the development of criminal law studies, particularly regarding the relationship between the crime of assault and the theory of retributive justice. Practically, this study is expected to provide consideration for law enforcement officers in handling assault cases professionally, objectively, and oriented towards legal certainty and victim protection.

2. LITERATURE REVIEW

The Crime of Assault from a Criminal Law Perspective

The crime of assault is an act that unlawfully attacks a person's body or health. In criminal law, assault is not only defined by the physical violence, but also by the consequences it causes to the victim. These consequences can include pain, minor injuries, serious injuries, health problems, and even death. Therefore, assault is a criminal act that requires serious attention because it directly relates to protecting human safety.

In the Criminal Code, assault is recognized as a form of crime against the body. This act has several levels, ranging from simple assault, minor assault, serious assault, to assault resulting in serious injury or death. The different levels of assault influence the severity of the penalty that can be imposed on the perpetrator. This demonstrates that criminal law not only assesses the perpetrator's actions but also considers the actual consequences experienced by the victim.[1].

Abuse can also be understood as a violation of the victim's right to live safely and free from violence. When someone commits abuse, they not only violate social norms but also legal norms protected by the state. Therefore, resolving abuse cases cannot be viewed solely as a personal matter between the perpetrator and the victim. In certain cases, the state needs to intervene through law enforcement to ensure that the perpetrator is held accountable for their actions in accordance with applicable law.

In practice, cases of abuse are often influenced by various factors, such as momentary emotions, revenge, family disputes, conflicts between friends, fights, or social issues within the community. However, whatever the cause, acts of violence cannot be justified if they meet the elements of a crime. Therefore, the resolution of abuse cases must be carried out carefully to ensure that the legal process is based not only on punishment but also on valid evidence and does not harm innocent parties.

The Concept of Retributive Justice

Retributive justice Retributive justice, or retributive justice, is a concept of criminal justice that emphasizes that perpetrators of criminal acts must receive punishment as a consequence of their actions. In this approach, punishment is seen as a legitimate form of retaliation from the state against perpetrators of crimes. This retaliation is not intended as an act of personal revenge, but rather as a form of legal accountability imposed through a legitimate judicial process.

The concept of retributive justice is based on the idea that anyone who commits a criminal offense should receive consequences commensurate with their crime. This means that the more severe the consequences of a crime, the greater the criminal responsibility the perpetrator must bear. In the context of abuse, this approach is relevant because the victim experiences real harm, both physical and psychological. Therefore, the perpetrator cannot simply be released without legal accountability.[3].

Retributive justice is also closely linked to legal certainty. Through this approach, society learns that every act of violence has legal consequences. With criminal sanctions, the law not only provides appropriate retribution but also maintains social order. If abuse is allowed to continue without a clear legal process, society can lose trust in law enforcement. This situation can even encourage personal retaliation outside the legal framework.

However, retributive justice should not be understood as excessive punishment. Punishment in retributive justice must still be administered proportionally. Proportionality means that criminal sanctions must be adjusted to the level of culpability of the perpetrator, the consequences experienced by the victim, the motive for the act, and the circumstances surrounding the crime. Therefore, retributive justice still requires objective legal assessment to ensure that the punishment is neither lighter nor heavier than the perpetrator's culpability.

The Difference Between Retributive Justice and Restorative Justice

In the development of modern criminal law, two approaches are often compared: retributive justice and restorative justice. Retributive justice emphasizes the perpetrator's culpability and the imposition of punishment as a form of criminal accountability. Meanwhile, restorative justice emphasizes restoration, reconciliation, and the involvement of the perpetrator, victim, and community in resolving the case. These two approaches have different goals, but both can be used in the criminal law system as long as they are applied appropriately to the nature of the case.

In cases of abuse, restorative justice can be used if the case is relatively minor, the victim is willing to reconcile, the losses can be recovered, and legal requirements are met. However, not all abuse cases are appropriately resolved through this mechanism. If the abuse results in serious injuries, is repeated, uses dangerous tools, or creates public unrest, a retributive justice approach becomes more relevant. In such circumstances, legal proceedings are necessary to emphasize that violence cannot be resolved through informal reconciliation alone.[5].

The difference between the two approaches can be seen in their resolution orientation. Restorative justice prioritizes relationship restoration, while retributive justice prioritizes criminal accountability. However, in legal practice, the two need not always be in absolute conflict. In the initial stages, the police can assess whether a case meets the requirements for restorative resolution or whether it should proceed to regular criminal proceedings. If the criminal element is strong and the consequences are serious, then a retributive approach to resolution is essential to maintain legal certainty.

Thus, the retributive justice approach remains crucial in resolving assault cases. This approach serves to maintain the authority of the law, protect victims, and deter perpetrators. Furthermore, its application must adhere to the principles of justice, which must not be arbitrary and must be based on valid evidence.

Criminal Investigation by the Police

The police play a central role in the initial stages of criminal law enforcement. In assault cases, the legal process typically begins with a report or complaint filed by the victim with the police. Once the report is received, investigators undertake a series of steps to determine whether an incident can be classified as a crime. If sufficient preliminary evidence is found, the case can be escalated to the investigation stage.

Investigation is a crucial process because at this stage, police officers gather evidence, examine witnesses, question victims, question the accused, and gather supporting documents. According to Regulation of the Chief of the Indonesian National Police Number 6 of 2019, investigative activities include inquiry, commencement of investigation, coercive measures, examination, suspect determination, filing, case file submission, submission of suspects and evidence, and termination of investigation.[2] These stages demonstrate that an investigation is not a simple process, but rather a series of legal actions that must be carried out in an orderly manner.

In cases of assault, investigators must ensure that every element of the crime can be proven. These elements may relate to the act of violence, the presence of a victim, the presence of consequences such as pain or injury, and the relationship between the perpetrator's actions and the consequences experienced by the victim. To strengthen their evidence, investigators can request a post-mortem examination (*visum et repertum*) from medical personnel. The post-mortem examination plays a crucial role because it can objectively describe the victim's physical condition.

Professional investigations are crucial to prevent errors in case handling. If investigations are poorly conducted, cases can face obstacles when being transferred to the prosecutor's office.

Conversely, if investigations are conducted meticulously, the legal process can proceed more robustly, supported by clear evidence. Therefore, in the context of the Sorong Aimas Police, the quality of investigations is an important measure for assessing the application of a retributive justice approach in resolving assault cases.

Evidence in Cases of Assault

Evidence is a crucial component of resolving criminal cases. In cases of assault, evidence is necessary to ensure that the reported act actually occurred and that the perpetrator can be held legally accountable. Without sufficient evidence, an assault case can be weakened and risk not being able to proceed to prosecution. Therefore, investigators must ensure that the evidence gathered directly relates to the criminal incident.

One of the pieces of evidence frequently used in assault cases is a post-mortem examination (*visum et repertum*). A post-mortem examination is a written statement from a doctor describing the condition of the victim's body after experiencing violence. Through a post-mortem examination, investigators can determine the type of injury, the extent of the injury, the cause of the injury, and any possible connection between the injury and the violence experienced by the victim. Thus, a post-mortem examination helps corroborate the testimony of victims and witnesses in proving the existence of assault.[4].

Besides a medical examination, witness testimony is also crucial. Witnesses can provide insight into the chronology of events, the location of the perpetrator and victim, and the conditions after the incident. In some cases, witnesses are crucial because assault often occurs spontaneously and doesn't always leave evidence other than injuries to the victim. Therefore, investigators need to gather witness testimony objectively and not rely solely on one source.

Evidence in assault cases must also take into account the suspect's testimony. The suspect's testimony can help explain the motive, method of committing the act, and the reasons for the violence. However, the suspect's testimony cannot stand alone. It must be compared with the testimony of the victim, witnesses, the post-mortem examination, and other evidence. In this way, the evidentiary process can produce a more complete and fair case construction.

Victim Protection in Persecution Cases

Victims of abuse are those who suffer direct harm as a result of the perpetrator's actions. This harm can include physical injury, pain, trauma, fear, loss of security, and disruption to daily activities. Therefore, victim protection is a crucial part of resolving abuse cases. In a retributive justice approach, victim protection is achieved through firm legal proceedings against perpetrators and ensuring that abuse will not go unpunished.

Victim protection is not limited to cases that go to court, but also begins at the initial stage of police handling. At the reporting stage, victims should receive adequate services, be directed to undergo medical examinations if necessary, and be given the opportunity to describe the chronology of events. Police should also ensure that victims are not subjected to pressure, intimidation, or threats from the perpetrator or any other party. This is crucial because in some cases of abuse, victims may be afraid to pursue legal action.

The retributive justice approach places a premium on victims because punishment of the perpetrator is seen as a form of state recognition of the victim's suffering. When the perpetrator is prosecuted, the victim gains certainty that the harm they experienced is recognized as a result of a crime. Thus, the criminal process serves not only to punish the perpetrator but also to restore the victim's sense of justice through legal certainty.

However, victim protection must also be balanced with the perpetrator's rights. Perpetrators still have the right to a fair hearing, legal representation, and to not be treated as guilty before a court decision. This balance is crucial to prevent the legal process from degenerating into arbitrary action. Therefore, retributive justice applied in assault cases must remain within the bounds of criminal procedural law.

Previous Research

Several previous studies have shown that the resolution of assault cases can be analyzed from various perspectives. Ratri and Bakhtiar emphasize the importance of evidence in assault cases, particularly through a forensic legal approach. This research demonstrates that medical examination results play a crucial role in clarifying the extent of injuries and strengthening the evidentiary process in criminal cases.[4] This study is relevant to this research because cases of assault at the

police level are highly dependent on the strength of the evidence.

Gultom, Panggabean, and Amalia analyzed a case of assault under Article 351 of the Criminal Code. The research showed that the elements of assault must be carefully proven, particularly in relation to the perpetrator's actions and the consequences experienced by the victim.[6] This research supports the understanding that persecution cannot be seen simply from the presence of conflict, but must be proven as a criminal act that has certain legal elements.

Asriadi, Natsir, and Phireri discuss the application of restorative justice in the investigation of assault crimes. This research shows that restorative resolution can be implemented in certain cases, but must still consider legal requirements, the interests of the victim, and legal certainty [9]. This study is important as a comparison because it emphasizes the retributive justice approach, especially when assault cases are not suitable for resolution through peace.

Manurung compared restorative and retributive criminal justice systems in handling criminal acts in Indonesia. The research shows that the retributive approach still plays a significant role because it relates to criminal accountability and a deterrent effect.[7] This is in line with the focus of this research, which places retributive justice as an important approach in cases of abuse, especially to maintain legal certainty and protect victims.

Based on previous research, this study takes a different approach because it specifically examines the resolution of assault cases through a retributive justice approach at the Sorong Aimas Police Department. This study not only discusses the concept of retributive justice in general but also links it to investigative mechanisms at the police level. Therefore, this study is expected to provide an overview of how the police carry out legal proceedings in assault cases in a firm, proportional, and evidence-based manner.

Conceptual Framework of the Research

The conceptual framework in this study is built on the relationship between the crime of assault, police investigation, evidence, victim protection, and the retributive justice approach. The crime of assault is the primary object of research because it has direct consequences for the victim's body or health. The police investigation serves as the analytical focus because the Sorong Aimas Police are the institution handling the case in the initial stages. Meanwhile, retributive justice is the approach used to assess the importance of the perpetrator's criminal responsibility.

In simple terms, the conceptual framework of this research can be explained as follows:

Table 1. Framework of Thinking

<i>Draft</i>	<i>Meaning in Research</i>	<i>Analysis Function</i>
<i>Crime of assault</i>	Acts of violence that attack the victim's body or health	Become the main object of criminal law studies
<i>Police investigation</i>	Initial process of handling the case by the Sorong Aimas Police	Assess the case resolution mechanism
<i>Proof</i>	Collection of evidence, witnesses, victims, post-mortem examinations and evidence	Determining whether the case is strong or not
<i>Victim protection</i>	Guarantee that victims receive legal certainty and justice	Assessing law enforcement orientation
<i>Retributive justice</i>	An approach to justice that emphasizes equitable punishment	Assessing the criminal responsibility of the perpetrator

Through this framework, this study positions the resolution of the assault case at the Sorong Aimas Police Station as part of the criminal law enforcement process. A retributive justice approach is used to determine whether the case resolution has provided legal certainty, a deterrent effect, and protection for the victim. Therefore, this study views assault not only as an incident of violence but also as a legal issue that must be resolved professionally and responsibly.

3. IMPLEMENTATION METHOD

Types of research

This study uses normative legal research, namely research that examines law as norms, principles, and guidelines applicable in resolving criminal cases. This approach was chosen because the focus of the research is not field measurements, but rather analyzing the legal basis and

mechanisms for resolving abuse cases through a retributive justice approach at the Sorong Aimas Police. The main legal materials used include Law Number 1 of 2023 concerning the Criminal Code, the Criminal Procedure Code, Regulation of the Chief of the Republic of Indonesia National Police Number 6 of 2019 concerning Criminal Investigation, and Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling Criminal Acts Based on Restorative Justice.[2].

Research Approach

The approaches used in this study include a legislative approach, a conceptual approach, and a case approach. The legislative approach is used to examine the legal regulations that form the basis for resolving assault cases through the criminal process. The conceptual approach is used to understand the concepts of retributive justice, criminal responsibility, deterrent effects, and legal protection for victims. Meanwhile, the case approach is used to examine the resolution of assault cases at the Sorong Aimas Police as part of law enforcement practices during the investigation and inquiry stages.[8]

Data Collection and Analysis Techniques

The data in this study were collected through a literature review by exploring primary and secondary legal materials, as well as relevant official sources. The primary legal materials consisted of laws and police regulations related to assault and criminal investigations. The secondary legal materials consisted of scientific journals, books, articles, and previous research discussing assault, evidence, investigations, and the concept of retributive justice. The collected data were then analyzed qualitatively and descriptively, explaining the relationship between legal norms, the concept of retributive justice, and the practice of resolving assault cases at the Sorong Aimas Police. The analysis aimed to assess whether the resolution of these cases complied with the principles of legal certainty, perpetrator accountability, deterrence, and protection for victims.[6]

4. RESULTS AND DISCUSSION

The Position of Assault Cases in the Criminal Law System

Cases of assault are crimes against a person's body or health. These acts not only cause physical consequences such as injury, pain, or health problems, but can also have psychological impacts on the victim. In criminal law, assault is viewed as an act that violates a person's legal right to bodily safety. Therefore, resolving assault cases cannot be viewed solely as personal conflicts but must be addressed as legal issues requiring clear law enforcement.

In the context of the Sorong Aimas Police Department, cases of abuse must be handled through criminal law mechanisms, from the reporting stage through the investigation, to the prosecution. As law enforcement officers, the police have a responsibility to ensure that every report of abuse is examined based on facts, evidence, and applicable legal provisions. If the investigation reveals sufficient preliminary evidence, the case can proceed to the investigation stage. This process is crucial to ensure that victims receive legal certainty and that perpetrators are not exempt from criminal responsibility.

The retributive justice approach is relevant in resolving abuse cases because it positions the perpetrator as the party responsible for their actions. In abuse cases, the victim experiences direct harm as a result of the perpetrator's actions. Therefore, resolving the case cannot simply focus on reconciliation, especially if the act causes serious injury, is deliberate, or creates unrest in the community. Through a retributive approach, the law serves to impose sanctions commensurate with the perpetrator's wrongdoing and the consequences experienced by the victim.[3].

Legal Basis for Settling Cases of Assault

The legal basis for resolving assault cases can be seen in the provisions of criminal law governing crimes against the body. In the Criminal Code, assault is a crime that takes several forms, ranging from simple assault, minor assault, serious assault, to assault resulting in serious injury or death. These differences in the form of assault influence the severity of the criminal sanctions that can be imposed on the perpetrator.[5].

In addition to material criminal provisions, the resolution of assault cases must also comply

with criminal procedural law. The legal process cannot be carried out haphazardly, as every investigator's action must have a legal basis. During the investigation stage, the police must gather evidence, examine witnesses, question victims, question the accused, and take other actions necessary to clarify the case. Regulation of the Chief of the Indonesian National Police Number 6 of 2019 emphasizes that criminal investigations must be conducted professionally, transparently, and accountably.[2].

Another legal basis that also needs to be considered is the Republic of Indonesia National Police Regulation Number 8 of 2021 concerning the handling of criminal acts based on restorative justice. This regulation does open up the possibility of resolving cases through restorative justice, but this does not mean that all cases of abuse can be resolved through reconciliation. In cases that result in serious injury, threaten the victim's safety, or create public unrest, a retributive approach remains necessary to ensure the law maintains its coercive power and provides legal certainty.[1].

Thus, resolving assault cases through a retributive justice approach has a strong basis in the criminal law system. This approach emphasizes that perpetrators of criminal acts cannot be absolved of legal responsibility if their actions are proven to meet the elements of a crime. However, the punishment imposed must remain proportionate and based on valid evidence.

Mechanism for Resolving Assault Cases at the Sorong Aimas Police Station

The mechanism for resolving assault cases at the Sorong Aimas Police Department essentially begins with a report or complaint from the victim or any party with knowledge of the crime. After receiving the report, the police conduct an initial investigation to determine whether the incident contains elements of a crime. At this stage, investigators need to explore the chronology of events, the identities of the parties, the location, time of the incident, and the consequences for the victim.

Once a crime is suspected, the police can conduct an investigation to identify and identify the perpetrator. This investigation is crucial for determining whether the case can be escalated to the investigation stage. If sufficient preliminary evidence is found, the case will proceed to the investigation stage. During the investigation stage, investigators interview the victim, witnesses, and the accused, and collect evidence related to the assault.[9].

In cases of assault, one of the most important pieces of evidence is a post-mortem examination. A post-mortem examination is necessary to describe the victim's medical condition, including the type of injury, the extent of the injury, and the possible cause of the injury. This evidence helps investigators connect the perpetrator's actions with the consequences experienced by the victim. Without a post-mortem examination, evidence of assault can be weak, especially if there are no witnesses who directly witnessed the incident [8].

In simple terms, the mechanism for resolving the assault case at the Sorong Aimas Police can be described as follows:

Table 1 Case Report

<i>Stage</i>	<i>Information</i>	<i>Objective</i>
<i>Victim report</i>	The victim or other party reports the incident of abuse	Become the initial basis for handling cases
<i>Investigation</i>	Police are looking for criminal incidents and initial evidence	Determining whether a case can proceed to investigation
<i>Investigation</i>	Examination of victims, witnesses, defendants and evidence	Shedding light on the case and finding the suspect
<i>Medical examination</i>	The victim is directed to obtain a post mortem et repertum	Assessing the physical consequences of abuse
<i>Case title</i>	Investigators assess the sufficiency of the evidence	Determine the direction of handling the case
<i>File transfer</i>	The case files were handed over to the public prosecutor	Proceeding the case to the prosecution stage

Source: interview

This mechanism demonstrates that the resolution of abuse cases cannot be based solely on a single party's confession. Each stage must be supported by valid evidence. This aligns with the principle of due process of law, which states that the legal process must proceed according to procedure and must not prejudice the rights of the victim or the accused.

Application of the Retributive Justice Approach in Cases of Abuse

The application of retributive justice in cases of assault emphasizes that the perpetrator must be held accountable for their actions. In this approach, punishment is seen as a natural legal consequence if someone is proven to have committed a crime. Punishment is not intended as an act of revenge, but rather as an effort by the state to uphold justice, maintain order, and provide protection to victims.

In cases of abuse, a retributive justice approach can be applied if the perpetrator's actions meet the elements of a crime and cause real harm to the victim. For example, if the perpetrator intentionally commits violence, causes injury, uses a specific tool, or causes the victim to experience trauma, then criminal legal proceedings become necessary. In such circumstances, resolving the case through amicable settlement alone may be deemed insufficient because it does not fully address the victim's interests and the legal interests of the community.

The retributive approach is also related to the deterrent effect. When perpetrators are prosecuted, society learns that violent acts have legal consequences. This deterrent effect is not only directed at the perpetrators, but also at the community, preventing them from resolving conflicts with violence. Therefore, the application of retributive justice can help prevent the recurrence of acts of abuse in the community.[10].

However, the application of this approach must still adhere to the principle of proportionality. Punishment for the perpetrator should not be excessive, but should be commensurate with the severity of the offense, the consequences, and the circumstances of the case. Minor assaults cannot be treated the same as serious assaults. Therefore, the role of investigators is crucial in constructing a case so that prosecutors and judges can assess the case accurately.

The Role of the Sorong Aimas Police in Enforcing the Law on Assault

The Sorong Aimas Police Department plays a strategic role as the primary institution handling reports of assault crimes within its jurisdiction. This role is not merely administrative but also determines the direction of case resolution. If a case is handled carefully from the outset, the subsequent legal process can proceed more robustly. Conversely, if the investigation is weak, the case may encounter obstacles when it reaches the prosecution stage.

In a retributive justice approach, the police play a role in ensuring that perpetrators suspected of assault do not escape due process. However, the police must also uphold the presumption of innocence. This means that a person should not be treated as a perpetrator until sufficient evidence is available. Therefore, investigators must work based on evidence, not on public pressure or the victim's emotions.

Furthermore, the Sorong Aimas Police also play a role in providing initial protection to victims. Victims of abuse are often afraid, weak, or depressed after the incident. In such circumstances, the police must provide appropriate services, direct victims to medical examinations, and ensure they can provide information safely. Victim protection is crucial because the legal process aims not only to punish the perpetrator but also to provide a sense of security to the injured party.

The police's role is also evident in their efforts to balance legal certainty and a sense of justice. In certain cases, the police can assess whether the case qualifies for restorative resolution. However, if the case does not meet these requirements or the consequences are serious, retributive resolution through the regular criminal process is more appropriate. Therefore, the Sorong Aimas Police need to assess each assault case based on its specific characteristics, not solely on the wishes of one party.

Obstacles in Resolving Abuse Cases

Resolving assault cases isn't always easy. One common obstacle is a lack of evidence. In some cases, the assault occurred spontaneously and was witnessed by only a few people. If witnesses are unwilling to testify or the victim delays medical examination, establishing evidence becomes even more difficult. However, the strength of the evidence is crucial in determining whether a case can proceed.

Another obstacle is social pressure to resolve cases amicably. In society, abuse is sometimes viewed as a personal matter that can be resolved through amicable settlement. However, if the consequences are serious, amicable settlement may not necessarily provide justice for the victim. In this situation, the police need to explain that amicable settlement does not always absolve criminal responsibility, especially if the case already meets the elements of a crime.

Furthermore, obstacles can arise from inconsistent testimony from victims or witnesses.

Changing statements can impact the investigation process, as investigators require clear and supportive information. Therefore, examinations must be conducted carefully so investigators can distinguish between truthful statements, statements changed under pressure, and statements inconsistent with other evidence.

Limited case data also posed a challenge in this research. Because open data on assault cases at the Sorong Aimas Police Station is not always fully available, case analysis focuses more on normative aspects and general mechanisms for case resolution. Therefore, this research still requires corroboration with field data for use in the final article, for example through interviews, official police releases, or credible case documents.

Final Analysis of the Settlement of Abuse Cases through Retributive Justice

Based on the above description, the resolution of the assault case through a retributive justice approach at the Sorong Aimas Police can be understood as a form of law enforcement that emphasizes the perpetrator's criminal responsibility. This approach is relevant because assault is a crime that directly results in victims. If the perpetrator is proven to have committed violence, the law must be present to impose appropriate sanctions and prevent similar acts from recurring.

The retributive justice approach also provides legal certainty for victims. Victims require not only physical recovery but also recognition that the events they experienced constituted a violation of the law. Through the criminal process, the state ensures that acts of abuse will not go unpunished. This is crucial for maintaining public trust in law enforcement.

Nevertheless, a retributive approach must remain proportional. Not all assault cases should be treated the same. The extent of the injury, motive, the instrument used, the relationship between the perpetrator and the victim, and the social impact of the case must all be taken into consideration. This ensures that the case is resolved not only decisively but also fairly.

Thus, the Sorong Aimas Police play a crucial role in ensuring that assault cases are handled professionally, objectively, and based on valid evidence. The application of retributive justice should not be understood as mere revenge, but rather as a legitimate form of criminal accountability through legal mechanisms. If implemented appropriately, this approach can strengthen legal certainty, provide a deterrent effect on perpetrators, and provide more concrete protection for victims of assault.

5. CONCLUSION

The resolution of an assault case using a retributive justice approach at the Sorong Aimas Police Department demonstrates that criminal assault requires firm prosecution if it meets the elements of a crime and is supported by valid evidence. Assault is not merely a personal matter between the perpetrator and the victim, but also an act that disrupts security, public order, and legal protection of a person's body and dignity. Therefore, a retributive justice approach is relevant because it emphasizes perpetrator accountability, legal certainty, a deterrent effect, and sanctions commensurate with the offense and consequences.

The Sorong Aimas Police play a crucial role in ensuring that case resolution is carried out professionally, objectively, and in accordance with legal procedures. All stages, from the victim's report, to the investigation, witness examination, request for a post-mortem examination, case presentation, and file transfer, must be conducted based on evidence and principles of justice. By implementing proportionate retributive justice, the resolution of assault cases can provide protection for victims, prevent recurrence of violence, and strengthen public trust in law enforcement.

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