

Application of Restorative Justice in Cases of Violent Crimes a Study of Legal Policy in Indonesia

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Abstract. *Law is not only to create order through legal certainty, more than that, law must provide a sense of justice for society. Justice does not automatically arise from law, but justice must be upheld. In fact, justice must be prioritized over legal certainty, especially in criminal cases. This is as stated in Law Number 1 of 2023 concerning the Criminal Code (Final) Article 53 paragraph 2, "If in upholding the law and justice as referred to in paragraph (1) there is a conflict between legal certainty and justice, the judge must prioritize justice". This study uses a constructivist paradigm, with a socio-legal research approach method. The specifications of this study are descriptive analytical. The data used are primary data and secondary data, which are then analyzed qualitatively. The research results show that: 1. The application of restorative justice in the implementation of restorative justice in handling violent and abuse crimes is showing significant effectiveness in various aspects of law enforcement and social recovery. Restorative justice not only improves the relationship between victims and perpetrators but also offers a more humane solution and focuses on recovery rather than punishment alone. Through this approach, victims have the opportunity to convey their experiences directly to the perpetrators, which in turn allows the perpetrators to understand the impact of their actions and show greater responsibility. 2. Obstacles to the implementation of restorative justice in handling abuse crimes are the conditions and motivations of the parties in the process, the community's ignorance of the authority of restorative justice by investigators, and the minimal role of the community as a social control and the cultural factors of the community responding to the enactment of a law.*

Keywords: *Crimes; Implementation; Justice; Restorative.*

1. Introduction

The Republic of Indonesia is a state based on law (*rechtstaat*), not a state based on power (*machtstaat*). This constitutional recognition is stated in Article 1 paragraph (3) of the 1945 Constitution which reads: The Republic of Indonesia is a state based on law. According to Jimly Asshiddiqie, this formulation contains the meaning of recognition of the principle of the supremacy of law and the constitution, the adoption of the principle of separation and limitation of power, the guarantee of human rights, the existence of an independent and impartial judiciary that guarantees equality of citizens before the law, and guarantees justice for everyone, including against abuse of authority by those in power. So, in the concept of a state based on law, the law holds the highest command in the administration of the state.¹

Law is not only to create order through legal certainty, more than that, law must provide a sense of justice for society. Justice does not automatically arise from law, but justice must be upheld. In fact, justice must be prioritized over legal certainty, especially in criminal cases. This is as stated in Law Number 1 of 2023 concerning the Criminal Code (Final) Article 53 paragraph 2, "If in enforcing the law and justice as referred to in paragraph (1) there is a conflict between legal certainty and justice, the judge must prioritize justice". The (ideal) law enforcement system is related to the existence of harmony between legal values and rules with real human behavior. This formulation shows a careful compromise between written law as a need for the legal community for the sake of legal certainty with the living law as a form of appreciation for the importance of the role of society in the formation of law and legal orientation.²

Efforts to combat crime basically use a justice system approach through a working mechanism as stated by Marjono Reksodiputro in Edi Setiadi and Kristian that: The criminal justice system is a crime control system consisting of police institutions, prosecutors, courts and correctional institutions for convicts.³

The main objective in handling criminal acts of assault in Indonesia is to maintain legal order and security and public order as a whole. In the settlement process, Indonesian criminal law classifies criminal acts of assault into three different levels, namely light, moderate, and severe assault. In addition, a restorative justice approach is also applied which emphasizes the needs of both victims and perpetrators of the crime with a focus on restoring losses and encouraging reconciliation between them. The settlement of criminal cases of assault in Indonesia is carried out through a legal process involving law enforcement

¹Asshiddiqie, Jimly, 2005, *The Constitution and Constitutionalism of Indonesia*, Konstitusi Press Jakarta, Jakarta, p. 69.

² Putra, Lili Rasyidi. & IB Wyasa, 1993, *Law as a System*. Rosdakarya Youth, Bandung, p. 83.

³ Edi Setiadi and Kristian, 2017, *Integrated Criminal Justice System and Law Enforcement System in Indonesia*, Prenada Media Group, Jakarta, p. 18.

officers such as the police, prosecutors, and courts. The main focus of this process is to ensure legal order and maintain security and public order as a whole.⁴

Settlement of criminal assault cases in Indonesia involves several sequential stages. The first stage is investigation, where law enforcement officers collect information and evidence related to the case. After that, the investigation stage is carried out to collect sufficient evidence to determine whether the case is worthy of being brought to court or not. The next stage is prosecution, where the public prosecutor determines whether the case is worthy of being brought to court or not. After the prosecution process, the case will enter the trial stage in court, where the judge will decide whether the perpetrator is guilty or not guilty. Finally, the verdict stage is when the judge will give a decision regarding the case, including the punishment that must be served by the perpetrator if found guilty.⁵

In addition to the conventional judicial process, there is also a restorative justice approach that can be used in resolving cases of criminal assault in Indonesia. In this approach, the perpetrator, victim, and community work together to find a solution that is considered fair to all parties. The restorative justice approach places emphasis on recovery, reconciliation, and social accountability, which is different from the conventional approach that focuses more on punishment for the perpetrator. This approach provides an interesting alternative in resolving cases of assault by considering the interests of all parties involved.⁶

The important principles that guide the stages of resolving examples of criminal cases of abuse in Indonesia are very relevant to the context of the application of restorative justice in the criminal justice system. Although the criminal legislation in force in Indonesia does not explicitly regulate the application of restorative justice, except in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. However, in judicial practice in Indonesia, especially at the investigation level (police), restorative justice has been widely applied in cases of Domestic Violence (KDRT), and other cases that are classified as minor crimes. In several laws and regulations, the spirit of restorative justice is contained.⁷

⁴M.Fakri Vilano Putra, 2024, *Principles of Restorative Justice in Cases of Criminal Acts of Assault*, Thesis, Jambi University, Faculty of Law, Master of Law Program, Jambi, p. 2.

⁵*Ibid*, p. 3.

⁶Bambang Waluyo, 2022, *Settlement of Criminal Cases through the Application of Restorative and Transformative Justice*, Sinar Grafika, Jakarta, p. 72.

⁷Johannes Pasaribu, 2017, "The Role of Prosecutors Regarding the Principle of Dominus Litis Based on the Criminal Justice System in Indonesia", Postgraduate Program in Law, University of North Sumatra, Medan, p. 5.

In the context of restorative justice, the public prosecutor can use his/her authority to stop the prosecution and choose to resolve the case peacefully through mediation or restorative justice.⁸

Criminal law enforcement is oriented towards restorative justice, the public prosecutor has an important role in determining whether the case will be resolved through restorative justice or not.⁹ Restorative justice involves various parties involved, including victims, perpetrators, and the community, to work together to find solutions that allow for healing for all parties involved. This approach encourages perpetrators to acknowledge their actions, apologize to the victim, and seek to repair the negative impacts that arise from those actions.¹⁰

In criminal cases of abuse, restorative justice can be implemented by strengthening the prosecutor's authority as public prosecutor.¹¹ However, in practice, there are several obstacles that need to be overcome, such as legal substance, legal structure, and legal culture. It is important to have a clear and comprehensive legal framework that regulates the authority and duties of public prosecutors. If the legal substance is not clear enough or is open to various interpretations, this can create uncertainty in decision making.¹²

Restorative justice not only presents the perpetrator in the criminal justice system but also involves the role of the victim and related parties. This process is possible in cases of violence and abuse. The regulation of procedural and criminal law in Indonesia formally regulates the procedures for the process of resolving criminal cases. However, it is known that in practice it is often used as a repressive tool by law enforcement officers. Meanwhile, the problem faced by society is full social control through efforts to protect the lives and property of every member of society. This can only be realized if the government can enforce the law in order to realize a sense of justice.¹³

⁸ Dedy Chandra Sihombing, Alvi Syahrin, Madiasa Ablisar and Mahmud Mulyadi, 2022, "Strengthening the Authority of Prosecutors as Dominus Litis as an Effort to Optimize Criminal Law Enforcement Oriented to Restorative Justice", *Journal of Legal Science Concepts* Number 1, p. 283.

⁹ Boyce Alvhan Clifford and Barda Nawawi Arief, 2018, "Implementation of Restorative Justice Ideas into Child Legislation Provisions in Indonesia", *HUMANI Journal (Law and Civil Society)* 8, Number 1, p. 28.

¹⁰ Apong Herlina, 2004, "Restorative justice", *Indonesian Journal of Criminology* 3, Number 3, p. 19.

¹¹ Tiar Adi Riyanto, 2021, "Functionalization of the Dominus Litis Principle in Criminal Law Enforcement in Indonesia", *Lex Renaissance* Number 3, p. 481.

¹² Lawrence M. Friedman, 2009, *The Legal System: A Social Science Perspective*, Nusa Media, Bandung, p. 16.

¹³ Scheb, John M. et al, 2008, *Criminal Law and Procedure*, 6th Edition, Thomson Learning, Belmont, p. 3.

2. Research Methods

The research method is a step that will be taken by researchers in order to collect information or data and conduct investigations on the data that has been obtained. The research method provides an overview of the research design which includes: procedures and steps to be taken, research time, The type of research used in this study is a type of analytical descriptive legal research. Analytical descriptive legal research is a method that functions to describe or provide an overview of the object being studied through data or samples that have been collected as they are without conducting analysis and making conclusions that apply to the public. Descriptive research is limited to efforts to reveal a problem or condition or event as it is so that it is merely to reveal facts (fact finding). The results of the study are emphasized on providing an objective description of the actual condition of the object being investigated.¹⁴

3. Results And Discussion

3.1. Implementation of Restorative Justice in Cases of Violent Crimes and Abuse Against Existing Legal Policies in Indonesia

The historical trajectory of the criminal law field shows that criminal behavior has evolved from the concept of "private or personal" or individual to "public" or social realm. In the period after the fall of the Roman Empire, the process of retaliation for crimes was closely related to the perspective of the victim. This is because without a formal government structure, the process of "criminal justice" or dispute resolution mainly depends on the help of someone (as an individual / victim) or help from loved ones. When the victim takes revenge on the operator of the crime to the perpetrator of the crime, this application is the same as what happens in other parts of the world.¹⁵

There will be a debate about that at the Restorative Justice exhibition whether Restorative Justice practices are part of crime resolution coordination or can be consistent with crime resolution coordination.

Dignan categorizes three basic types of intellectual groups in the emergence of the restorative justice movement, namely:¹⁶

¹⁴Hadari Nawawi, *Social Research Methods*, Gadjah Mada University Press, Yogyakarta, 1993, p. 102.

¹⁵Maidina Rahmawati, Adery Ardhan Saputro, Andreas N. Marbun, Dio Ashar Wicaksana, Erasmus AT Napitupulu, Girlie Lipsky Aneira Ginting, Jane Aileen Tedjaseputra, Liza Farihah, Matheus Nathanael Siagian, Nisrina Irbah Sati, Raynov Tumorang Pamintori, 2022, *Opportunities and Challenges of Implementing Restorative Justice in the Criminal Justice System in Indonesia*. Institute for Criminal Justice Reform, Jakarta.

¹⁶Rick Sarre, 2007, *Understanding Victims and Restorative Justice*, *Current Issues in Criminal Justice*, Vol.18, No. 3.

1. Civilization Point. This argument shows that traditional crime resolution coordination is dominated by looking at the person who committed the crime and ignoring the role of the victim in harming the crime they confess.
2. Communication Foundation: coordination of crime resolution. Traditionally, crime is actually an act that violates state law and then ignores the role of the victim. This process must involve the community and alternative ways to resolve conflicts.
3. Moral Argument: The basis is that traditional crime-solving coordination carries a damaging and divisive social stigma that labels criminals, reinforces their self-image, and creates a near-permanent stigma that makes it difficult for offenders to improve their self-image and increase their social standing. Criminals will recover as obedient citizens.

Restorative justice refers to the resolution of criminal acts outside the court by prioritizing communication between the perpetrator, the victim, the perpetrator's and/or victim's family, and related parties. The goal is to reach a peaceful agreement in which the perpetrator can take fair action to improve the situation, for example by paying compensation and not being subject to sanctions or punishment.¹⁷

The elements underlying the restorative approach as expressed by Burt Gallaway and Joe Hudson, provide an understanding that the victim as the party experiencing the impact of loss or damage arising from a criminal act has the full right to participate in the process of resolving and restoring the criminal act.

Restorative justice programs are based on the basic principle that criminal behavior not only breaks the law, but also harms victims and society. Any effort to address the consequences of criminal behavior should, whenever possible, involve the offender and the injured parties, as well as providing the victim and offender with the help and support they need.¹⁸

The legal needs of society for resolving criminal cases through restorative justice, emphasizes the restoration of the original state and the balance of protection and interests of victims and perpetrators of criminal acts that are not oriented towards revenge.¹⁹ Apart from that, resolving cases of criminal acts of abuse

¹⁷Gultom, Maidi., & Manalu, Sahata. 2023. Restorative Justice Approach as an Alternative to Resolving Minor Assault Crimes at the Medan District Attorney's Office. *Fiat Iustitia Law Journal*, Vol.4, (No1), pp. 44-61.

¹⁸ Rocky Mabun, Restorative Justice as a Criminal Justice System in the Future, <http://forumduniahukumblogku.wordpress.com>, accessed on May 31, 2025, at 19.24 Western Indonesian Time (WIB)

¹⁹Safitri, Shalima Siti., Ardiansah, Didi Mohammad., & Prasetyo Andrian. 2023. Quo Vadis Restorative Justice in Cases of Sexual Violence Crimes After Law Number 12 of 2022 concerning

using the concept of restorative justice is considered easier and does not require a long time.²⁰ This is because the case of abuse can be resolved at the stage of investigation or inquiry. This mechanism is a mechanism that must be built during the implementation of the prosecution authority and the renewal of the criminal justice system.²¹

By using restorative justice mechanisms, one of which is in the form of terminating the prosecution involving the perpetrator, victim, the perpetrator's and/or victim's family, and related parties, it is hoped that a fair resolution can be achieved with a focus on restoring the situation to its original condition rather than retaliation.²²

Termination of prosecution is carried out based on justice, public interest, proportionality, criminal law as a last resort, and speed, simplicity and low cost.²³

The implementation of restorative justice in Indonesia has shown significant improvement in recent years, especially through various initiatives at the local and national levels.²⁴ Restorative justice, which focuses on victim restoration, offender rehabilitation, and community restoration, is considered a more humane and effective alternative to the traditional, retributive criminal justice system.²⁵ In Indonesia, this concept has been adopted in various forms, including penal mediation, restorative dialogue, and rehabilitation programs.²⁶

However, despite progress, the implementation of restorative justice in Indonesia still faces various challenges, such as a lack of understanding and support from law enforcement officers and the wider community.²⁷ In addition, differences in interpretation and implementation in various regions cause

Sexual Violence Crimes (Study of Article 23 of the TPKS Law). *Wara Sains Journal of Law and Human Rights*, Vol. 2, (No. 1), pp. 29-44.

²⁰Sastra, Yuwandi Koman I. 2023. Restorative Justice Approach in Handling Ordinary Theft Crimes at the Sidoarjo Police Criminal Investigation Unit. *Sivis Pacem*, Vol.1, (No.3), pp. 345-375.

²¹Hafrida. 2019. Restorative Justice in Juvenile Justice to Formulate Integrated Child Criminal Court. *Journal of Law and Justice*, Vol.8, (No.3), pp. 439-457.

²²Cahyo, Rico Nur., & Cahyaningtyas, Irma. 2021. Criminal Law Policy on Diversion for Recidivist Children to Achieve Restorative. *Journal of Indonesian Legal Development*, Vol.3, (No.2), pp. 203-216.

²³Muliani., Kasim, Adil., Ahmad, Jamaluddin., & Nonci, Nurjanah. 2023. Reformulation of the Requirements for the Implementation of Diveri in the Juvenile Criminal Justice System in Indonesia. *Journal of Legal Development Indonesia*, Vol.5, (No.2), p. 358-373.

²⁴Yulianto, H. 2019. Implementation of Restorative Justice in the Criminal Justice System in Indonesia. *Journal of Law and Security*, 13 (2), pp. 75-90.

²⁵Wahyuni, A. 2019. Restorative Justice in Indonesia: Case Study and Effectiveness Analysis. *Journal of Social and Law*, 10 (1), pp. 38-50.

²⁶Suharto, B. 2020. Penal Mediation in the Indonesian Justice System: Concept and Implementation. *Journal of Criminal Law*, 19 (3), pp. 120-135.

²⁷Arifin, Z. 2018. Implementation of Restorative Justice in the Juvenile Justice System in Indonesia. *Journal of Law and Justice*, 10 (1), pp. 15-30.

inconsistencies in policy application. Another challenge is the lack of adequate resources and infrastructure to support restorative justice programs, so they often do not achieve the expected impact.²⁸

In the concept of restorative justice, the problem-solving process focuses on several main principles, namely:

1. Restoration of Harm: Prioritizes efforts to restore losses experienced by victims, whether physical, emotional, or material losses.²⁹
2. Voluntary Participation: Voluntary involvement of victims, perpetrators and communities in the conflict resolution process with the aim of reaching a mutually beneficial agreement.³⁰
3. *Social Reintegration* (Social Reintegration): Encouraging offenders to take responsibility for their actions and helping them to be accepted back into society after correcting their mistakes.³¹
4. Dialogue and Mediation (Dialogue and Mediation): Using dialogue and mediation techniques to help all parties understand the impact of the crime and find a joint solution that is best for all parties involved.³²

The implementation of restorative justice in Indonesia has been carried out through various initiatives involving cooperation between the government, law enforcement, non-governmental organizations, and communities. One concrete form of this implementation is through penal mediation carried out by the police as part of efforts to resolve minor criminal cases outside the court.³³

In this case, the victim and the perpetrator are invited to dialogue and reach an agreement regarding compensation or other corrective actions that can restore the losses experienced by the victim.³⁴

Article 4 of Law Number 2 of 2002 concerning the Indonesian National Police (Police Law) stipulates: "The Indonesian National Police aims to realize domestic

²⁸Susanto, Y. 2020. Restorative Justice: A New Paradigm in Handling Criminal Cases in Indonesia. Scientific Journal of Law, 15 (2), pp. 56-70.

²⁹Dewi, R. 2019. Restorative Justice in Law Enforcement in Indonesia: Concept and Implementation. Journal of Legal Studies, 12 (2), pp. 45-60.

³⁰Susanto, Y. 2020. Restorative Justice: A New Paradigm in Handling Criminal Cases in Indonesia. Scientific Journal of Law, 15 (2), pp. 56-70.

³¹Wahyuni, A. 2019. Restorative Justice in Indonesia: Case Study and Effectiveness Analysis. Journal of Social and Law, 10 (1), pp. 38-50.

³²Nugroho, S., & Wijaya, F. 2020. Pilot Project of Restorative Justice in Indonesia: An Initial Analysis. Journal of Indonesian Legal Studies, 5(2), pp. 200-218.

³³Arifin, Z. 2018. Implementation of Restorative Justice in the Juvenile Justice System in Indonesia. Journal of Law and Justice, 10(1), pp. 15-30.

³⁴Suharto, B. 2020. Penal Mediation in the Indonesian Justice System: Concept and Implementation. Journal of Criminal Law, 19 (3), pp. 120-135.

security which includes maintaining public security and order, law order and enforcement, the provision of protection, protection and public services, and the realization of public peace by upholding human rights.³⁵

The police as one of the subsystems of the criminal justice system has the task of enforcing the law in optima forma. The police are a living law, because in the hands of the police the law can experience its manifestation. In it, human involvement is often found as decision makers. Philosophical matters in ordinary law are transformed into physical and humane. The police are given authority based on Article 7 Paragraph (1) point j of Law Number 8 of 1981 concerning

Criminal Procedure Code, Article 16 Paragraph (1) and Article 18 of Law Number 2 of 2002 concerning the Republic of Indonesia National Police, which states, "can take other actions", with "certain conditions" or referred to as "discretion". Investigators can carry out this authority

discretionary action in the form of stopping, setting aside, or not taking action against a violation that has been determined by law. This means that investigators are required to choose with policy how they should act. The authority that they have based on official rules is used as a basis for justification to take a wise approach in approaching the reality of their duties based on a moral, humanitarian and conscience approach from formal provisions. The use of the article in question opens the door for the entry of alternative criminal resolution processes based on the concept of restorative justice.³⁶

The issuance of the Chief of Police Regulation Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice states that the implementation of the authority to investigate and/or investigate criminal acts by Police Investigators who apply the principle of restorative justice in their investigation methods is based on the provisions of the Criminal Procedure Code and the provisions of Law Number 2 of 2002 concerning the Indonesian National Police. Article 1 number 3 of the Chief of Police Regulation Number 8 of 2021 states that restorative justice is the resolution of criminal acts by involving the perpetrator, victim, the perpetrator's family, the victim's family, community leaders, religious leaders, traditional leaders or stakeholders to jointly seek a just resolution through peace by emphasizing restoration to the original state.³⁷

Based on the Regulation of the Chief of Police Number 8 of 2021 concerning

³⁵Lindu Aji Saputro, Siti Rodhiyah Dwi Istinah and Siti Ummu Adillah, 2022, The Reality of the Criminal Justice System in Independence of Law Enforcement Based on Pancasila Law System, Law Development Journal, Volume 4 Issue 3, Unissula, p. 366.

³⁶Mahrus Ali. 2015. Basics of Criminal Law. Sinar Grafika. Jakarta, p. 221.

³⁷Afina Anindita Ektya Putri, Aidul Fitriaciada Azhar, 2021, Implementation of the Restorative Justice Principle in Criminal Acts of Abuse at the Investigation Level (Case Study at the Surakarta Police), Unes Law Review, Vol. 6, No. 3.

Handling of Criminal Acts Based on Restorative Justice, criminal acts of violence and abuse can be subject to restorative justice efforts. In addition to the existing formal provisions, investigators have several material considerations by referring to the provisions of the Circular, including:

1. Considering the law enforcement process through restorative justice is a good thing because the principle is win-win solutions and the resolution is fast. Coupled with looking at the psychology of the community in the area and considering fulfilling the sense of justice of the community.
2. Restorative justice resolution prioritizes the principles of legal benefit and justice, not the legal certainty approach, carried out selflessly and solely for justice and without reward.
3. Process *restorative justice* put forward the real substantial reason, namely how law enforcement efforts can guide society through a mediation process so that they do not commit unlawful acts.
4. Investigators used Article 16 paragraph (1) letter L in conjunction with Article 18 of Law No. 2 of 2002 concerning the Police, namely "in the public interest, taking action based on one's own assessment" is based on consideration of the benefits and risks of the action.

The principle of restorative justice is implemented because of the mutual desire or will between the Reported or Perpetrator and the Reporting Party or Victim and/or both families. Then on the basis of a peace agreement with both parties. Furthermore, the victim submits a request to withdraw the report or complaint by attaching a peace letter containing the withdrawal of the report or complaint and stating his/her desire for the case to be resolved through deliberation. The restorative justice process implemented must be in accordance with the formal and material requirements of the Republic of Indonesia National Police Regulation Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice.

Restorative justice can also be applied to criminal acts of assault as an alternative solution.³⁸ Basically, the crime of abuse is directed at the human body. The Criminal Code (KUHP) does not explain what is meant by abuse. Leden Marpaung quoted Tirtaamidjaja, stating, "intentionally causing pain or injury to another person. However, an act that causes pain or injury to another person cannot be considered abuse if the act is done to increase the safety of the other person's

³⁸Zahra, Firda., & Taun. 2023. Legal Study of Law Enforcement Implementation with Restorative Justice Approach in Resolving Cases of Indecent Acts. *Innovative: Journal of Social Science Research*, Vol.3, (No.6), pp.551-560.

body.³⁹At the time of the formation of Article 351 of the Criminal Code, according to Leden Marpaung, persecution was defined as:

1. Any act that intentionally causes bodily harm to another person, or
2. Any action that intentionally harms the physical condition of another person. Furthermore, violations of this article are subject to a maximum prison sentence of 2 (two) years and 8 (eight) months.

Furthermore, Article 352 paragraph (1) of the Criminal Code, minor assault. Article 352 paragraph (1) of the Criminal Code stipulates "except as stated in Article 353 and Article 356 of the Criminal Code, assault that does not cause illness or obstacles to carrying out work or a job search, is threatened, as minor assault, with a maximum prison sentence of 3 (three) months or a maximum fine of Rp. 4,500.00 (four thousand five hundred rupiah).

The application of restorative justice approaches to reduce recidivism and promote positive outcomes for offenders and victims has been the subject of numerous studies across a variety of research projects. Some analyses have shown that restorative justice efforts can reduce the recidivism rates of those affected. For example, an evaluation of the Bridges to Life program in Dallas found that participating inmates had lower screening dropout rates. Research on the Holt program in the Netherlands has also shown that restorative justice programs can have positive effects on youth academic performance and recidivism rates.

However, the available data on the success of restorative justice initiatives is not entirely consistent. Several studies have found that restorative justice programs have no significant impact on recidivism or other social outcomes. Furthermore, the effectiveness of restorative justice programs depends on variables such as the specific program used, and the environment in which the program is implemented.

Restorative justice in Indonesia, seeks to internalize cultural values into criminal justice instruments. Restorative justice, on the other hand, offers a new option in countering hegemony by introducing a modernization approach in coordinating traditional criminality resolution, focusing on criminals and addressing reintegration regrets and mistakes. Criminals have blended into society and forgotten the interests of their victims.⁴⁰The implementation of the Republic of Indonesia National Police Regulation Number 8 of 2021 will improve the arrangement of crimes within the framework of Restorative Justice and increase

³⁹Marpaung, L. 2015. Criminal Acts Against Life and Body (Eradication and Prevention). Sinar Grafika, Jakarta, p. 107.

⁴⁰Ansori, 2014, Criminal Justice System of Children in The Law Number 11 of 2012 (Restorative Justice), Rechtsidee, Vol.1, No.1.

the use of Restorative Justice analytical principles in various problems in the field of law enforcement. In the context of criminal prosecution, restorative justice is divided into three parts, namely First, apply the survey function, second secondary test, third prosecution costs.

The restorative justice approach has the potential to positively improve coordination in combating crime in Indonesia. Analysis by analogy shows that, unlike traditional litigation, litigation increases victim satisfaction and aggressor acceptance of responsibility, and reduces recidivism rates. This suggests that restorative justice can help victims resolve their issues while encouraging reintegration and reducing recurrence of criminal behavior.⁴¹

The structure of the Indonesian criminal justice system is entering a new phase of development. One form of criminal law reform in Indonesia is the arrangement of criminal law from the perspective and realization of equality to justify or ameliorate the situation after a case or criminal justice process, known as Restorative Justice, known as Restorative Justice (if equality is based on retribution). and equality of compensation distinguishes justice (emphasizing equality in compensation). the advancement of criminal justice knowledge and the character of contemporary punishment, as well as publishing and further developing what is called the "agent-victim" bond approach. A new approach to replace the criminal/perpetrator approach, or the "father, punitive father" approach The legal profession has launched the formulation of equality especially in the defense of human rights, and the approach to the construction of legal structures in the background of legal renewal and reform has three dimensions, namely from the aspect of content, legal system and culture, Integrative Execution, Concurrent, Parallel.⁴²

The orientation of punishment towards the perpetrator shifts the focus on the rights and how to realize the recovery efforts for the victim, whereas in relation to criminal acts, of course, the party most harmed by the occurrence of a criminal act is the victim. In addition, another impact of the focus on resolving cases with the Retributive Justice approach has been considered as the cause of other problems as a domino effect that has not been resolved and is increasing, such as excess residents of the Detention Center (overcrowding) or even later considered as a place where crime learning occurs which then

explaining the occurrence of repeat criminal acts and/or new criminal acts by former convicts.

Likewise, perpetrators who have served their sentences cannot be integrated or

⁴¹L. Alfies Sihombing and Yeni Nuraeni, 2023, Is Restorative Justice Effective? A Study of Efforts to Optimize the Criminal Justice System in Indonesia, *Mimbar Justitia Law Journal*, Vol.9, No.2.

⁴²Riska Vidya Satriani, 2017, Restorative Justice as the Goal of Implementing Diversion in the Juvenile Criminal Justice System, Supreme Court of the Republic of Indonesia, Jakarta.

glued into the social environment from which they come. This causes a prolonged sense of revenge and can give birth to new criminal behavior. Settlement of criminal cases with a repressive approach cannot resolve cases completely, especially between the perpetrator and the victim and their environment. This is because the perpetrator and victim are not involved in the decision-making process in resolving the case. In fact, the resolution of a case must contribute to justice for those involved in the case.⁴³ Looking at the development of the theory of punishment which initially focused on the position of the perpetrator, continued to the important role of the victim. In the development of criminal thought, a new Philosophy of Punishment was born which is oriented towards resolving criminal cases that benefit all parties, both victims, perpetrators and society. In resolving a criminal case, it is unfair if resolving a criminal problem only pays attention to one interest, both the perpetrator and the victim. Therefore, a theory of the purpose of punishment is needed that represents all aspects in resolving a case, both victims, perpetrators and society, therefore a combination of one theory and another is needed.⁴⁴

Restorative justice or restorative justice is a new approach model in efforts to resolve criminal cases. Different from the current system (traditional criminal system), the approach or concept of restorative justice or restorative justice emphasizes more on the direct participation of the perpetrator, victim and community in the process of resolving criminal cases. Therefore, this approach is also popularly called the "non-state justice system" where the role of the State in resolving criminal cases is small or even non-existent. However, the presence of the approach or concept of restorative justice or restorative justice is colored by various questions both theoretically and practically.

Braithwaite said that:

"Indonesia is a nation with wonderful resources of intracultural restorative justice. Traditions of musayawarah (deliberation) decision by friendly cooperation and deliberation-traverse the archipelago. Adat law at the same time allows for diversity to the point of local criminal laws being written to complement universal national laws.

According to the author, the implementation of restorative justice in handling violent and abusive crimes is analyzed using the Theory of Restorative Justice that justice is restored or restored. Each party involved in a crime is given the opportunity to deliberate, restorative justice emphasizes welfare and justice.

⁴³Mansyur Kartayasa, "Restorative Justice and Its Prospects in Legislative Policy" paper presented at the National Seminar, The Role of Judges in Improving Professionalism. Towards Great Research, Organized by IKAHI in the framework of IKAHI's 59th Anniversary, April 25, 2012, pp. 1-2.

⁴⁴Muladi, 1995, Selected Chapters on Criminal Law, Diponegoro University Publishing Agency, Semarang, p. 81.

Victims of criminal acts have the right to demand compensation from the perpetrator of the crime, namely the losses they have suffered, while the perpetrator of the crime is obliged to compensate the losses caused by him to the victim.

3.2. Obstacles and Solutions Faced in the Implementation of Restorative Justice in Cases of Violent Crimes and Abuse Against Existing Legal Policies in Indonesia

The development of law in Indonesia itself is very dynamic and always changing following the development of society, the development of law especially in the development of criminal (material) and criminal procedure law (formal) outside the provisions of the Criminal Code (Criminal Code Book) and the Criminal Procedure Code (Indonesian Book of Criminal Procedure Law) which are currently in effect. This is because the basic rules of the Criminal Code (material) of the Criminal Code and the Criminal Procedure Code (formal) of the Criminal Procedure Code which are old legal products that have not been updated or revised, only revisions / material tests of the articles in the two laws and regulations do not replace / revise the entire Criminal Code or Criminal Procedure Code.⁴⁵

Law in Indonesia is basically created to regulate and direct human or community behavior towards goodness, it is captured in law, written or unwritten. The law has consequences of punishment that must be accepted for violators of the law itself, ranging from social sanctions, sanctions and even criminal sanctions to imprisonment for violators of the regulations.⁴⁶

One of the crimes that occurs and often causes prolonged conflict is persecution. From the criminal law perspective, persecution is defined as arbitrary treatment carried out by one person to another in the form of torture, oppression and so on. Persecution is an act regulated in Article 351 to Article 358 of Law Number 1 of 1946 concerning Criminal Law Regulations.⁴⁷

Acts of abuse are not a new thing in acts of physical and psychological violence, and can be found everywhere, such as in the household or family environment, in public places, or in other places, and can happen to anyone when they have a

⁴⁵Moch. Isa Nazarudin, Umar Ma'ruf, 2020, Comparison Of The Implementation Of Pre-Court Process Before And After The Constitutional Court Decision Number: 21 / PUU-XII / 2014 In The Batang, in *Jurnal Daulat Hukum* Vol. 3. (1), Published Master of Law, Faculty of Law Unissula, p. 191-192.

⁴⁶Ragil Tri Wibowo and Akhmad Khisni, 2018, Restorative Justice in Application for Crime Investigation on Property, in *Jurnal Daulat Hukum* Vol. 1. (2), Published Master Of Law, Faculty of Law Unissula, p. 565.

⁴⁷Chairul Amri Nasution, 2024, The Responsibility of the Perpetrator to the Victim in the Settlement of Criminal Acts of Abuse Based on Restorative Justice at the Investigation Level, *Ekasakti Legal Science Journal*, Vol. 1, No. 2.

problem with someone else.

The Regulation of the Republic of Indonesia National Police or often referred to as the Police Regulation or Perpol concerning Handling of Criminal Acts based on Restorative Justice is a step by the Police in realizing the resolution of criminal acts by prioritizing Restorative Justice which emphasizes the restoration of the original state and the balance of protection and interests of victims and perpetrators of criminal acts that are not oriented towards punishment is a legal necessity in society.

The Indonesian National Police Regulation on Handling Criminal Acts Based on Restorative Justice is a new concept in criminal law enforcement that accommodates norms and values that apply in society as a solution while providing legal certainty, especially the benefits and sense of justice of the community, in order to answer the development of legal needs of the community that fulfills the sense of justice of all parties, which is a manifestation of the authority of the Indonesian National Police in accordance with Article 16 and Article 18 of Law Number 02 of 2002 concerning the Indonesian National Police.

Regarding law enforcement without touching on the human aspect that carries out its enforcement, it is a sterile discussion. If discussing law enforcement only adheres to the requirements as stated in the provisions of the law, it will only obtain an empty stereotype picture. Discussing law enforcement becomes meaningful when linked to concrete implementation by humans. The purpose of law enforcement is based on certain benefits, not merely imposing retribution for what has been done or not done by the perpetrator of the crime, nor merely imposing retribution. merely giving rewards to people who have committed crimes, but rather goals that contain benefits.

The lack of legal awareness in today's society has led to distrust between members of society themselves as well as distrust of law enforcement officers and the government. Moreover, with the current difficult economic conditions of our country, it has resulted in the emergence of crime in society which is motivated by the increasing needs of life in each member of society. Conditions that occur every day and are experienced by society, for example theft, robbery, assault, rape, murder, teenage brawls, or better known as "street crime" are a challenge for the law enforcement process.

Violence committed by individuals, either together or alone, against people or property is increasing and is disturbing the community and law enforcement officers. The Criminal Code, Book II, Chapter V regulates crimes against public order, which are contained in Articles 153-181. Article 170 paragraph (1) of the Criminal Code states that:

"Anyone who in public, together, commits violence against people or property"

Compared with other violent crimes that are also contained in the Criminal Code,

4. Conclusion

The application of restorative justice in the implementation of restorative justice in handling violent and abusive crimes is to show significant effectiveness in various aspects of law enforcement and social recovery. Restorative justice not only improves the relationship between victims and perpetrators but also offers a more humane solution and focuses on recovery rather than punishment alone. Through this approach, victims have the opportunity to convey their experiences directly to the perpetrators, which in turn allows the perpetrators to understand the impact of their actions and show greater responsibility. Obstacles to the implementation of restorative justice in handling criminal acts of abuse are the conditions and motivations of the parties in the process, the community's ignorance of the authority of restorative justice by investigators, and the minimal role of the community as a social control and the cultural factors of the community responding to the enactment of a law. To overcome the obstacles to the implementation of restorative justice in handling criminal acts of abuse, it is necessary to utilize restorative justice into the criminal law system through a legal regulation that regulates the implementation of restorative justice at the police level.

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