



Restorative Justice and *Ta'zir* in Addressing Oil Palm Fresh Fruit Bunch Theft: A Case Study of Tigo Nagari Police Station

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Article Information:

Received May 05, 2026

Revised June 04, 2026

Accepted June 20, 2026

ABSTRACT

This research is motivated by the increasing incidence of oil palm fresh fruit bunch (FFB) theft in Tigo Nagari District, Pasaman Regency, and the growing application of restorative justice in resolving such cases. Despite its widespread implementation in Indonesia, empirical studies examining the effectiveness of restorative justice in oil palm theft cases from the perspective of *ta'zir* remain limited. This study aims to analyze the effectiveness of restorative justice in creating a deterrent effect and to examine its relevance to the concept of *ta'zir* in Islamic criminal law. This study employs a qualitative approach with a field research design. Data were collected through interviews, documentation, and literature review and analyzed using data reduction, data display, and conclusion drawing. The findings indicate that restorative justice is effective in resolving disputes peacefully, restoring social relations, and preventing recidivism among offenders. However, its broader deterrent effect remains limited due to economic factors, low legal awareness, and the persistence of family-based dispute resolution practices. The study further demonstrates that restorative justice is compatible with the concept of *ta'zir*, as both emphasize offender rehabilitation, social restoration, community protection, and crime prevention. This research contributes to the literature by integrating the effectiveness of restorative justice with the *ta'zir* perspective in addressing oil palm FFB theft cases. The findings also suggest that the concept of *ta'zir* provides a normative foundation for the application of restorative justice in minor criminal offenses.

Keywords: Restorative Justice; *Ta'zir*; Oil Palm Theft; Islamic Criminal Law; Legal Effectiveness

Journal Homepage

<https://ejournal.uinmybatangas.ac.id/ojs/index.php/elhekam/index>

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How to cite:

Suci Surgani Putri, & Dahyul Daipon. (2026). Restorative Justice and *Ta'zir* in Addressing Oil Palm Fresh Fruit Bunch Theft: A Case Study of Tigo Nagari Police Station. *El -Hekam*, 11(1), 13–27. <https://doi.org/10.31958/jeh.v11i1.16915>

Published by:

Universitas Islam Negeri Mahmud Yunus Batangas

INTRODUCTION

The theft of fresh oil palm fruit bunches (FFB) in Tigo Nagari Subdistrict, Pasaman Regency, is a common form of economic crime that causes significant concern among the community. This crime not only results in material losses but also erodes public safety and trust in law enforcement. Based on field findings, thefts often occur at night, and some of the perpetrators come from the surrounding area and are even related to the victims. This situation leads the community to prefer resolving the issue through informal, family-based means rather than through formal legal processes.

In the context of law enforcement, the effectiveness of the law is a crucial factor in assessing the success of a legal provision within society. The effectiveness of the law refers to a process that involves a general problem-formulation strategy, namely a comparison between legal reality and legal ideals. In other words, it highlights the gap between law in action and law in theory. (Aprita & Adhitya, 2020) According to Soerjono Soekanto, the effectiveness of the law is influenced by several factors: the law itself, law enforcement officials, resources or facilities, society, and legal culture. These five factors are interrelated in determining the success or failure of law enforcement in society. (Soekanto, 2007)

Meanwhile, Lawrence M. Friedman explains that the legal system consists of three main components: legal substance, legal structure, and legal culture. These three components must work synergistically so that the law is not only normative (law in the books) but also effective in practice (law in action). In the case of palm oil theft, a weak legal culture and economic factors are the main obstacles to achieving such effectiveness. (Prasetio, 2021) As an alternative to resolving criminal cases, the Tigo Nagari Police Station has implemented a restorative justice.

Restorative justice is an approach to resolving criminal cases that involves various parties, including the offender and their family, the victim and their family, and the community (Ismail et al., 2024). This approach focuses on restoring the victim's well-being following a criminal act, rather than merely punishing the offender (Sriwiyanti et al., 2021). Unlike the traditional criminal justice system, which focuses on retribution (retributive justice), restorative justice emphasizes the offender's responsibility to make amends for the harm caused. (Saleh, 2025)

This concept emphasizes the resolution of cases through the restoration of the status quo, dialogue between the offender and the victim, and community involvement. Unlike the retributive system, which is focused on punishment, restorative justice places greater emphasis on the offender's accountability and the restoration of social relationships. Within the context of positive law in Indonesia, this approach has been incorporated into Regulation of the National Police of the Republic of Indonesia No. 8 of 2021 on the Handling of Criminal Offenses Based on Restorative Justice.

However, although this approach is considered more humane and in line with the social conditions of the community, in practice restorative justice has not yet been fully effective in deterring crime. This is evident from the fact that theft of fresh palm fruit (TBS) continues to occur, even though some cases have been resolved through peaceful

mechanisms. This situation indicates a gap between the objectives of case resolution and the broader impact on crime prevention, thus necessitating a further assessment of the effectiveness of this approach.

From the perspective of Islamic criminal law, the restorative justice approach is relevant to the concept of *ta'zir*. According to Wahbah Zuhaili, *ta'zir* is a form of punishment not explicitly defined in the text of the Quran or Hadith, but rather left to the *ulil amri* or judge to determine based on the severity of the offense, the offender's circumstances, and the public interest. The primary objectives of *ta'zir* are to serve as a deterrent (*zajr*), to educate the offender (*ta'dib*), and to maintain social order. The flexibility inherent in the concept of *ta'zir* allows for the application of sanctions that are contextual and adaptable to the conditions of society.

The common ground between restorative justice and *ta'zir* lies in the focus on restoration, rehabilitation of the offender, and protection of the community. However, *ta'zir* also emphasizes the importance of deterrence as part of crime prevention. Therefore, it is important to examine to what extent the application of restorative justice in the case of palm oil theft in Tigo Nagari aligns with the principles of *ta'zir*, particularly in terms of providing a deterrent effect and maintaining social order.

Previous studies have highlighted various dimensions of restorative justice in theft cases (Timur, 2024). Existing research generally demonstrates that restorative justice provides a more humane alternative to formal litigation and is consistent with the principles of reconciliation in Islamic criminal law (Ropei, 2022). Other studies have shown that its effectiveness is influenced by legal substance, law enforcement, resources, community factors, and legal culture (Yani & Djanggih, 2023). However, empirical findings also reveal that restorative justice has not always been successful in creating a broader deterrent effect, as new offenses continue to occur despite the peaceful resolution of previous cases (Iwanto et al., 2025; Putri & Suriyani, 2025). These studies have contributed significantly to the development of restorative justice discourse, yet they have primarily focused on legal effectiveness and normative perspectives.

Although previous studies have made important contributions, they have largely concentrated on the effectiveness of case resolution or the normative compatibility of restorative justice with Islamic criminal law. Little attention has been paid to how restorative justice functions in creating deterrence when examined through the objectives of *ta'zir*, particularly in terms of offender rehabilitation, crime prevention, and the protection of society. Moreover, empirical studies addressing oil palm FFB theft from this perspective remain limited.

Against this background, the present study examines the effectiveness of restorative justice in handling oil palm FFB theft cases through the perspective of *ta'zir* in Islamic criminal law based on field research conducted within the jurisdiction of the Tigo Nagari Police Station. In addition to evaluating the role of restorative justice in achieving peaceful settlement, this study explores its relevance to the objectives of *ta'zir*, particularly offender rehabilitation, deterrence, and the maintenance of social

order. This study contributes to the growing literature on restorative justice and Islamic criminal law by demonstrating the convergence between restorative justice and the concept of *ta'zir* in addressing minor criminal offenses. The findings are expected to enrich discussions on the integration of positive law and Islamic criminal law and provide insights for developing more humane and socially oriented criminal justice policies.

Based on the above discussion, this study aims to analyze the effectiveness of applying restorative justice in deterring perpetrators of fresh palm fruit theft and to examine its relevance to the concept of *ta'zir* in Islamic criminal law.

RESEARCH METHODOLOGY

This study employs a qualitative approach using field research. (Tersiana, 2018) A qualitative approach was chosen to understand in depth the phenomenon of fresh fruit bunch (FFB) theft in oil palm plantations and the application of restorative justice within the jurisdiction of the Tigo Nagari Police Station in Pasaman Regency. This study employs a case study design because it focuses on a specific phenomenon within a particular social context, namely the practice of resolving cases of FFB theft through a restorative justice approach.

The research was conducted in Tigo Nagari Subdistrict, Pasaman Regency, West Sumatra. Research informants were selected using purposive sampling, based on the consideration that they possessed knowledge, experience, and direct involvement in resolving cases of fresh fruit bunch (FFB) theft through a restorative justice approach. There were eight informants in this research, consisting of one Head of the Criminal Investigation Unit at the Tigo Nagari Police Station, two victims of palm oil fresh fruit bunch theft, two community leaders, and three palm oil plantation owners. The selection of these informants was based on their ability to provide relevant information regarding the effectiveness of the application of restorative justice and its relevance to the concept of *ta'zir* in Islamic criminal law.

The data sources for this study consist of primary and secondary data. (Gagah Daru hadi and Pia Sopiati, 2024) Primary data was collected through deep interviews with selected informants. Meanwhile, secondary data was obtained from documents at the Tigo Nagari Police Station, laws and regulations, books, academic journals, and various other sources related to restorative justice and Islamic criminal law.

Data collection was conducted through interviews and documentation. The interviews were semi-structured to elicit in-depth information regarding the informants' experiences, perspectives, and understanding of cases of fresh fruit bunch (FFB) theft and the mechanisms for resolving them. Documentation was used to supplement and verify the data obtained through the interviews.

To ensure data validity, this study employed source triangulation (Soekanto, 2019). Source triangulation was conducted by comparing information obtained from police officers, victims, community leaders, and oil palm plantation owners. The

application of triangulation aimed to enhance the credibility and validity of the research findings.

Data analysis was conducted using Miles and Huberman's interactive analysis model, which consists of three stages: data reduction, data presentation, and drawing conclusions/verification. (Junaidi, 2024) Data reduction was performed by selecting, simplifying, and grouping data relevant to the research focus. Next, the data was presented in the form of a narrative description to facilitate understanding of the research findings. The final stage involved drawing conclusions and verification, which was conducted continuously by comparing results from various sources and data collection methods to ensure valid and accountable conclusions.

RESULT AND DISCUSSION

The Effectiveness of Restorative Justice in Deterring Perpetrators of Fresh Oil Palm Fruit Bunch Theft in Tigo Nagari

Research findings indicate that the theft of fresh fruit bunches (FFB) from oil palm plantations in Tigo Nagari Subdistrict remains a frequent occurrence and a source of concern for the community, particularly oil palm plantation owners. Based on interviews with community leaders, it was found that the perpetrators of theft generally come from the surrounding area and are even related to the victims. This situation leads the community to tend to resolve the issue through informal, family-based means before reporting it to the police.

As stated by one community leader, if the perpetrator is a relative or comes from the same village, the matter is resolved through a meeting involving the family, village elders, and community leaders. However, if the perpetrator does not show good faith or repeats the offense, only then is the case reported to the police. From the victims' perspective, theft generally occurs at night, making it difficult to identify the perpetrator. One farm owner stated that the harvest, which previously reached about 800 kg every 15 days, has dropped to about 400 kg due to theft. This indicates a significant economic impact on the community.

In addition, there is a tendency for the public not to report theft cases to the police. This is due to the perception that the reporting process is time-consuming and requires strong evidence, while palm oil theft often occurs without witnesses. As a result, many theft cases go unreported. However, there are also cases that have been successfully solved because the perpetrators were caught in the act. In one such case, the victim, who witnessed the perpetrator committing the theft firsthand, reported the incident to the police, providing both physical evidence and a witness.

According to data from the Tigo Nagari Police Station, the number of cases involving the theft of fresh palm fruit (FFB) handled through a restorative justice approach has increased, from one case in 2024 to four cases in 2025. All of these cases were resolved through restorative justice mechanisms, taking into account the social relationship between the perpetrator and the victim as well as the relatively small amount of damages. In practice, resolution through restorative justice is carried out by

facilitating mediation between the perpetrator and the victim. The perpetrator is asked to admit their mistake, apologize, and compensate for the loss. The agreement is then formalized in a written statement. No cases proceeded to trial.

The primary factor driving theft is economic. Financial constraints and the need to meet daily living expenses are reasons frequently cited by perpetrators. This indicates that the crime of theft is influenced not only by malicious intent but also by the pressures of socioeconomic conditions. One case study demonstrates that resolution through restorative justice can restore the relationship between the perpetrator and the victim. In that case, the perpetrator, who was related to the victim, admitted to the crime, apologized, and promised not to repeat the act. The victim then forgave the perpetrator, taking into account their family ties and economic circumstances.

Mariam Liebman simply defines restorative justice as a legal system aimed at restoring the well-being of victims, offenders, and communities affected by crime, while also preventing future offenses. This concept is viewed by many as a philosophy, process, idea, theory, and intervention. Its implementation is carried out through a collaborative process involving all relevant stakeholders in the resolution of conflicts or criminal offenses.(Yunus & Dahri, 2021).

According to Satjipto Rahardjo, resolving a case through the judicial system, which culminates in a court verdict, is a form of law enforcement that follows a slow process. Therefore, the restorative justice approach is viewed as a better and more effective way to resolve a case compared to the retributive justice approach. The same point was also raised by Luhut MP Pangaribuan, who stated that the resolution of criminal offenses should no longer involve imprisonment, as this embodies a spirit of vengeance and simultaneously places a burden on the state; instead, the resolution of criminal offenses should focus on restoring relationships between the victim, the offender, and the community(Setioningtias et al., 2024). Restorative justice emphasizes a balance between the interests and the harmonization of the community, the offender, and the victim simultaneously.(Nur et al., 2025)

Normatively, the implementation of restorative justice has a strong legal basis, namely Regulation of the Indonesian National Police No. 8 of 2021 on the Handling of Criminal Offenses Based on Restorative Justice. Furthermore, the criminal offense of theft remains regulated under the Criminal Code (KUHP), specifically Articles 362 and 364; thus, restorative justice serves as an alternative means of resolving cases, not a substitute for criminal law.

Compared to resolutions at the village level, the police's restorative justice approach is considered to have a greater deterrent effect. This is due to the involvement of law enforcement officials, a formal mediation process, and the drafting of a written statement that places moral pressure on the perpetrator. The community believes that this approach is more effective than mere reprimands or appeals from the village government that are not accompanied by strict sanctions. However, the effectiveness of restorative justice remains limited.

Research findings indicate that the success of restorative justice in Tigo Nagari is determined not only by the existence of mediation mechanisms facilitated by the police, but also by the social characteristics of a community that still upholds the values of deliberation and kinship ties. This situation indicates that the effectiveness of restorative justice does not depend solely on existing legal rules, but also on the level of community acceptance of this dispute resolution mechanism. Thus, the successful resolution of the palm oil TBS theft case through restorative justice reflects the alignment between the applied law and the social values embedded in the community.

According to Soerjono Soekanto, the effectiveness of the law is influenced by five factors: legal factors, law enforcement, resources and facilities, society, and legal culture. (Soekanto, 2007) These five factors are interrelated in determining whether or not a legal rule is successfully applied in society. In this study, the legal factor is reflected in the existence of Police Regulation No. 8 of 2021, which provides the legal basis for the application of restorative justice in the resolution of criminal offenses.

From a law enforcement perspective, the Tigo Nagari Police Station plays an active role as a mediator, facilitating dialogue and reconciliation between perpetrators and victims. Meanwhile, social and legal-cultural factors are evident in the strong tradition of deliberation and amicable conflict resolution that remains alive in the Tigo Nagari community. However, economic factors and the community's low legal awareness remain obstacles that allow criminal acts of palm oil fruit theft to persist. These findings indicate that the effectiveness of restorative justice is determined not only by the existence of legal rules but also by the social and cultural conditions of the community where the law is applied.

The findings of this study can also be analyzed using Lawrence M. Friedman's theory of legal systems, which states that the effectiveness of the law is influenced by three main elements: legal structure, legal substance, and legal culture (Friedman, 2019). In the context of this study, legal structure is reflected in the role of the police in facilitating case resolution through restorative justice, while legal substance is evident in the existence of regulations governing the application of restorative justice.

However, the legal culture has not yet fully supported the establishment of comprehensive crime prevention. This is evident from the fact that thefts of fresh fruit bunches (FFB) continue to occur, even though some cases have been successfully resolved through restorative justice. Thus, the main obstacle to the effectiveness of restorative justice in Tigo Nagari does not lie in legal regulations or law enforcement officials, but rather in the legal culture and the community's economic conditions, which influence the level of compliance with the law.

The findings of this study are consistent with Ulik Iwanto's research, which shows that restorative justice is effective in restoring relationships between offenders and victims, but has not yet been fully successful in preventing the emergence of new offenders. The similarity of these findings suggests that the success of restorative justice is more pronounced in the aspect of social restoration than in its broader crime prevention function. Nevertheless, this study found that the communal culture of the

Tigo Nagari community is a key factor supporting the success of the peace process—an aspect that has not been extensively discussed in previous research.

The Relevance of Restorative Justice to the Concept of *Ta'zir* in Islamic Criminal Law in Resolving Cases of Theft of Fresh Palm Fruit Bunches in Tigo Nagari

Theft (*sariqah*) in Islamic criminal law is essentially classified as a *hudud* offense, which carries the penalty of amputation. (Mardani, 2019) According to Zainuddin Ali, the conditions for the punishment of amputation for perpetrators of theft are as follows:(Ali, 2018)

- a) The value of the stolen property amounts to one nisab, which is a specific threshold of wealth established by law.
- b) The stolen goods are marketable.
- c) The goods and/or money stolen do not belong to the public treasury.
- d) The thief is of legal age.
- e) The act was committed of his own free will, not under coercion by another person.
- f) The thief is not in a state of economic crisis.
- g) The thief did not commit the act to meet basic needs.
- h) The victim of the theft is not the thief's parent, nor is the victim a close relative (*mahram*).
- i) The thief is not the victim's servant. If a domestic servant steals their employer's property, their hand is not cut off.

Islamic scholars agree on the punishment for thieves, which is amputation of the hand. Among jurists, there is consensus that the term “hand (*yad*)” also includes the foot. If a person commits theft for the first time, his right hand is amputated; if the theft is repeated, his left foot is amputated.(Janah et al., 2025) Among the *fuqaha*, there is consensus that the term “hand (*yad*)” also includes the foot. If a person commits theft for the first time, his right hand is amputated, and if the theft is repeated, his left foot is amputated. One of the conditions for imposing the *hadd* punishment for theft is that the value of the stolen goods reaches a certain threshold. If the value of the stolen goods does not reach this threshold, the offender is not subject to the punishment of amputation, but rather to *ta'zir*. This demonstrates that Islamic law takes proportionality into account when imposing sanctions.(Aningsih et al., 2026)

Ta'zir is a form of punishment not explicitly defined in the Quran or Hadith, but rather left to the discretion of those in authority or judges, who take into account the severity of the offense, the offender's circumstances, and the public interest. The primary objectives of *ta'zir* are to serve as a deterrent, to educate the offender, to maintain social order, and to protect society.(Al-Zuhayli, 2011).

The legal basis for prescribing penalties for perpetrators of *ta'zir* crimes is that “*ta'zir yadurru ma'a mashlahah*,” meaning that *ta'zir* law is based on considerations of the public interest while adhering to the principle of justice in society. According to Syarbini al-Khatib, the verses of the Qur'an that serve as the basis for the existence of *ta'zir* crimes are Qur'an Surah al-Fath, verses 8–9:(Muslich, 2016)

إِنَّا أَرْسَلْنَاكَ شَاهِدًا وَمُبَشِّرًا وَنَذِيرًا ﴿٨﴾

لِتُؤْمِنُوا بِاللَّهِ وَرَسُولِهِ ۖ وَتُعَزِّرُوهُ وَتُوَقِّرُوهُ وَتُسَبِّحُوهُ بُكْرَةً وَأَصِيلًا ﴿٩﴾

“Indeed, We have sent you as a witness, a bearer of good news, and a warner.” “So that you may all believe in Allah and His Messenger, strengthen His religion, exalt Him, and glorify Him morning and evening.”

Based on the translation above, A. Hasan translates “*watu'aziruhu*” as: “and so that you may strengthen [your faith]”; and to achieve this goal, one of the means is to prevent the enemies of Allah, as stated by Syarbini al-Khatib. The hadith upon which the concept of the *ta'zir* offense is based is as follows:(Lestari, 2024)

1. A hadith of the Prophet Muhammad SAW narrated by Bahz ibn Hakim, which reads: “From Bahz ibn Hakim, from his father, from his grandfather, that the Prophet SAW detained a man on suspicion of committing a crime.”
2. A hadith of the Prophet Muhammad narrated by Abu Burdah, which reads: “From Abu Burdah al-Ansari RA, may Allah be pleased with him, who reported that he heard the Messenger of Rasulullah SAW, say: ‘No punishment of more than ten lashes may be administered except in cases prescribed by Allah the Exalted’ (Muttafaqun Alaih)”.
3. A hadith of the Prophet narrated by Aisyah, which reads: “From Aisyah, may Muhammad be pleased with her. The Prophet Muhammad said: ‘Lighten the punishment for those who have never committed a crime, except in cases of hudud offenses.’”.

In general, these three hadiths explain the existence of *ta'zir* in Islamic law. The first hadith describes how the Prophet Muhammad SAW detained a person suspected of committing a criminal offense with the aim of allowing for more than ten lashes, to distinguish such cases from *hudud* crimes. With this limit on punishment, it becomes clear which offenses fall under *hudud* crimes and which fall under *ta'zir* crimes.(Sufriзал et al., 2023) In Islamic criminal law, *ta'zir* punishment is a form of sanction whose determination is left to the discretion of the judge or imam, based on the severity of the offense, the circumstances of the offender, and the public interest; as such, it may take the form of a reprimand, imprisonment, flogging, exile, or other severe penalties.(Sugiarto et al., 2022)

In addition to the nisab, another requirement is that the stolen item must be in a secure place (*hirz*). If the item is not under proper guard, then the elements of *hadd* are not met. In this situation, the perpetrator is still considered guilty, but the punishment is *ta'zir*. Theft committed under emergency circumstances, such as extreme hunger, is also not subject to the *hadd* punishment. Historically, during the time of Umar bin Khattab, the punishment of amputation was not enforced during a famine. This demonstrates the flexibility of Islamic law in considering social conditions.(Firmansyah & Madhapi, 2021)

Furthermore, theft involving an element of *syubhat* (doubt), such as taking property belonging to a family member or property whose ownership is unclear, cannot be punished with a hadd. A principle of Islamic jurisprudence states that “*hudud* is waived due to the presence of *syubhat*,” so in such cases, the punishment is converted to *ta'zir*. The forms of *ta'zir* punishment for theft vary widely, depending on the judge's discretion. Such punishments may include reprimands, fines, imprisonment, or even social sanctions. The primary objective is not merely to punish, but also to educate and prevent the offender from repeating the act. (Sonia et al., 2025)

In the modern context, the concept of *ta'zir* is highly relevant because it allows the legal system to adapt to changing times. The state may impose criminal penalties such as imprisonment or fines for minor theft that does not meet the criteria for *hudud*, as is the practice under positive law in various countries, including Indonesia.

Scholars such as Wahbah az-Zuhaili explain that *ta'zir* aims to safeguard the public interest and serve as a deterrent without having to impose extremely severe punishments like *hudud*. Therefore, *ta'zir* serves as an important tool in maintaining a balance between justice and humanity. (Al-Zuhayli, 2011)

Thus, theft subject to *ta'zir* encompasses all forms of theft that do not meet the criteria for *hudud*, whether because the value does not reach the nisab threshold, the property is not in a secure location, there is doubt regarding the act, or due to an emergency situation. The application of *ta'zir* demonstrates that Islamic law is flexible, adaptive, and oriented toward the public interest. (Syarbaini, 2023)

This situation is consistent with a case of fresh palm fruit theft in Tigo Nagari Subdistrict that was resolved through a restorative justice approach. According to the research findings, the resulting financial losses were relatively small, ranging from IDR 250,000 to IDR 400,000, and the perpetrators generally came from the same social circle or had family ties with the victims. Furthermore, the resolution of these cases prioritized deliberation and reconciliation over formal judicial proceedings. Therefore, the restorative justice approach implemented by the Tigo Nagari Police Station has strong relevance to the concept of *ta'zir* in Islamic criminal law.

According to Wahbah al-Zuhaili, *ta'zir* is a form of punishment not explicitly defined in the Qur'an and Hadith, so its determination is left to those in authority or judges, taking into account the severity of the offender's offense, social conditions, and the public interest. The primary purpose of *ta'zir* is not only to punish the offender but also to educate them (*ta'dib*), prevent the recurrence of criminal acts (*zajr*), and maintain public order and the common good. Thus, the orientation of *ta'zir* is not merely repressive but also corrective and preventive.

Research findings indicate that these principles are reflected in the practice of restorative justice at the Tigo Nagari Police Station. Offenders are not immediately sentenced to imprisonment but are given the opportunity to admit their wrongdoing, apologize to the victim, compensate for the damages caused, and sign a written statement pledging not to repeat the offense. This mechanism demonstrates that case resolution places greater emphasis on the restoration of social relationships and the

rehabilitation of the offender rather than on retribution alone. In this context, restorative justice serves as a means of social rehabilitation that aligns with the objectives of *ta'zir* in Islamic criminal law.

Upon further analysis, the success of restorative justice in resolving conflicts between perpetrators and victims demonstrates the achievement of the goal of *ta'dib* (rehabilitation) within the concept of *ta'zir*. This is evident from the absence of repeat offenses among perpetrators who have resolved their cases through restorative justice mechanisms. These findings indicate that the process of dialogue, acknowledgment of wrongdoing, and taking responsibility for redressing harm can foster behavioral change in individual perpetrators.

However, from the perspective of general deterrence, the effectiveness of restorative justice still has its limitations. Although offenders who have undergone the restorative justice process do not repeat their offenses, criminal acts of palm oil fruit theft continue to occur, committed by different perpetrators. This finding indicates that the objective of *zajr* (deterrence) within the concept of *ta'zir* has not yet been fully achieved. In other words, restorative justice has succeeded in creating a specific deterrent effect (special deterrence) for the offenders, but has not yet been able to produce a general deterrent effect (general deterrence) for the broader public.

The findings of this study are consistent with Ulik Iwanto's research, which states that restorative justice is effective in restoring relationships between perpetrators and victims, but has not yet been fully successful in preventing the emergence of new perpetrators. The similarity of these findings indicates that the primary strength of restorative justice lies in social restoration and the peaceful resolution of conflicts. However, this study identified a distinct aspect: the strong culture of kinship and community deliberation in Tigo Nagari, which serves as the primary supporting factor for the success of the peace process.

From the perspective of contemporary Islamic criminal law, *ta'zir* is no longer understood merely as an instrument of punishment, but also as a means of rehabilitation and social reintegration for offenders. This view highlights a strong convergence between the concept of *ta'zir* and restorative justice. Both prioritize the public interest, victim protection, and the offender's behavioral rehabilitation as the primary objectives of case resolution. Therefore, the application of restorative justice in cases of palm oil fruit theft can be viewed as a manifestation of *ta'zir*'s values within the context of the modern legal system.

Nevertheless, this study indicates that the implementation of restorative justice needs to be strengthened so that the objectives of *ta'zir* can be achieved more effectively. Such strengthening can be achieved through post-reconciliation guidance, increased supervision of offenders, the involvement of community leaders in social oversight, and the imposition of proportionate educational sanctions. These measures are essential for strengthening the preventive function while safeguarding the public interest in a sustainable manner.

Thus, the relationship between restorative justice and *ta'zir* is not merely conceptual but can also be applied in practice to resolve minor criminal offenses within the community. Restorative justice provides a participatory and recovery-oriented resolution mechanism, while *ta'zir* provides a normative foundation regarding the importance of rehabilitating offenders, protecting the community, and preventing crime. The integration of these two approaches has the potential to produce a case resolution model that is more humane and just, while still taking into account the preventive objectives of criminal law.

CONCLUSION

This research shows that the application of restorative justice in resolving cases of fresh fruit bunch (FFB) palm oil theft in Tigo Nagari Subdistrict is effective in resolving conflicts peacefully, restoring social relationships between perpetrators and victims, and preventing the recurrence of criminal acts by perpetrators who have undergone the case resolution process. However, this effectiveness remains limited to the individual level, as criminal acts of FFB theft continue to occur with different perpetrators. These findings suggest that the success of restorative justice is more evident in the aspects of social restoration and offender rehabilitation than in the creation of a general deterrent effect.

This study also found that restorative justice has strong relevance to the concept of *ta'zir* in Islamic criminal law. Both are oriented toward rehabilitating offenders, restoring social relationships, protecting society, and preventing crime. However, the goal of prevention, which is one of the primary objectives of *ta'zir*, has not yet been fully achieved due to economic factors, low legal awareness, and the community's legal culture, which contribute to the occurrence of theft.

The novelty of this research lies in the integration of an analysis of the effectiveness of applying restorative justice in cases of palm oil fruit theft with the perspective of *ta'zir* in Islamic criminal law through empirical research at the police level. Unlike previous studies, which generally focused on normative aspects or the effectiveness of case resolution, this study demonstrates that the relationship between restorative justice and *ta'zir* is not merely conceptual but can also be practically applied in resolving minor criminal offenses within the community.

Theoretically, this research contributes to the development of studies on restorative justice and Islamic criminal law by demonstrating the common ground between the restorative justice approach and the concept of *ta'zir* in achieving offender rehabilitation, social restoration, and the public good. These findings enrich the discourse on the potential integration of positive law and Islamic criminal law in the resolution of criminal cases in Indonesia.

From a policy perspective, the findings of this study highlight the need to strengthen post-reconciliation guidance and oversight mechanisms, raise public legal awareness, and promote community economic empowerment as strategic measures to enhance the effectiveness of restorative justice. Further research is recommended to

examine the application of restorative justice in various other types of criminal offenses and to explore models for integrating restorative justice and *ta'zir* into a more comprehensive criminal justice system.

ACKNOWLEDGEMENT

The author would like to express his deepest gratitude to the Chief of the Tigo Nagari Police Station and his staff for providing data and information throughout the research process. Thanks are also extended to the residents of Tigo Nagari Subdistrict, particularly the oil palm plantation owners and informants, who were willing to take the time to provide invaluable insights.

The author would also like to thank the academic advisor and the entire academic community of the Islamic Law Graduate Program for their guidance, direction, and support in the completion of this research. Finally, the author would like to express appreciation to all those who have helped, both directly and indirectly, in ensuring the successful completion of this research.

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