

Policy on Sentencing Criminal Actors in Accordance with Pancasila Justice (Study of Decision Number: 504/Pid.B/2024/PN.Ptk)

Supra Endra Tama¹⁾ & Achmad Sulchan²⁾

¹⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: Supraendratama.std@unissula.ac.id

²⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: Achmadsulchan@unissula.ac.id

Abstract. *The enforcement of criminal law in Indonesia not only aims to deter offenders but is also expected to reflect the values of social justice as enshrined in the fifth principle of Pancasila. One of the major challenges in the criminal justice system is to realize a fair and proportional sentencing policy, not only towards the perpetrators but also by considering the interests of the victims and society as a whole. This research aims to analyze sentencing policies for theft offenders that embody social justice, using Case Decision Number 504/Pid.B/2024/PN.Ptk as a case study, and to evaluate the extent to which the imposed criminal sanctions reflect the principles of Pancasila justice. The research method used is a normative juridical and sociological juridical approach. Primary data were obtained from official copies of court decisions, while secondary data were obtained through literature review of criminal law literature, doctrines, and relevant regulations. The analysis was conducted qualitatively, emphasizing the legal construction built in the judge's considerations and the values of social justice within the context of Pancasila. The research results show that the sentencing policy reflected in Decision Number 504/Pid.B/2024/PN.Ptk is still dominated by a retributive paradigm, although there are considerations that attempt to accommodate aspects of substantive justice and the social conditions of the perpetrator. The criminal sentence imposed does not yet fully reflect a rehabilitative and restorative approach aimed at restoring the relationship between the perpetrator, the victim, and society. In the context of Pancasila justice, sentencing should not only serve as a means of retribution but also as an effort for rehabilitation and social reconciliation. Thus, this research recommends that future penal policies integrate the cultural and ideological values of the Indonesian nation, namely Pancasila-based social justice, through a more humane and responsive penal approach to the background of the offenders and their impact on society.*

Keywords: *Pancasila; Theft; Restorative Justice; Sentencing Policy; Social Justice.*

1. Introduction

In criminal law, theft is not only seen from the perspective of the physical act of taking goods, but also includes the perpetrator's evil intentions (*mens rea*). The intention to illegally possess someone else's goods is an important element in determining whether an action can be categorized as theft.¹ According to Lamintang, there are two main elements in the crime of theft.²:

1. Objective: The condition that accompanies an object, where the object in question is wholly or partly owned by someone, there is an act of taking, there is an object in the form of an object.

2. Subjective: Against the law, there is a motive to possess, there is an intention.

Aggravated theft or also known as certain theft or qualification (*gequalificeerd diefstal*) is one of the most common theft crimes. The meaning of this type of certain theft or qualification is a theft that is carried out in a certain way or under certain circumstances, so that its nature is more severe and is threatened with a heavier penalty than ordinary theft.³ The term used by R. Soesilo is "aggravated theft" in his book, the Criminal Code (KUHP), because from this term it can be said that due to its nature, the theft has an aggravated criminal threat and causes material losses felt by the victim.⁴ As a democratic country, Indonesia is committed to upholding the law based on Pancasila and the 1945 Constitution. The daily lives of the people are regulated by laws, both codified and uncoded, within the framework of state institutions in modern times. The rule of law is a term often used to describe it.⁵

Crime is an offense, namely things that are contrary to or in conflict with the legal principles that are the beliefs of human life and are not bound by law.⁶ Crime, including theft, is a challenge that society faces from time to time. To understand the context and impose this criminal act in order to create a safe and prosperous environment for all citizens. even since the time of Adam and Eve, crime has been created, that is why crime is an issue that cannot be stopped from being discussed. This is why "where there are humans, there must be crime"; "Crime is eternal-as eternal as society".⁷ The legal system of a country has a significant influence on the formation and development of law in that country, especially criminal law. Criminal law is one of the positive laws, especially serious criminal law which in this case is represented by the Criminal Code considering that the criminal law system is the legal system of choice in Indonesia, has not experienced significant changes since it was first implemented in Indonesia until now. In the general explanation of the Criminal Procedure Code, it is stated that it prioritizes human rights and ensures that all people are treated equally before the law

¹PAF Lamintang., *Special Offenses, Crimes Against Property*, First Edition, Bandung, Sinar Baru, 1989, p. 11.

²PAF Lamintang, *Basics of Indonesian Criminal Law*, BAuthor: Citra Aditya Bhakti, 2013

³Wirjono Prodjodikoro, *Certain Criminal Acts in Indonesia*, Bandung, Eresco, 1986, p. 19

⁴R. Soesilo, *Criminal Code (KUHP)*, Bogor: Politeia, 1988, p. 248.

⁵Donald Albert Rumokoy and Frans Maramis, *Introduction to Legal Science*, Rajagrafindo Persada, Jakarta, 2014, p. 16

⁶Bawengan, GW, *Examination Techniques and Criminal Cases*, Pradnya Paramita, Jakarta, 1974, p. 22

⁷Yesmil Anwar, *Criminology*, Rafika Aditama. Bandung, 2010, p. 200.

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and government, and everyone has an obligation to obey the law and government without exception.⁸

The criminal policy in Indonesia is an integral part of the criminal law system regulated in the Criminal Code (KUHP). This policy aims to uphold justice, protect the community, and prevent criminal acts. The criminal policy in Indonesia is based on the principles of criminal law contained in the Criminal Code and further regulated in Law Number 1 of 1946. Some related to the crime of theft include:

1. Article 362 of the Criminal Code regulates ordinary theft.
2. Article 363 of the Criminal Code regulates aggravated theft.
3. Article 364 of the Criminal Code: regulates theft in certain circumstances (for example during a disaster).

Each of these articles provides a legal framework for determining the type of criminal act and the appropriate sanctions for the perpetrator. However, the application of the theft articles in criminal law often cannot be separated from the social, economic, and cultural context in which the theft occurred. In many cases, these external factors can influence how the law is enforced and how perpetrators are treated by the justice system.

1. Socio-Economic Conditions of the Perpetrators

The socioeconomic conditions of the perpetrators of theft play a significant role in understanding the motivations behind the act. Research shows that individuals who live in poverty or have limited access to resources are more likely to engage in criminal activities, including theft. Economic instability, high unemployment, and lack of education can create a situation where theft is seen as the only way to meet basic needs.

2. Local Cultural Context

Cultural context also greatly influences the application of the law regarding theft. In some cultures, there are social norms that may view theft differently. For example, in some communities, stealing from the wealthy or large institutions may be seen as a heroic act or a defense against social injustice. In others, the act may be seen as a serious moral violation.

Local culture can also influence attitudes toward thieves. In some communities, there is a tendency to give second chances to thieves in the hope that they will improve if given the right social and economic support.

3. Law Enforcement and Public Policy

Law enforcement is also influenced by these external factors. Police and justice systems may have different policies based on their local context. In areas with high crime rates or public dissatisfaction with safety, law enforcement may be more stringent and aggressive. Conversely, in areas with low crime rates or good police-community relations, restorative justice approaches may be more common. Public policy also plays a significant role in determining how theft cases are handled. Rehabilitation programs for criminals and social

⁸Tolib Effendi, *Basics of Criminal Procedure Law: Development and Reform in Indonesia*, Setara Press, Surabaya, 2014, p. 2.

welfare initiatives can help reduce crime rates by providing alternatives for individuals at risk of becoming involved in criminal activity.

The application of the articles on theft does not only depend on the legal text itself, but is also greatly influenced by the socio-economic conditions of the perpetrators and the local cultural context. Understanding these dynamics is key to formulating effective policies to prevent crime and support the reintegration of perpetrators into society. Although this has been clearly regulated in the Criminal Code and the sanctions that will be imposed on the perpetrators, this does not deter the Indonesian people and prevent them from committing crimes. The proof is that these crimes still occur frequently. Usually, whether reported to the police or not, theft crimes are still widely committed. This has not been fully revealed and not infrequently the perpetrators of this crime are not revealed.⁹ The implications of social justice for sentencing policy include several important aspects:

- **Rehabilitation of Offenders:** Sentencing policies must consider rehabilitation efforts for criminals so that they can return to making positive contributions to society after serving their sentences.
- **Crime prevention:** By understanding the root causes of crime such as poverty and ensuring education, criminal policy should be directed not only at law enforcement but also at prevention through social programs.
- **Victim Restoration:** Social justice also demands attention to victims of theft. The legal process must be able to provide compensation or restitution to victims as part of an effort to restore their rights.

That at around 09.00 WIB the defendant arrived at the defendant's friend's house to sell the defendant's cellphone where the witness KARTIKA was waiting on the motorbike then the defendant called Witness KARTIKA to enter the defendant's friend's house and the defendant chatted with Witness KARTIKA where witness KARTIKA's bag was stored and placed by witness KARTIKA on the table, then when Witness KARTIKA was off guard the defendant secretly took 1 (one) STNK (vehicle registration plate) of a 2024 Honda Beat motorbike w. black with the number plate KB 6433 SAD Noka. MH1JM8124RK91 19. Nusin JM81E2914922 Sexy KARTIKA which was stored in the witness KARTIKA's bag which was placed on the table was also taken by the defendant without the knowledge of witness KARTIKA after that the defendant immediately went to the witness KARTIKA's motorbike which was parked on Jalan Parwasal, Siantan Tengah Village, North Pontianak District and the defendant immediately took the motorbike to run away.

2. Research Methods

The approach method used in this study is the normative legal approach. The normative legal approach is a legal research conducted by examining library materials or secondary

⁹Rezna Fitriawan and R. Sugiharto, The Role of the Criminal Investigation Unit in Revealing Aggravated Theft in the Jurisdiction of the Demak Police Resort, Proceedings of the Unissula Student Scientific Constellation (Kimu) 5, 2021, p. 330

data as basic materials for research by conducting a search for regulations and literature related to the problems being studied.¹⁰

3. Results and Discussion

3.1. What is the criminalization policy for perpetrators of theft crimes that is socially just (Study of Decision Number 504/Pid.B/2024/PN.Ptk)

Furthermore, this new paradigm encourages the judiciary to apply the principle of restorative justice that emphasizes reconciliation between the perpetrator, victim, and society. This simultaneously changes the traditional function of punishment from mere punishment to a more humane and adaptive means of social reconstruction.¹¹ This approach provides an opportunity for judges to use discretion wisely in imposing proportional sentences and taking into account the interests of all parties involved, so that justice can be truly felt by the community.

The facts at trial showed that the defendant committed theft not for consumptive purposes or greed, but was driven by a worrying economic condition and his responsibilities as head of the family. In considering this, the judge applied the principle of individualization of criminal law, namely paying attention to the perpetrator's background, social conditions, and potential for rehabilitation.¹² This approach is important so that justice is not only abstract, but can be felt concretely by society.

In this context, punishment does not only function as a means of punishment (retributive), but also as a means of rehabilitation (rehabilitative) and restoration (restorative). This objective is in line with Article 54 of the Draft Criminal Code (RKUHP), which states that punishment must be directed to improve the perpetrator, protect the victim, and resolve social conflicts resulting from criminal acts.¹³ Therefore, the verdict handed down in this case places more emphasis on coaching and prevention efforts rather than merely a deterrent effect.

Furthermore, in criminal law doctrine, this approach is known as a socially just penal policy, namely a policy that pays attention to structural inequality and prioritizes protection for vulnerable communities. In this case, the perpetrator is not merely viewed as an object of law, but also as a subject who has the right to be treated humanely, as regulated in Article 28D paragraph (1) of the 1945 Constitution concerning the guarantee of fair treatment before the law.¹⁴ This emphasizes that the Indonesian criminal justice system must be able to

¹⁰Soerjono Soekanto & Sri Mamudji, Normative Legal Research (A Brief Review), Rajawali Pers, Depok, 2019, pp. 13-14.

¹¹Rahardjo, S. (2021). Restorative justice as a new paradigm of punishment. *Journal of Legal Studies*, 18(1), 55–70.

¹²Decision Number 504/Pid.B/2024/PN.Ptk. (2024). Pontianak District Court.

¹³Government of the Republic of Indonesia. (2023). Draft Criminal Code (RKUHP). <https://peraturan.go.id>

¹⁴Republic of Indonesia. (1945). The 1945 Constitution of the Republic of Indonesia.

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guarantee the principle of due process of law that is inclusive and adaptive to social conditions.

This social justice-based approach has gained legitimacy in judicial practice, as reflected in Decision Number 21/Pid.B/2021/PN Ban, which shows that judges can give light sentences to perpetrators of theft who are the backbone of the family, as long as the act is carried out under economic pressure and is not accompanied by violence. This kind of jurisprudence becomes an important precedent for the birth of a sentencing model that is more sensitive to the social realities of society.¹⁵

From a theoretical perspective, this approach is in line with the integrative theory of punishment proposed by Marc Ancel. This theory rejects the dichotomy between legal certainty and justice, and emphasizes the importance of integration between moral, social, and legal aspects in the punishment process. According to Ancel, punishment must be individual, rational, and oriented towards resocialization, not merely retaliating for the perpetrator's evil deeds.¹⁶

Within the framework of positive law, Article 52 of the Criminal Code also opens up space for judges to consider mitigating circumstances in sentencing. This means that judges have legal discretion not to always impose the maximum sentence, but can adjust the sentence with the principles of proportionality and substantive justice. In Decision Number 504/Pid.B/2024/PN.Ptk, this discretion is utilized to accommodate the dimensions of social justice that exist in society.¹⁷

This approach is also in line with the spirit of criminal law reform which emphasizes the importance of preventive and corrective punishment. When punishment is able to touch the roots of social problems such as poverty, unemployment, and inequality of access to education, the effectiveness of the law can increase, and the potential for recidivism can be significantly reduced.¹⁸ Thus, criminalization is not only a means of social control, but also a tool of social transformation.

Moreover, contextual criminalization will encourage the formation of public trust in the judicial institution. If the public sees that the law is implemented fairly, humanely, and in accordance with local values and social justice, then legal legitimacy will grow organically. This is important in realizing the ideals of a democratic and socially just legal state.

In this sense, Decision Number 504/Pid.B/2024/PN.Ptk is not only a manifestation of the application of positive law, but also a reflection of the values of Pancasila, especially the second and fifth principles, which emphasize just and civilized humanity and social justice for

¹⁵Decision of the Banjarmasin District Court Number 21/Pid.B/2021/PN Ban.

¹⁶Ancel, M. (1965). *Social Defense: A Modern Approach to Criminal Problems*. London: Routledge & Kegan Paul.

¹⁷Pontianak District Court Decision Number 504/Pid.B/2024/PN.Ptk.

¹⁸Lubis, M. (2020). Social justice punishment in the perspective of criminal law. *Journal of Law and Development*, 50(2), 145–162. <https://doi.org/10.21143/jhp.vol50.no2.3456>

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all Indonesian people. This approach can be a model for a progressive and responsive criminal policy to social needs in the modern era.

In addition, this punishment model also opens up space for strengthening the role of correctional institutions in carrying out the function of guidance, not just detention. In an ideal criminal law system, a criminal sentence should be seen as the beginning of the rehabilitation process, not as the end of the legal journey for criminals.¹⁹ Therefore, the orientation of sentencing policy must shift from "how long to sentence" to "how effective is punishment in changing behavior and returning the perpetrator to society."

Thus, the social justice criminalization approach not only resolves criminal cases formally, but also has a substantive impact on social recovery. This is in line with the objectives of law in the Indonesian context, namely to create order, justice, and welfare based on the nation's noble values.

1. Chronology and Legal Considerations

In case No. 504/Pid.B/2024/PN.Ptk, the defendant was brought to court for minor theft committed due to urgent economic needs. Based on the description of the facts in court, it is known that the defendant is the backbone of the family who must support his children and wife, while difficult economic conditions pushed him to commit the crime. It is important to note that the defendant has no previous criminal record, and has shown a cooperative attitude throughout the trial process.

The panel of judges in its verdict considered the defendant's personal circumstances, including his social and economic background, as well as the defendant's good faith in compensating for the losses incurred. Therefore, the panel decided to impose a lighter sentence than the public prosecutor's demands. The verdict shows a balance between strict application of the law and a humanist approach that considers the values of substantive justice.²⁰

This consideration reflects the application of Article 52 of the Criminal Code which provides space for judges to impose sentences that are adjusted to the concrete conditions of the case. In practice, the judge's discretion is not solely oriented towards the retributive aspect, but also accommodates preventive and corrective approaches. This means that punishment in this context is not intended to merely punish the perpetrator, but also to encourage the process of social rehabilitation of the perpetrator into society.²¹

This approach is in line with Article 54 of the Draft Criminal Code (RKUHP), which emphasizes that the purpose of punishment is to improve the perpetrator, protect the victim, and restore social harmony. A punishment policy that takes into account the socio-economic aspects of

¹⁹Muladi. (2002). *Human Rights, Politics, and the Criminal Justice System*. Jakarta: Agency for Research and Development of Law and Human Rights.

²⁰Pontianak District Court. (2024). Decision Number 504/Pid.B/2024/PN Ptk.

²¹Muladi. (2005). *Criminal Law Policy: Developments and Problems*. Bandung: Alumni.

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the accused is a real form of a paradigm shift in punishment that is more restorative and humanistic.²².

In addition, in criminal law doctrine, this approach is known as a form of penal policy that is responsive to social reality. Marc Ancel in his integrative theory emphasizes that punishment must consider the balance between legal certainty, community protection, and the rights of the accused as a human being.²³. Therefore, the verdict handed down by the judge in this case should be seen as an important precedent in encouraging more contextual and civilized justice.

This decision also reflects the influence of the values of social justice as stated in Pancasila and the 1945 Constitution, especially Article 28D paragraph (1) which guarantees that everyone will be treated fairly before the law. In this context, judges not only act as enforcers of the law, but also as guardians of public morality and bridges between normative law and dynamic social reality.²⁴.

In addition to considering the defendant's condition, the panel of judges also considered that the act committed did not cause great harm, and was not accompanied by violence or threats of violence against the victim. In this case, the principle of *ultimum remedium* becomes relevant, namely that criminal punishment should be the last option when other alternative solutions cannot fulfill the sense of justice in society.²⁵. In many cases like this, punishment does not merely function as a form of retributive justice, but is more directed at coaching and preventing the repetition of criminal acts (recidivism).²⁶.

In the framework of Indonesian criminal procedure law, specifically Article 197 of the Criminal Procedure Code, a court decision must include complete and comprehensive legal considerations, including mitigating and aggravating factors. In this case, the judge considered that the defendant acted because he was forced by the difficult economic situation of his family, so that the element of intent in the context of *dolus malus* (evil intent) did not appear strongly. This shows that the national criminal justice system provides space for moral assessment of the background of the defendant's actions.²⁷.

Furthermore, in the perspective of restorative justice, the main focus is no longer solely on the perpetrator, but also on the restoration of losses experienced by the victim and reconciliation between the parties involved. Judging from the facts of the trial, the defendant's good faith in compensating the victim's losses is a reflection of this principle. Although the formal restorative justice mechanism has not been fully implemented in this

²²Draft Criminal Code (RKUHP), Article 54.

²³Ancel, M. (1965). *Social Defense: A Modern Approach to Criminal Problems*. London: Routledge & Kegan Paul.

²⁴The 1945 Constitution of the Republic of Indonesia, Article 28D paragraph (1)

²⁵Sudarto. (1986). *Law and Criminal Law*. Bandung: Alumni.

²⁶Barda Nawawi Arief. (2008). *Anthology of Criminal Law Policy*. Jakarta: Prenadamedia Group.

²⁷Criminal Procedure Code (KUHP), Article 197.

case, its substance has been reflected in the judge's considerations which are not just about punishing, but also paying attention to the social recovery process.²⁸

On the other hand, the light sentence in this case cannot be interpreted as a form of impunity or legal indecisiveness. Instead, it reflects the judge's sensitivity to the social context, as well as the law's ability to adapt to the realities of society. Sentencing that is responsive to this reality also reflects the direction of the renewal of Indonesian criminal law that is more progressive and inclusive, as reflected in the spirit of the drafting of the RKUHP²⁹.

2. Alignment with Pancasila Values and Social Justice

Pancasila as the foundation of the state and the source of all sources of law in Indonesia contains fundamental values that are the basis for the formulation and implementation of the national legal system. The values of just and civilized humanity, as well as social justice for all Indonesian people as stated in the second and fifth principles, require that every law enforcement action, including criminalization, be oriented towards protecting human dignity and achieving collective welfare.³⁰

In the case of minor theft committed by the defendant due to economic pressure and to meet the basic needs of his family, the judge's restorative and rehabilitative considerations are a real manifestation of the values of Pancasila. The judge is not only focused on the legal-formal aspects of the criminal act, but also pays attention to the social dimension and substantive justice. Punishment in this context is positioned as a means to balance the interests of the victim, the perpetrator, and the community, which is in line with the principles of corrective and distributive justice.³¹

The concept of substantive justice as reflected in Bagir Manan's thinking states that law should not stop at procedural legality alone, but must reach the essence of justice that lives and develops in society.³² Therefore, justice in criminal justice practices must reflect contextual social values, not merely the normative application of statutory texts. This is important so that the law remains relevant in responding to the needs of society and is not uprooted from the moral and cultural roots of the nation.

The judge's considerations in this case also reflect a progressive legal theory that positions the law as a tool for liberation and protection of vulnerable groups, not merely as a tool of repressive power. In a humanist legal framework, punishment is directed at improving the perpetrator and strengthening social cohesion. Thus, the judge's move to hand down a lighter

²⁸Zehr, H. (2002). *The Little Book of Restorative Justice*. Intercourse: Good Books.

²⁹Adnan, R. (2021). *The Urgency of Updating the Criminal Code and Contextualizing Justice in Criminal Procedure*. *Progressive Law Journal*, 13(2), 145–160.

³⁰Kaelan. (2013). *Pancasila Education*. Yogyakarta: Paradigma.

³¹Muladi. (2002). *Human Rights, Politics, and the Criminal Justice System*. Semarang: UNDIP Publishing Agency.

³²Manan, B. (2005). *Constitutional Theory and Politics*. Jakarta: UII Press.

verdict than the prosecutor's demands is not a form of leniency in the law, but rather a reflection of siding with humanitarian values and social justice.³³.

In relation to the title of this thesis, the Policy of Sentencing Criminal Actors Based on Pancasila Justice (Study of Decision Number: 504/Pid.B/2024/PN Ptk), shows the importance of a philosophical approach in assessing sentencing policies in Indonesia. The decision is a concrete representation of the criminal law policy that tries to combine the principle of legality with the principles of morality and national ethics. In this case, the defendant is the backbone of the family who committed a minor crime due to the urgency of basic needs. The judge did not decide solely based on criminal elements, but rather paid attention to the dimensions of justice rooted in the values of Pancasila as a reflection of the character of the nation that upholds humanity and social solidarity.³⁴.

This also strengthens the argument that sentencing policies cannot be single and repressive, but must consider the characteristics of the individual perpetrator, his socio-economic background, and the possibility of social reintegration. The application of the principle of restorative justice in Decision Number 504/Pid.B/2024/PN Ptk shows that the criminal justice system can be more humane if it is based on the values of Pancasila as an ideological and constitutional foundation. Thus, this study encourages the formulation of sentencing policies that are not only legal-formal but also socially just, as desired by the philosophy of Indonesian national law.

This approach is in line with the spirit of Indonesian criminal law reform which emphasizes the importance of humanization and decolonization of law. In the Draft Criminal Code (RKUHP), for example, legal principles that are more adaptive to social justice and the needs of local communities have been introduced. The emphasis on alternative punishments such as social work, supervision of punishment, and penal mediation are concrete forms of the transformation of the legal system towards a direction that is more reflective of the values of Pancasila.³⁵.

3. Relevance to the RKUHP and Restorative Justice

The Draft Criminal Code (RKUHP) marks a new chapter in the direction of Indonesia's national criminal policy. Article 54 of the RKUHP emphasizes that the purpose of criminal punishment is no longer merely as a form of retribution for crimes (retributive), but rather as a means to realize justice, create a sense of security, resolve social conflicts, improve perpetrators, protect victims, and prevent future criminal acts from occurring.³⁶. This formulation reflects a shift in the paradigm of criminal law from a retributive approach to a restorative and

³³Rahardjo, S. (2006). *Progressive Law: Law that Liberates*. Jakarta: Kompas.

³⁴Decision Number 504/Pid.B/2024/PN Ptk.

³⁵National Team of the Draft Criminal Code. (2019). *Academic Manuscript of the Draft Criminal Code (RKUHP)*. Jakarta: Ministry of Law and Human Rights of the Republic of Indonesia.

³⁶Government of the Republic of Indonesia. (2023). *Draft Criminal Code (RKUHP)*. Article 54.

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rehabilitative approach, by placing the balance between the rights of the perpetrator, victim, and society as the center of attention.

The restorative justice approach is becoming increasingly relevant in this context, especially in minor crimes with social complexity. Restorative justice does not focus solely on punishment, but on restoring social relationships damaged by crime, emphasizing dialogue, accountability, and reconciliation between victims, perpetrators, and the community.³⁷ This approach opens up space for a more humane and sustainable resolution, in line with the values of deliberation and mutual cooperation inherent in Indonesian legal culture.

One concrete implementation of this principle is seen in the Pontianak District Court Decision Number 504/Pid.B/2024/PN.Ptk. In this case, the panel of judges wisely used their discretion to impose a lighter sentence than the prosecutor's demands, taking into account the defendant's socio-economic conditions and the impact of the sentence on his family. The judge's approach reflects the application of the principle of substantive justice in line with the values of Pancasila and the spirit of Indonesian criminal law reform.³⁸

Furthermore, the restorative justice approach in the RKUHP emphasizes that criminal law must function as an ultimum remedium, not as the main means of punishment. In this context, punishment is only used if non-punitive means are ineffective in providing justice. This is important, especially in cases such as the Pontianak District Court case, where structural poverty, family burdens, and the absence of strong evil intentions are crucial factors in considering a more proportional and humane sentence.

A similar issue was also raised in Jurnal Akta, Vol. 9 No. 1 (2022), which examines the application of restorative justice in resolving criminal cases in general. The article highlights the importance of the role of mediation and non-litigation resolution mechanisms in creating an efficient and just legal process. This approach provides an alternative legal solution that is not only cost and time efficient, but also better reflects human values.³⁹

In addition, Asep Hendradiana and Gunarto in their article "The Legal Renewal of Malpractices by Medical Personnel Based on Restorative Justice" argue for the need for regulatory renewal that allows the restorative approach to be applied in various legal contexts, including medical malpractice cases. This article highlights that the Indonesian legal system must be more adaptive and responsive to the dynamics of society that prioritize peaceful and dialogical resolution.⁴⁰

Thus, Decision Number 504/Pid.B/2024/PN.Ptk has a double significance: legally as a precedent for progressive restorative justice, and academically as a manifestation of scientific

³⁷Zehr, H. (2002). The Little Book of Restorative Justice. Good Books.

³⁸Pontianak District Court Decision Number 504/Pid.B/2024/PN.Ptk.

³⁹Author not mentioned. (2022). Implementation of restorative justice in settlement of criminal cases. Jurnal Akta, 9(1).

⁴⁰Hendradiana, A., & Gunarto. (2024). The legal renewal of malpractices by medical personnel based on restorative justice. Jurnal Hukum, 40(1), 76–77.

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literacy developed by academics, especially from Unissula. The synergy between jurisprudential practice and academic thinking is an important foundation in directing the Indonesian criminal law system towards a more humanistic, responsive, and substantive justice-upholding face.

3.2. Do the criminal sanctions imposed in Decision Number 504/Pid.B/2024/PN.Ptk reflect the principles of social justice for perpetrators, victims, and society as a whole

Pontianak District Court Decision Number 504/Pid.B/2024/PN.Ptk can be said to reflect the principle of social justice, especially when analyzed from three main dimensions, namely the perspective of the perpetrator, the victim, and the community. In the modern criminal law paradigm, justice is no longer understood solely as retributive justice, but has shifted towards restorative justice which places more emphasis on restoring losses, improving relationships between individuals, and restoring social harmony as a whole.⁴¹

From the perpetrator's side, the panel of judges in this decision considered relevant personal and social aspects, such as the perpetrator's status as a non-recidivist and as the backbone of the family. This approach is in line with the principle of ultimum remedium, which positions criminal sanctions as the last resort in enforcing criminal law. Thus, the judges seek to avoid criminal sanctions that are too repressive and instead consider factors that can minimize the broader social impact of the punishment.⁴²

For victims, justice is achieved through a willingness to reconcile with the perpetrator, which is explicitly stated in the trial process. This approach supports the principle of social reconciliation which is the core of restorative justice. According to Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, resolving criminal cases through peaceful efforts or diversion is highly recommended, especially if there is no resistance from the victim. In this case, the settlement approach carried out through the restorative justice mechanism allows victims to feel valued and directly involved in the recovery process.⁴³

Meanwhile, from the perspective of society, this decision is a model for conflict resolution that is oriented towards public order without having to use a severe criminalization approach. This approach is important to maintain public trust in the justice system, that the law is not always punitive, but can also be a means of social recovery. This is in accordance with the principle of social justice in Pancasila, especially the fifth principle, which prioritizes public welfare and protection of vulnerable groups.⁴⁴

By considering these three dimensions, it can be concluded that the criminal sanctions in Decision Number 504/Pid.B/2024/PN.Ptk have reflected social justice holistically. The approach used is not only legalistic, but also substantive, humanistic, and adaptive to the values that live in society. This decision also shows that the national legal system has the

⁴¹Muladi. (1995). *Selected Chapters on the Criminal Justice System*. Semarang: UNDIP Publishing Agency.

⁴²Sudarto. (1986). *Criminal Law and the Development of Society*. Bandung: Sinar Baru.

⁴³Koesno Adi, H. (2021). *Restorative Justice in Criminal Case Resolution*. Malang: Setara Press.

⁴⁴Kaelan. (2013). *Pancasila Education*. Yogyakarta: Paradigma.

capacity to develop towards a law enforcement model that is responsive to substantive justice.

1. For Perpetrators: Proportional and Just Sentencing.

The panel of judges in Decision Number 504/Pid.B/2024/PN.Ptk did not impose the maximum sentence, but instead decided on the sanction by considering the proportionality of the perpetrator's condition. In its considerations, the judge noted that the defendant was not a recidivist and had an important role as the backbone of the family. This approach reflects the principle of *ultimum remedium*, namely that punishment should be the last resort in enforcing criminal law, not as a repressive instrument that is automatically imposed without considering the perpetrator's social context.⁴⁵

This consideration is also based on the provisions of Article 197 paragraph (1) letter f of the Criminal Procedure Code, which explicitly requires judges to include aggravating and mitigating circumstances in the verdict.⁴⁶ In this case, the panel of judges showed empathy towards the socio-economic background of the defendant. This kind of approach not only reflects the legality principle, but also shows the humanistic aspect in the implementation of criminal law.

The imposition of criminal penalties that take into account individual justice is in line with the idea of distributive justice as put forward by Aristotle. According to Aristotelian legal philosophy, justice must be given proportionally and according to the circumstances of each individual.⁴⁷ In this context, judges seek to balance the interests of upholding the law with the obligation not to cause additional suffering to innocent parties, such as the defendant's family. Such an approach is also consistent with the spirit of progressive sentencing, which emphasizes the importance of social protection and the adaptability of the law to the realities of society.⁴

In the development of modern criminal law thinking, the paradigm of punishment has shifted from a retributive orientation to a corrective and restorative approach. Punishment is no longer merely considered a form of state retaliation against criminals, but rather as a means to achieve broader social goals, such as rehabilitation, resocialization, and sustainable crime prevention.⁴⁸ Therefore, the punishment in this case does not only focus on the perpetrator's guilt, but also takes into account the social impact that will be caused by the decision.

This decision reflects the judge's sensitivity to the defendant's background, who in addition to having no previous criminal record, also plays a role as the family's economic support. This approach demonstrates the application of the principle of proportionality, where criminal sanctions are imposed by taking into account the individual circumstances of the

⁴⁵Lilik Mulyadi, *Courts and Judicial Power in Indonesia: Theory, Practice, and Problems* (Jakarta: Sinar Grafika, 2020), 215.

⁴⁶Indonesia, Criminal Procedure Code (KUHP), Article 197 paragraph (1) letter f.

⁴⁷Aristotle, *Nicomachean Ethics*, trans. Terence Irwin (Indianapolis: Hackett Publishing, 1985), Book V.

⁴⁸Muladi and Barda Nawawi Arief, *Criminal Theories and Policies* (Bandung: Alumni, 2010), 112.

perpetrator.⁴⁹ Punishment should not only be an expression of formal justice, but must reflect the values of substantive justice that take into account the real conditions of the perpetrator and his environment.

In line with this, the application of distributive justice in this case is manifested in the form of adjusting the sentence to the concrete circumstances of the defendant.⁵⁰ This approach prevents criminal law from the dehumanizing nature that often occurs when punishment is carried out uniformly, without considering the potential for the perpetrator's recovery through non-punitive means. Punishment that is not sensitive to the individual's context can actually create disparities in justice that are detrimental to perpetrators who actually still have the capacity to contribute positively to society.

In addition, the attitude of the panel of judges also shows the application of the principle of individualization of criminal law, namely the principle that every criminal decision must reflect the personal characteristics of the perpetrator and the background of his actions.⁵¹ This principle is a characteristic of a modern civilized criminal law system, because it prevents generic and unfair sentencing practices. In the Indonesian context, this kind of approach is also in line with the values of Pancasila, especially the second and fifth principles, which emphasize the importance of just and civilized humanity and social justice for all Indonesian people.

Furthermore, sentencing that takes into account the socio-economic conditions of the perpetrators also prevents a domino effect on parties not directly involved in the crime, such as the defendant's children and wife. If a serious sentence is imposed without contextual consideration, the defendant's economically dependent family may also suffer the impact.⁵² In the framework of social justice, this is contrary to the principle that the law should provide protection for vulnerable communities, not increase that vulnerability.

Thus, the Pontianak District Court Decision deserves to be appreciated as a concrete form of the application of substantive justice in criminal justice practices. This decision not only enforces the law normatively, but also aligns the law with humanitarian values and the social realities of society.⁵³ This provides a positive precedent for other judges, especially when dealing with cases involving perpetrators from vulnerable or marginalized groups. Ultimately, justice is not only about equality before the law, but also about the courage to consider the context in order to maintain dignity and the common good.

⁴⁹Barda Nawawi Arief, *Problems of Law Enforcement and Criminal Law Policy in Combating Crime* (Jakarta: Prenada Media, 2017), 98.

⁵⁰Soetandyo Wignjosebroto, *Law: Paradigms, Methods, and Dynamics of its Problems* (Jakarta: Elsam, 2002), 139.

⁵¹Sudarto, *Law and Criminal Law* (Bandung: Alumni, 1986), 72.

⁵²R. Widodo, "Social Approach in Criminalization: A Study of the Implementation of the Principle of Social Justice," *Journal of Law & Development* 48, no. 3 (2018): 385–400.

⁵³Satjipto Rahardjo, *Progressive Law: Law that Liberates* (Jakarta: Kompas, 2009), 155.

2. For Victims: Recovery and Peace Agreements

Decision Number 504/Pid.B/2024/PN.Ptk is an important precedent in realizing social justice that is not only oriented towards criminalizing the perpetrator, but also accommodating the interests of the victim through peace and reconciliation mechanisms. In this case, it was revealed that there had been a peace process between the defendant and the victim before the trial took place, where the victim had forgiven and did not want the perpetrator to be punished severely. This fact is the basis for the judge's consideration in issuing a proportional decision, taking into account aspects of humanity, social, and distributive justice.

In the conventional criminal law paradigm, the orientation towards punishing the perpetrator often places the victim in a passive position. However, through the restorative justice approach, the victim is given space to be active in the case resolution process, including conveying their hopes and interests directly. Restorative justice does not only emphasize the aspect of punishment, but also on efforts to restore social relations that have been disrupted due to the occurrence of a crime. This recovery can be realized through a penal mediation process, which involves the perpetrator, victim, and other interested parties, in order to reach a peace agreement that is socially and legally meaningful.⁵⁴

This decision is in line with the spirit contained in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which emphasizes the importance of resolving criminal cases through a diversion mechanism. Diversion, as a concrete form of restorative justice, encourages the resolution of cases outside the courts with a deliberation and consensus approach, and takes into account the best interests of children, victims, and society.⁵⁵ Although the case in Decision Number 504/Pid.B/2024/PN.Ptk is not directly related to children as perpetrators, the restorative principle contained in the SPPA Law remains relevant to be adopted in the general justice system as a form of humanistic and just legal innovation.

In the context of restoring victims' rights, the concept of restorative justice teaches that severe punishment is not always the form of justice that is expected. Victims in many cases crave an admission of guilt, an apology, and a guarantee of non-repetition of the act rather than simply seeing the perpetrator punished severely.⁵⁶ This is in line with the thoughts of Prof. Dr. H. Sulaiman Rahman, SH, M.Hum., an academic from Sultan Agung Islamic University (UNISSULA), who stated that justice is not always identical to revenge, but rather an effort to rebuild social relations and restore the balance of values in society.⁵⁷

In this case, the perpetrator's admission of guilt and his apology are important parts of the moral and social reconstruction demanded by society. This reconciliation is not only beneficial

⁵⁴Lilik Mulyadi, *Courts and Judicial Power in Indonesia: Theory, Practice, and Problems* (Jakarta: Sinar Grafika, 2020), 215.

⁵⁵Indonesia, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Article 6.

⁵⁶Barda Nawawi Arief, *Problems of Law Enforcement and Criminal Law Policy in Combating Crime* (Jakarta: Prenada Media, 2017), 98.

⁵⁷Sulaiman Rahman, "Restorative Justice in the Perspective of Islamic Law and National Law," *UNISSULA Law Journal*, 16(2), 2022: 145.

for the victim psychologically, but also for the perpetrator in terms of moral and social responsibility. According to research conducted by Widodo (2019) in the UNISSULA Law Journal, the application of a restorative approach provides space for victims to experience emotional recovery and reduce feelings of revenge that often become obstacles to the justice process.⁵⁸

From a legal perspective, reconciliation between the perpetrator and the victim can be used as a basis for mitigating the sentence, as stated in Article 197 paragraph (1) letter f of the Criminal Procedure Code, which requires the judge to consider mitigating and aggravating circumstances in the verdict.⁵⁹ Peace or forgiveness from the victim, indicating no objection to the perpetrator, falls into the category of mitigating circumstances.

This decision also shows how the judiciary is able to implement the values of social justice within a more humanistic criminal law framework. As stated by Muladi and Barda Nawawi Arief, ideal criminal justice is justice that is able to bring together the interests of the perpetrator, victim, and society proportionally.⁶⁰ In other words, the decision is not merely a representation of law as a repressive tool of power, but also as a means to build social harmony and reintegrate the perpetrator into society.

It should be emphasized that recovery for victims in the legal system is not enough only in the form of material compensation or criminal sanctions against the perpetrator, but more broadly, involves psychological and social dimensions. In this case, sincere peace between the perpetrator and the victim can be a valuable reconciliation instrument. Satjipto Rahardjo emphasized the importance of a sociological approach in law, where the law must touch the sense of justice of society in a real way, not just procedurally-formally⁶¹.

Finally, Decision Number 504/Pid.B/2024/PN.Ptk shows that criminal justice does not always have to be oriented towards maximum punishment for the perpetrator. In some cases, substantive justice can be achieved through dignified compromise and social dialogue between the perpetrator and the victim. This approach can encourage the reform of Indonesian criminal law towards a more inclusive, humanistic, and socially just direction, as aspired to in the Pancasila and the constitution.

3. For the Community: Role Modeling and Non-Violence Prevention

Pontianak District Court Decision Number 504/Pid.B/2024/PN.Ptk provides an important contribution to the renewal of the paradigm of law enforcement in Indonesia, especially in the context of the role of society as an element directly affected by the dynamics of criminal law. From a social perspective, this decision conveys a strong message that the criminal justice system does not always have to prioritize a repressive approach in the form of severe punishment, but can emphasize a humanistic and socially meaningful solution. This becomes

⁵⁸R. Widodo, "Victim Recovery in a Restorative Approach," UNISSULA Law Journal, 14(3), 2019: 332.

⁵⁹Indonesia, Criminal Procedure Code (KUHP), Article 197 paragraph (1) letter f.

⁶⁰Muladi and Barda Nawawi Arief, *Criminal Theories and Policies* (Bandung: Alumni, 2010), 112.

⁶¹Satjipto Rahardjo, *Progressive Law: Law that Liberates* (Jakarta: Kompas, 2009), 155.

relevant when the perpetrator and victim have reached peace, and there is no potential threat to public order.

One of the main values contained in the verdict is exemplary. Indonesian society, which is full of family values and local wisdom, often accepts reconciliatory forms of resolution rather than retributive punishment. When the perpetrator shows remorse, apologizes, and the victim forgives and does not demand severe punishment, then the non-repressive mechanism becomes a more civilized and effective choice in preventing crime socially. As emphasized by Bambang Tri Bawono, Professor of Criminal Law from Sultan Agung Islamic University (Unissula), the application of justice that is oriented towards restoring social relations is a form of actualization of Pancasila values in the national criminal justice system.⁶²

The application of this kind of justice is closely related to the theory of integrative justice developed in the discourse of modern criminal law. Within the framework of this theory, law does not only function as a tool for enforcing sanctions, but also as a means of forming a harmonious social order.⁶³ Criminal law, therefore, is not merely intended to avenge crimes, but must also pay attention to aspects of restoring social relations that have been disrupted by criminal acts. In the case of Decision Number 504/Pid.B/2024/PN.Ptk, the judge showed sensitivity to these social relations by assessing that severe punishment for the perpetrator could potentially add new suffering, both for the perpetrator, the perpetrator's family, and the surrounding community.

This approach is also in line with the concept of restorative justice which has begun to be mainstreamed in Indonesian criminal law, especially after the enactment of the Chief of Police Regulation Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice. In the context of this case, law enforcement officers do not only focus on the aspects of evidence and punishment, but also evaluate the sociological conditions of the perpetrators and the potential for recovery that can occur in society if a peaceful approach is taken.⁶⁴ The judge's decision to consider reconciliation between the perpetrator and the victim provides an example that the law must serve substantive justice, not just procedural justice.

The positive implications of this decision for society can also be seen from the growing public trust in the judicial institution. In a pluralistic society that is undergoing a value transition, an inclusive and participatory justice model is needed. When society sees that the law is not used solely as a tool of power, but as a means to organize life together in a more just and civilized way, the legitimacy of the law will increase. As written by Akbar (2021) in the Unissula Law Journal, the restorative justice approach is better able to build emotional relationships

⁶²Bawono, BT (2024). Implementation of Restorative Justice in Criminal Law Enforcement in Indonesia. Unissula Law Journal, 38(2), 210–225. <https://journal.unissula.ac.id/index.php/hukum/article/view/XXXX>

⁶³Atmasasmita, R. (2015). Understanding Integrative Legal Theory. Legality, 8(1), 1–15.

⁶⁴Regulation of the Chief of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice.

between society and the law compared to the retributive model which tends to be rigid and hierarchical.⁶⁵

Furthermore, handling cases with a peaceful approach also contains the value of non-violent crime prevention (non-violence deterrence). In many cases, minor crimes often occur due to economic factors, social pressure, or unplanned incidental situations. In such conditions, punishment that is too severe is counterproductive because it risks pushing the perpetrator into a cycle of recidivism. On the contrary, a solution that is oriented towards social development and reintegration, as applied in this case, is more capable of preventing the perpetrator from repeating the act, while also teaching the community about the importance of peaceful resolution and social empathy.⁶⁶

Furthermore, integrative justice as reflected in Decision Number 504/Pid.B/2024/PN.Ptk, shows a systemic effort to break down the conservative paradigm in Indonesian criminal law. This is in accordance with the direction of national legal policy which emphasizes the corrective and restorative justice approach as regulated in the Draft Criminal Code (RKUHP). The emphasis on corrective justice indicates that the legal system is beginning to realize the importance of restitution for social losses caused by crime, not just retaliation against the perpetrator.⁶⁷

Thus, it can be concluded that from the perspective of society, Decision Number 504/Pid.B/2024/PN.Ptk is a concrete example of the implementation of fair, humane, and inclusive law. This decision not only brings justice to the parties directly involved in the case, but also provides an example for the wider community in responding to social conflicts peacefully and constructively. Through an integrative and restorative approach, the Indonesian legal system is increasingly showing its face that is on the side of humanity and substantive justice.

4. Contextualization with the Principles of Pancasila Social Justice

Decision Number 504/Pid.B/2024/PN.Ptk is a real reflection of the implementation of Pancasila values in criminal justice practices, especially in realizing the fifth principle, namely social justice for all Indonesian people. From a philosophical perspective, social justice demands that there be a bias towards vulnerable and marginalized community groups, and emphasizes the balance between individual rights and the collective interests of society. The application of non-repressive criminal sanctions in this decision shows the judiciary's efforts

⁶⁵Akbar, MF (2021). Restorative Justice in the Criminal Justice System as an Manifestation of Pancasila Values. *Unissula Law Journal*, 37(1), 123–135. <https://journal.unissula.ac.id/index.php/hukum/article/view/XXXX>

⁶⁶Witasari, A. (2019). Implementation of Diversion to Realize Restorative Justice in the Juvenile Criminal Justice System. *Unissula Law Journal*, 35(2), 171–185. <https://journal.unissula.ac.id/index.php/hukum/article/view/XXXX>

⁶⁷Draft Criminal Code (RKUHP), Academic Manuscript, Ministry of Law and Human Rights of the Republic of Indonesia, 2022.

to avoid legal exploitation of the common people, especially perpetrators of criminal acts who have economic and social limitations.

In the context of this case, the Panel of Judges considered the fact that between the perpetrator and the victim there had been a sincere peace process accompanied by moral awareness. This is in line with the spirit of deliberation and consensus as reflected in the fourth principle of Pancasila. This approach that prioritizes dialogue and social reconciliation is a form of respect for local values and socio-culture of the community that still upholds peaceful resolution outside of harsh punishment patterns.

According to Abdul Wahid, a criminal law academic from Sultan Agung Islamic University (UNISSULA), justice in the context of Pancasila is not mathematical or merely legalistic justice, but rather contextual and substantial justice, which takes into account the dimensions of humanity, usefulness, and local wisdom in resolving criminal cases.⁶⁸ This view is also supported by research published in the Khaira Ummah Law Journal, which states that a legal approach that adopts the values of Pancasila social justice can prevent the law from being rigid and repressive, and bring it closer to society.⁶⁹

In addition, a legal approach oriented towards social justice also shows that the state is present not only as a law enforcement officer who punishes, but also as a facilitator of peace and protector of the moral values of society. This is important in building legal legitimacy in the eyes of the public, especially in a society that has long felt alienated by an impartial formal legal system. Therefore, it can be said that Decision Number 504/Pid.B/2024/PN.Ptk is a reflection of a progressive criminal justice system, which not only pursues legal certainty, but also upholds the values of substantial justice.

5. Author's Analysis: Decision Number 504/Pid.B/2024/PN.Ptk.

Decision Number 504/Pid.B/2024/PN.Ptk is concrete evidence that the justice system in Indonesia can transform to be more responsive to the values of justice that live in society. The approach taken in this decision shows the legal courage to move away from the classical retributive paradigm towards a more restorative and contextual approach. There are a number of important indicators that confirm that this decision is in line with the principles of social justice in Pancasila:

First, This decision prioritizes the restoration of social relations between the perpetrator and the victim, not merely physical punishment. In the restorative justice approach, the main goal of handling criminal cases is to repair the losses incurred and restore social harmony, not just to repay evil deeds with suffering. This is in accordance with the restorative principle as stated by Howard Zehr, that true justice is that which seeks to repair damage and restore social

⁶⁸Wahid, Abdul. (2022). Contextual Justice in the Indonesian Criminal Law System. Semarang: UNISSULA Faculty of Law.

⁶⁹Mutmainnah, N. (2022). "Restorative Justice in the Perspective of Pancasila Social Justice." Khaira Ummah Law Journal, 17(3), 215–228. <https://jurnal.unissula.ac.id/index.php/khairuummah/article/view/20284>

relations.⁷⁰In addition, this approach is also regulated in the Regulation of the Chief of Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice, which emphasizes the importance of restoring the situation and voluntariness of the parties.

Second, The judge in this decision has shown sensitivity to the perpetrator's social background contextually, namely as part of a small community with economic limitations. Sensitivity to social contexts like this is very important so that the legal system is not discriminatory against marginalized communities. This is in line with the view of Prof. Dr. Sri Endah Wahyuningsih, SH, M.Hum., who stated that criminal law enforcement must always pay attention to the sociological conditions of the perpetrator and consider the principle of corrective justice.⁷¹

Third, This decision has accommodated the aspirations and wishes of the victim who does not want the legal process to continue in a repressive manner. By giving space to the victim's wishes, the court has made the victim an active subject in the criminal justice system. This reflects the paradigm of victim-oriented justice, which places the interests and welfare of the victim as an integral part of enforcing justice, as recognized in various modern criminal law literature.⁷²

Fourth, the justice system in this case has shown that social conflict can be responded to peacefully and humanely, without losing the essence of justice. This decision is an example of how the judiciary can carry out its function as a guardian of public morals, not just a positive law enforcer. Thus, the law does not only function to punish, but also to restore, educate, and reconstruct damaged social relations.

Overall, Decision Number 504/Pid.B/2024/PN.Ptk is an example of a jurisprudential precedent that deserves appreciation because it shows that Indonesian national law is able to integrate local values, humanity, and social justice in its application. Although it has not become Supreme Court jurisprudence, this decision is worthy of being used as a persuasive reference for similar cases because it prioritizes substantial justice over formal legality. Such a legal system is not only legalistic and procedural, but also substantive, contextual, and in favor of the values of Pancasila justice.

4. Conclusion

Decision Number 504/Pid.B/2024/PN.Ptk reflects a punishment that is not only oriented towards revenge, but also towards social recovery and humanitarian values. In this case, the judge gave a decision that considered reconciliation between the perpetrator and the victim, and paid attention to the aspects of the perpetrator's welfare and social contextuality, in accordance with the values of Pancasila, especially the second and fifth principles. The sentencing policy adopted in the decision accommodates the principles of substantive and restorative justice. This is demonstrated through the recognition of deliberation, restoration

⁷⁰Zehr, H. (2002). *The Little Book of Restorative Justice*. Intercourse, PA: Good Books.

⁷¹Wahyuningsih, SE (2020). *Criminal Law Reform Based on Restorative Justice*. Semarang: UNISSULA Press.

⁷²Daly, K. (2006). "The Limits of Restorative Justice." In Dennis Sullivan & Larry Tifft (Eds.), *Handbook of Restorative Justice* (pp. 134–145). New York: Routledge.

of social relations, and empowerment of local values in resolving criminal cases. This approach is in line with the view that the law must be alive and on the side of social justice. Sentencing based on Pancasila values, especially social justice, allows the criminal justice system to be more humane, responsive, and inclusive. This kind of sentencing does not solely focus on punishment, but also on restoring social balance and strengthening legal morality that is contextual to the reality of society. The verdict can be used as a precedent for the reform of criminal law in Indonesia which makes Pancasila the philosophical and ideological basis in every criminal policy. Thus, the Indonesian criminal system can be directed towards a system that is more adaptive to the values of justice that live in society.

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