

FACTOR ANALYSIS ENFORCEMENT LAW AGAINST CRIMINAL ACTS OF ABUSE PERFORMED BY STUDENTS

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Abstract

The purpose of this study is to investigate the application of criminal law in response to acts of mistreatment done by students in Parepare City, as well as the factors that influence the application of criminal law in response to criminal acts of mistreatment committed by students in Parepare City. This study was carried out with the help of empirical research methodologies, including primary and secondary data, as well as data collection methods including interviews, observations, and analyses of published literature. After all of the preliminary and secondary data have been collected, they are then subjected to a qualitative analysis, after which they are characterized descriptively and organized systematically. According to the findings of the research, (1) the enforcement of criminal law in Parepare City against criminal actions of persecution conducted by students is not operating at an optimal level. Because of this, the administration of criminal law is conducted using a restorative justice approach at all stages of the process, including investigation, prosecution, and examination in court; (2) The legal and statutory considerations, law enforcement apparatus factors, and community factors are the three categories of elements that have an impact on how the criminal law is enforced in Parepare City in relation to the crime of persecution committed by students.

Keywords: Law Enforcement, Criminal Law, Criminal Act, Student, Restorative Justice

INTRODUCTION

There will always be a lag between the progress of society and the evolution of the law. In a same vein, as societal challenges multiply, so too will the number of related legal disputes. Crime rates are rising as a direct result of people's increased mobility throughout society. There is frequently some behavior in a conversation that goes against some social norm or the law. Aristotle's structure of mind, which makes justice the primary aim of a state, is the conceptual genesis of the notion of a state of law (Ali, 2002).

The role of education is crucial. Education is the key to helping a country succeed. This is due to the fact that different types of information learned in school might improve an individual's employability in different contexts. As a result, several nations are racing to raise the bar on their educational systems. Good education is the key to success in every area of life. Since education has such a significant impact on a nation's development, issues pertaining to it are prioritized.

Martin Luther King Jr. agreed that "Intelligence plus character—that is the goal of true education." (character intelligence is the true ultimate goal of education)," highlighting the fact that the primary goal of education is to cultivate educated and morally upstanding citizens (Mughtar, 2017). Because moral and character issues are constant and universal companions to human life, it follows that the ultimate purpose of education is to foster the development of intellectually curious and morally upstanding citizens.

Students are a valuable part of Indonesia's human resources and its future generation, which will play an important role in the country's progress. Students are defined as those enrolled in postsecondary education by the Big Indonesian Dictionary (KBBI). Students might, therefore, be thought of as people who are actively engaged in the processes of learning, growing, and creating within the context of higher education.

Students build academic and non-academic knowledge in the world of higher education, also known as the world of campus. It is not surprising that there are many internal and external campus organizational activity units that educate, train, and shape students to have capable leadership because, in addition to academic values, students are required to be active in order to have independence, leadership, solidarity, and discipline in various other good matters. The increased tolerance found in universities undoubtedly results in a wide range of student viewpoints. Students often find it difficult to strike up conversations with their peers, whether it's with those a year or two younger or older.

Student life is incredibly intricate. Groups of students are especially prone to social conflict since their members come from a wide variety of worldviews, personality types, and life experiences. Persecuting someone is illegal under Indonesian law. Persecution and accompanying sanctions and punishments have been controlled and outlined in the Criminal Code. The sections of the Criminal Code dealing with persecution are sections 351-355. The crime of persecution as contained in Article 351 of the Criminal Code reads:

1. "Persecution is punishable by a maximum imprisonment of two years and eight months or a maximum fine of four thousand five hundred rupiahs.
2. If the act resulted in serious injury, the offender is punished by a maximum imprisonment of five years.
3. If it results in death, it shall be punished by a maximum imprisonment of seven years
4. With persecution equated with intentionally damaging health Attempts to commit this crime are not punishable."

Meanwhile, Article 352 of the Criminal Code reads as follows:

1. "With the exception of those referred to in articles 353 and 356, abuse which does not cause illness or hinders the carrying out of work of office or search is punishable as light maltreatment by a maximum imprisonment of three months or a maximum fine of four thousand five hundred rupiahs. The penalty can be increased by one third for the person who committed the crime against someone who works for him or is his subordinate.
2. Attempts to commit these crimes are not punishable".

Furthermore, Article 353 of the Criminal Code reads as follows:

1. Maltreatment with premeditation is punishable by a maximum imprisonment of four years
2. "If the act results in serious injury, the offender is subject to a maximum imprisonment of seven years
3. If said act results in the death of the guilty person, it is punishable by a maximum imprisonment of nine years".

Meanwhile, Article 354 of the Criminal Code reads as follows:

1. "Whoever intentionally seriously injures another person, is threatened with committing serious maltreatment by a maximum imprisonment of eight years.

2. If said act results in death, the offender is punished by a maximum imprisonment of ten years". Then the sound of Article 355 of the Criminal Code is as follows:

1. "Serious maltreatment committed with premeditation is punishable by a maximum imprisonment of twelve years.

2. If the act results in death, the offender is punished by a maximum imprisonment of fifteen years".

The term "persecution" is not defined in the Criminal Code. According to the case law, abuse is defined as "any act committed with the specific intent to cause physical or mental harm, regardless of whether the victim consents to such action." (Gunadi & Efendi, 2016).

Traditions of seniority in higher education are typically linked to the persecutive behavior of college students. This is because people exist on a spectrum of abilities. In the realm of academia, senior and junior levels exist. Seniors will use this distinction to treat juniors unfairly. As a result, persecution is a regular outcome of seniority cases that escalates to violence. The culture of seniority in tertiary institutions still leads in criminal actions of persecution in many cases, despite the fact that the tradition of seniority has begun to be eliminated in the world of education.

Twelve students from Makassar Health Polytechnic's Parepare Campus in Parepare City, South Sulawesi, accused their seniors of abusing hundreds of freshmen during respect events. They contacted the police in the city of PolresParipar (Tribune News, nd)

The kids' thighs and elbows looked like a boxer's after a round of training. Senior students allegedly did this while parading on the college field, according to witnesses. The twelve youngsters claimed they were kicked and slapped until they felt agony, in addition to suffering elbow punches from a number of seniors.

On April 26, 2021, at approximately 23:30 WITA, a student named Moehammad Farhan Burkan was on Jl. Red Bridge Lakessi Market (in front of Agus Motor's workshop) in the City of Parepare. While intoxicated, he punched the victim, Hendra Pratama Halim, several times with his hand, causing him to fall to the asphalt below. Farhan kicked the victim four times and punched her in the buttocks when she fell to the tarmac, knocking her out and leaving her covered in blood.

It's a shame, because these days, the tertiary institutions of Parepare City are beginning to gain a reputation as a destination for higher education. The city of Mr. Baharuddin Jusuf Habibie, the third president of the Republic of Indonesia, is seeing the beginnings of a growth in educational institutions, especially universities. The ever-growing directory of campus names in Parepare City is evidence of this trend. Parepare City's public and private universities were established with the goal of fostering a more moral and ethical workforce. This context raises the question, "How is the criminal law enforcement of criminal acts of persecution committed by students in Parepare City?" since the author is motivated to find a solution to this question. In Parepare City, what elements affect the application of criminal law in response to criminal acts of persecution conducted by students?

Much research has been done on the crime of persecution and law enforcement factors. For example, research by (Noprianto, 2016) which discusses the criminal act of persecution by students and its handling. However, this study does not address law enforcement factors as investigated by the authors. Another research conducted by (Nurmansyah et al., 2021) discusses criminal responsibility and legal consequences for the perpetrators of abuse which resulted in the death of the victim. Different In this study, the authors discuss criminal law enforcement against criminal acts of mistreatment of students factors that influence criminal law enforcement against criminal acts of persecution committed by students.

RESEARCH METHOD

The type of research in this paper is empirical legal research (Irwansyah, 2020). Empirical legal research is systematic, controlled, critical, and empirical research and assessment of laws and statements regarding the lawful behaviour of society, which are social facts (Nasution, 2008). This type of research analyzes the application of law in reality to individuals, groups, communities, and legal institutions in society with an emphasis on the behaviour of individuals or communities, organizations or legal institutions about the application or enactment of the law (Muhaimin, 2020).

This study's research location was in the City of Parepare. The selection of this location was based on the consideration that there were cases of criminal acts of maltreatment against students in that area. The target population of the research were law enforcement officers who served at the Parepare City Police Office, the Parepare District Prosecutor's Office and the Parepare District Court. From the population selected, several samples are expected to represent the entire population consisting of 1 (one) investigator, 1 (one) Criminal Investigation Unit, and 1 (one) Criminal Investigation Unit at the Parepare City Police Office. Then, 1 (one) Prosecutor at the Parepare District Attorney and 1 (one) Judge at Parepare District Court.

The data used in this study are primary data and secondary data (Kadarudin, 2021). Data Primary is the leading data in research obtained directly from the field. Secondary data is received by conducting library research from official documents, books related to research objects, scientific works and laws and regulations. The data analysis method that the authors use in this study is the Descriptive Legal Material Analysis Technique. By using descriptive techniques, it is intended that the researcher explain what it is about a legal event or legal condition.

RESULTS AND DISCUSSION

Criminal Law Enforcement against Persecution committed by Students in the City of Pare-Pare

Legal enforcement, which employs both criminal and non-criminal legal facilities that can be merged with one another, strives to combat crime sensibly, appease a sense of justice, and maximize effectiveness in the face of criminals' employment of a wide range of possible responses (Arief, 2002)

The basic function of the law is to safeguard individuals' interests, and this function is fulfilled when laws are really enforced. There is the possibility of irregularities in the normal, peaceful application of the law. In this case, the unlawful act must be punished according to the law. Only when the law is followed can its intended effects be realized. A rule of law relies heavily on effective law enforcement in order to provide its citizens with the promised benefits of equality before the law, a predictable legal environment, and a safe and secure society (Rumadan, 2017).

When it comes to criminal law, law enforcement is an effort to make sure that criminal law norms actually work as a basis for the conduct of legal interactions in everyday society and state life. The police, prosecutors, and courts all work toward the same end: to establish and sustain a peaceful society. Only when law enforcement acts ethically, putting aside self-interest in favor of doing what is right for the greater good of society, will this goal be realized (Sadikin, 2021).

Based on the results of the research and the results of interviews with the author of the investigators, Yohanes AP, SH at the Parepare City Police, they stated that there were reports of abuses committed by students in Parepare City.

Table 1. Table of Data on Crimes of Abuse Committed by Students at the Parepare City Police in 2020-2022

No.	Type of Crime	Year			
		2019	2020	2021	2022
1	Persecution by students	1	3	2	1

Source: Parepare City Police

Table 1 from the aforementioned data shows that between 2019 and 2022, the Parepare City Police received an increasing number of allegations of abuse committed by students, from a low of 1 report in 2019 to a high of 3 reports the following year. After 2020, there will be 3 (three) reports before dropping to 2 (two) in 2021 and 1 (one) in 2022. As a result, the Parepare City Police have evidence that criminal acts of persecution performed by students continue to occur often within the city's jurisdiction.

1. Investigation Level

The author investigated how the Parepare City Police Department handles criminal cases involving acts of persecution performed by students. In accordance with the Regulation of the Chief of Police of the Republic of Indonesia Number 8 of 2021 Concerning Handling of Crimes Based on Restorative Justice, the authors found that all cases involving persecution perpetrated by students were resolved using a restorative justice approach. Based on the results of the author's interview with Mr. Iptu Hasan Duna as the Criminal Investigation Unit of the Parepare City Police, who explained that:

"Regarding cases of abuse committed by students, we try not to proceed to court, we try to bring victims, perpetrators, the campus, parents, and other related parties to mediate. We strive for restorative justice. If there is a way to peace, we will try it. The reason for not proceeding to court was because the reported party was a student and if we process and detain him here, it is likely that his learning process will be disrupted. But for severe persecution, we still endure. If there is an interest regarding his education, we will escort him to the campus"

Table 2. Table of data on criminal acts of persecution committed by students which were resolved through Restorative Justice at the Parepare City Police

No.	Type of Crime	Year			
		2019	2020	2021	2022
1	Persecution by students	1	3	2	1

Source: Parepare City Police

Based on the data in table 2 above, it can be seen that reports of criminal acts of abuse committed by students were resolved in restorative justice at the Parepare City Police. In 2019 there was 1 (one) case that was resolved through Restorative Justice. Then in 2020 there were 3 (three) cases. In 2021 there were 2 (two) cases, and in 2022 there was 1 (one) case that was resolved through Restorative Justice.

The term "restorative justice" refers to a paradigm within the American criminal justice system that places an emphasis on mending broken bonds between offenders, victims, and communities. This theory stands in contrast to more conventional wisdom, which places a premium on criminal punishment. Because it gets to the heart of the matter and discourages further criminal behavior, restorative justice is viewed as preferable.

Howard Zehr, John Braithwaite, Mark Umbreit, Lode Walgrave, and Kay Pranis are only some of the specialists who contributed to the creation of the restorative justice paradigm. Restitution, participation, inclusion, and responsibility are the four pillars on which restorative justice is built, as stated by Howard Zehr (Pavlacic et al., 2022). Restorative shaming, a concept first articulated by John Braithwaite, is one method of resolving wrongdoing (Bergseth & Bouffard, 2012)

Restorative justice, as proposed by Mark Umbreit, entails four steps: preparation, discourse, restoration, and completion. Lode Walgrave argued that the criminal justice system, which typically prioritizes punishment above victims, should benefit from incorporating restorative justice practices. (Dekker & Breakey, 2016) cite three important factors proposed by Kay Pranis in restorative justice: the process of discourse, the repair of losses, and the rebuilding of relationships.

In light of the foregoing information and the interview results with Mr. Iptu Hasan Duna, the KBO of the Parepare City Police Criminal Investigation Unit, it is safe to assume that the Parepare City Police are pursuing a restorative justice approach in completing reports related to crimes of persecution based on the regulation of the Chief of Police of the Republic of Indonesia Regulation Number 8 of 2021 on handling criminal acts. The explanation given is because the reported pupil is still in school and could provide a disruption to the ongoing classes. Mr. Iptu Hasan Duna, however, made it clear that the detention process is still in effect in cases of extreme persecution, and that if the culprit is involved in any campus-related activities, the police officers at the Parepare police station would accompany him there.

2. Level of Prosecution

The author conducted research on criminal law enforcement against criminal acts of persecution committed by students at the prosecution level at the Parepare District Attorney's Office.

Table 3. Table of data on criminal acts of maltreatment committed by students at the Parepare State Prosecutor's Office

No.	Type of Crime	Year			
		2019	2020	2021	2022
1	Persecution by students	0	0	0	0

Source: District Attorney City of Parepare

The given information leads us to the conclusion that no illegal acts of mistreatment by students were reported to the Parepare State Prosecutor's Office between 2019 and 2022. This is because, at the investigation level, the Parepare City Police used an approach called restorative justice to handle reports of criminal acts of persecution performed by students in the city. This is in accordance with the restorative justice approach to criminal law enforcement as outlined in Regulation of the Attorney General of the Republic of Indonesia No. 15 of 2020 on the Dismissal of Criminal Proceedings on the Basis of Restorative Justice.

Reports that have been in restorative justice at the investigative level and not continued to the prosecution stage, namely on February 13, 2022, 12 (twelve) students of the Makassar Health Polytechnic, Parepare Campus, reported a number of their seniors who were suspected of committing abuse during ospect activities to hundreds of new students. They reported the incident to the Parepare City Police.

The students had swollen thighs and elbows that looked like a boxer's punch. According to their testimony, this was done by senior students while marching on the campus field. Not only receiving elbow punches from a number of seniors, the twelve students admitted that they were kicked and slapped until they felt pain in their body parts.

Then, on April 26 2021 at around 23.30 WITA, a student named Moehammad Farhan Burkan was on Jl. Red Bridge Lakessi Market (in front of Agus Motor's workshop) City of Parepare, in a drunken state, punched the victim Hendra Pratama Halim several times with his hand and hit him in the face and head so that the victim fell to the asphalt. When the victim fell to the asphalt, Farhan kicked the victim

4 times and hit her in the buttocks, causing the victim to become unconscious and then leaving the victim covered in blood.

The author conducted an interview with Mr. Teguh Sukemi, SH., MH. as the Junior Prosecutor at the Parepare District Attorney who explained that:

"We are trying to persecute students with a restorative justice approach because the criminal threat is under 5 (five) years, if the perpetrator has never been punished, and there is peace from the parties. When there is peace between the victim and the perpetrator, we will try to do restorative justice, which at that time we submitted to the leadership. If it is approved, the case will not be transferred to the court and considered completed. Even though the criminal element is fulfilled, if the victim and the defendant have agreed on restorative justice efforts, then we will stop the prosecution. On the other hand, if the victim does not agree, then the case will continue and be transferred to court.

In light of the foregoing information and interview results, it can be concluded that in Parepare City, Indonesia, criminal law enforcement at the prosecution level in regards to the crime of persecution committed by students in accordance with the Prosecutor's Office Regulation of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice supports the settlement of cases using a restorative justice approach.

If the public prosecutor at the prosecutor's office (P21) determines that the case file resulting from the police investigation is complete, but the parties agree with the restorative justice approach, then the criminal case may be closed legally and the prosecution may be halted if the conditions specified in Article 5 Paragraph (1) are met. 1) The Restorative Justice Dismissal Regulation (No. 15 of 2020) issued by the Attorney General of the Republic of Indonesia reads as follows:

"Criminal cases can be closed by law and the prosecution can be terminated based on Restorative Justice if the following conditions are met:

- a. the suspect is the first time committing a crime;
- b. criminal acts are only punishable by fines or threatened with imprisonment of not more than 5 (five) years; And
- c. the crime is committed with the value of the evidence or the value of the losses incurred as a result of the crime of no more than IDR 2,500,000.00 (two million five hundred thousand rupiah)".

In addition to fulfilling the above terms and conditions, termination of prosecution based on restorative justice is also carried out by fulfilling the conditions set forth in Article 5 Paragraph (6) which reads:

"In addition to fulfilling the terms and conditions referred to in paragraph (1), paragraph (2), paragraph (3), and paragraph (4), termination of prosecution based on Restorative Justice is carried out by fulfilling the following conditions:

- a. there has been a restoration to its original state which was carried out by the Suspect by means of:
 - 1) return goods obtained from criminal acts to victims;
 - 2) compensate the victim's losses;
 - 3) reimbursing costs incurred as a result of a criminal act; and/or repair the damage caused as a result of a crime;
- b. there has been a peace agreement between the victim and the suspect; And
- c. society responds positively".

Therefore, under the legal umbrella of the Republic of Indonesia Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, criminal law enforcement at the prosecution level with a restorative justice approach to criminal acts of persecution committed by students in Parepare City has been arranged, with due regard for the terms and conditions set forth. The Public Prosecutor takes into account whether or not the conditions for termination of prosecution based on restorative justice have been met while deciding whether or not to send the case file to the court.

3. Examination Level in Court

The author conducted research on criminal law enforcement against criminal acts of persecution committed by students at the examination level at the Parepare City District Court. Based on the absence of data on criminal acts of maltreatment committed by students at the Parepare District Prosecutor's Office, there are also no cases related to criminal acts of maltreatment committed by students in Parepare City which are being handled at the examination level at the Parepare District Court.

The author has conducted interviews with the Judge of the Parepare District Court, Restu Permadi, SH, MH regarding the above which explains that:

“It is the victim who suffers from the criminal act of persecution, the ones who suffer the most losses are the victim and his family. If the victim and his family have forgiven with the conditions determined by the victim, then the state no longer needs to intervene to deal with the problem, even though the state has an interest in representing the wider community to prevent the act from happening again. As long as the case can be restored and the impact can be recovered, there is nothing to be concerned about. It is different if the abuse causes serious injury or death.”

This conforms to the terms of the Memorandum of Understanding on the Implementation of the Constitution of the Republic of Indonesia with the Chairman of the Supreme Court of the Republic of Indonesia, the Minister of Law and Human Rights of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, and the Head of the National Police of the Republic of Indonesia (No. 131/KMA/SKB/X/2012; No. M.HH-07.HM.03.02 of 2012; No. KEP-06/E/E). Resolving criminal matters through mediation, in which all parties involved work together to find a resolution that restores the situation to its original condition rather than one that involves retribution (jail time), These instructions are meant to help courts carry out the principles of restorative justice as outlined in the Perma, SEMA, or the Decree of the Chairman of the Supreme Court.

When considering law enforcement theory, it is important to remember that the process of administering the law by law enforcement authorities and by everyone with an interest in accordance with their authority is founded on the applicable legal standards. By prioritizing victim protection and not putting off the process of overcoming criminal crimes, Parepare City's law enforcement has taken a restorative justice strategy to dealing with criminal acts of persecution conducted by students. According to law enforcement theory, there are repressive law enforcement efforts; these are initiatives that are supported and carried out at the operational level by a number of institutions that are structurally distinct from one another but still function within the law enforcement framework, from the police and prosecutors to the courts and prisons.

The KAPOLRI Regulation Number 8 of 2021 about the Handling of Crimes Based on Restorative Justice governs criminal law enforcement that is pursued using a restorative justice strategy at the investigative level. Restorative justice is also governed by law at the prosecutorial level; for example, Prosecutor's Office of the Republic of Indonesia Number 15 of 2020 about Termination of Prosecution Based on Restorative Justice Then, it governs restorative justice at the trial level, as per the Memorandum of Understanding signed on January 1, 2012, by the Supreme Court Chief Justice, the Minister of Law and Human Rights, the Attorney General, and the Head of the National Police of the Republic of Indonesia (No. 131/KMA/SKB/X/2012; No. M.HH-07.HM.03.02; No. KEP-06/E/EJP/10/2013; No. B/39/X/2012).

Factors Affecting Criminal Law Enforcement of Persecution committed by Students in Pare-Pare City

To build, preserve, and uphold societal peace, Soerjono Soekanto argues that law enforcement's conceptual heart rests in the activity of harmonizing the relationship between values stated in firm principles and embodying attitudes as a sequence of final stage value translations (Soekanto, 2010). Soerjono Soekanto bases his evaluation of police efficiency on five criteria: the quality of the law itself; the quality of the police force; the quality of the facilities and infrastructure; the quality of the local community; and the quality of local culture (Pramuji & Putri, 2020)

Of the 5 (five) law enforcement factors put forward by Soerjono Soekanto, there are 3 factors that influence law enforcement, in this case related to the results of the author's research, namely law enforcement on criminal acts of persecution committed by students in Parepare City, as follows:

1. Legal/Act Factors

Legal factors are factors that involve the rule of law. This rule of law is the starting point in the law enforcement process. Because this rule of law becomes a reference and guideline for law enforcement officials in carrying out their duties. The government makes existing laws and regulations in the hope of having a positive impact that will be obtained from law enforcement. Law enforcement is carried out based on applicable laws and regulations, so that it is expected to achieve effective goals.

In the process of law enforcement, the legal factor is one that determines whether or not an enforcement of the law itself is achieved. The non-implementation of law enforcement is due to problems or disturbances caused by several things such as not following the principles of the enactment of the law, the absence of an implementing regulation that is urgently needed to apply the law and the unclear meaning of the words in the law. which resulted in confusion in the interpretation and application.

Regarding the enforcement of criminal law against the crime of persecution in Parepare City, law enforcement officers from the Parepare Police and the Parepare District Attorney's Office use a restorative justice approach so that most cases do not proceed to the level of examination in court. At

the investigative level, the Parepare City Police made the KAPOLRI Regulation Number 8 of 2021 concerning Handling of Crimes Based on Restorative Justice which refers to Law Number 2 of 2002 concerning the Indonesian National Police as a basis for pursuing a restorative justice approach in resolving cases related to criminal acts of persecution committed by students in Parepare City.

In addition, before the issuance of the KAPOLRI regulation, police officers in the process of resolving criminal cases through restorative justice referred to Circular Letter Number: SE/8/VII/2018 concerning the Implementation of Restorative Justice in Settlement of Criminal Cases. The circular refers to Law Number 8 of 1981 concerning Criminal Procedure Code, Law Number 2 of 2002 concerning the Indonesian National Police, Law Number 25 of 2009 concerning Public Services, Law Number 11 of 2012 concerning the Public Service System. Juvenile Criminal Justice, Law Number 30 of 2014 concerning Government Administration, and Regulation of the Head of the National Police of the Republic of Indonesia Number 14 of 2012 concerning Criminal Investigation Management.

The process of handling criminal acts based on restorative justice must meet the requirements stipulated in Chapter II of the Indonesian National Police Regulation Number 8 of 2021 which consists of general requirements and special requirements. General requirements apply to the handling of Crimes based on Restorative Justice in the activities of Performing Criminal Investigation, Investigation or Investigation Functions. Meanwhile, special requirements only apply to the handling of criminal acts based on restorative justice in investigative or investigative activities.

At the prosecution level, the Parepare District Prosecutor's Office is also guided by handling cases with a restorative justice approach based on the Republic of Indonesia Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. Furthermore, at the level of examination at court, Mr. Restu Permadi, SH, MH as the Judge of the Parepare District Court gave an opinion explaining that:

"Currently, our paradigm has shifted to a restorative justice paradigm. If a case is terminated, then it is because the crime has met the requirements for restorative justice based on the Attorney General's Regulation or the Indonesian National Police Chief's Regulation. If a case continues to go to court, then the element of forgiveness from the victim will still be a consideration to relieve the perpetrator."

Therefore, the results of the interview above are in line with what is stated in the Guidelines for the Implementation of Restorative Justice in the General Courts which explains that the application of restorative justice to reform the criminal justice system still prioritizes imprisonment. The development of the penal system is no longer based on the perpetrators, but has aimed at aligning the interests of the victim's recovery and the accountability of the perpetrators of criminal acts.

2. Factors Law Enforcement Officials

According to Friedman, the legal structure or law enforcement is a kind of incision in the legal system, a kind of still image that stops motion. A legal system without law enforcers would be like dead goods. The law will be carried out if it is supported by law enforcers. Furthermore, the law will be implemented effectively if law enforcement officers carry it out professionally and in accordance with existing regulations (Rakinaung, 2019).

Referring to Law Number 8 of 1981, the legal structure includes the Police, Prosecutors' Office, Courts and Criminal Executing Agencies (Prison Institutions). So, in cases of criminal acts of persecution, the law enforcement officers are the Police, Prosecutors, Courts and Correctional Institutions. The authority of law enforcement agencies is guaranteed by law, so that in carrying out their responsibilities they are free from the influence of the authorities and other influences.

Regarding the enforcement of criminal law against criminal acts of mistreatment committed by students in the City of Parepare, the police have also made various efforts in dealing with cases of criminal acts of persecution committed by students in the City of Parepare. This was conveyed further by Mr. Iptu Hasan Duna as KBO Criminal Investigation Unit of the Parepare City Police, who explained that:

"We have made various efforts, namely we already know the points where persecution or group fights often occur. As for community development, we police officers make pre-emptive efforts, namely early coaching to campuses by providing education related to persecution. The preventive measures are direct prevention. Furthermore, the repressive effort is to take legal action as a lesson so as not to repeat the same action.

Based on the results of the interview with Mr. Iptu Hasan Duna as KBO Criminal Investigation Unit of the Parepare City Police above, it can be concluded that law enforcement officials, especially the Parepare Police have made various efforts in dealing with cases related to abuse committed by students in Parepare City, such as provide education related to the crime of persecution, carry out

prevention directly in the field, and take legal action as a lesson so that the perpetrators do not repeat the same actions.

3. Community Factors

In Indonesia, the community has an important role in participating in every effort made by the state. Society is also the most important part of a country because society has a role for maintenance and support to achieve the goals of a country. On the other hand, a country has never escaped the existence of law, in which the law has absolute value and its existence cannot be violated.

In order to strive for a just law enforcement in Indonesia, it is necessary to be sensitive and active in society in respecting the rights of every person, improving ethics and morals with self-awareness, and fulfilling obligations in society. This can be used as a prevention of violations of law in Indonesia. In addition, the community also needs to report any violations that occur around their neighborhood.

Not only reporting acts of law violations that occur, the public also needs to oversee and supervise the ongoing course of investigations related to cases being handled by law enforcers.

The above is in line with what was conveyed by Mr. Iptu Hasan Duna as KBO Criminal Investigation Unit of the Parepare City Police in his interview which explained that:

"We do not close ourselves to the community in providing information regarding events that occur in the community, or information in disclosing a case. We also provide legal protection to witnesses. If the community or witnesses feel afraid to come directly to the office, we are willing to go to their homes to carry out interrogations to obtain the required information."

Based on the results of the interview above, it can be concluded that the Parepare Police have an attitude of openness with the community in the law enforcement process while continuing to provide protection to the community.

However, in reality the community is less cooperative and proactive in the law enforcement process in relation to the crime of persecution. As stated in the author's interview with Mr. Ipda Mashudi, SM as Head of Criminal Investigation Unit I of the Parepare City Police, who explained that: "People are reluctant to have anything to do with the police. people don't want to testify and don't want to report a crime."

Based on the results of the interviews above, it can be concluded that the public is reluctant to provide information and/or testimony which of course affects the law enforcement process of criminal acts of persecution committed by students. This is in line with what was conveyed by Mr. Iptu Hasan Duna who explained that:

"Visums are difficult to perform on victims of criminal acts of abuse because victims do not immediately report the incident, so it is difficult to find evidence on the victim's body because it has recovered. This usually happens because the victim is afraid to tell his parents and is afraid to report to us about what happened."

Based on the results of these interviews, the role of the community, the victim, or the victim's parents has a major impact on the law enforcement process. If the public seems apathetic, law enforcement against a crime will not run optimally.

Then, based on the results of the author's research, the factor of law enforcement officers is the most dominant factor and has a large role in enforcing criminal law against criminal acts of persecution committed by students in Parepare City. Law enforcement officials settle cases with a restorative justice mechanism or restorative justice. Settlement of cases in this way is considered to be an alternative to light criminal settlements and can bring a greater sense of justice. Restorative justice is the settlement of criminal cases involving perpetrators, victims, families of perpetrators/victims, and other related parties together to seek a fair solution by emphasizing restoration to its original state and not retaliation.

Restorative justice is the authority possessed by law enforcement officials who can determine whether a case continues or not to go to court. Nonetheless, it is absolutely necessary to carry out joint supervision of this matter, including ensuring that its implementation remains within the corridor of applicable legal provisions so that resolving cases with this mechanism does not open up very vulnerable loopholes related to transactions between law enforcers, perpetrators, and victims.

Provisions and mechanisms for resolving cases in restorative justice have been regulated. There are several things as important requirements that must be met in terminating the handling of a criminal case. The existence of a number of absolute requirements that must be met for a case to be resolved with restorative justice can serve as a starting point and control in assessing the law enforcement process in this way, including being aware of and keeping law enforcement by law enforcement officials running cleanly and transparently.

CONCLUSION

Enforcement of criminal law against criminal acts of persecution committed by students in Parepare City not optimal because carried out with a restorative justice approach at the investigative level and impacts the absence of report data regarding the case at the level of prosecution and trial in court. All reports regarding criminal acts of persecution committed by students in Parepare City were pursued using a restorative justice approach which has the potential not to deter the community, especially students. Students are considered mature and able to distinguish between good and wrong thinking and behaving. Thus, applying restorative justice will be impractical if one party does not run it optimally.

Factors that influence the enforcement of criminal law against criminal acts of persecution committed by students in the City of Parepare include legal/statutory factors, law enforcement officials, and community factors. The legal/statutory aspect is applying a restorative justice approach to the crime of persecution committed by students in Parepare City at the levels of investigation, prosecution and examination in court. Factors for law enforcement officials, namely providing education related to criminal acts of persecution, carrying out prevention directly in the field, and taking legal action as learning so that perpetrators do not repeat the same steps. Criminal law enforcement will be carried out optimally if it is accompanied by the role of law enforcement officials so that the same understanding and perception is needed between law enforcement officers in solving cases of a crime. As for the community factor, namely, the community is reluctant to provide information and testimony, which affects the law enforcement process of criminal acts of persecution committed by students. If the public seems apathetic, law enforcement against a crime will not run optimally.

Based on the results of an analysis of law enforcement factors regarding the crime of maltreatment committed by students in Parepare City, it can be concluded that effective and efficient law enforcement is urgently needed to reduce these criminal acts. In this case, preventive efforts must be made by increasing student legal and moral awareness and strengthening cooperation between security forces, educational institutions, and the local community. Strict supervision and law enforcement also need to be increased against perpetrators of crimes of persecution to provide a deterrent effect and prevent similar crimes. For this reason, it is suggested that the security forces and educational institutions in the City of Parepare work together in socializing and educating students about the importance of upholding law and morals. In addition, it is also necessary to improve coordination and cooperation between security forces, educational institutions and the local community in preventing and handling cases of criminal acts of persecution involving students.

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