

Implementation of Termination of Prosecution Based on Restorative Justice in Cases of Domestic Violence (Case Study: Indragiri Hilir District Attorney's Office)

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Abstract. Domestic violence remains a serious issue in Indonesia, including in Indragiri Hilir Regency, where most cases are resolved through mediation, withdrawal of reports, or restorative justice mechanisms as regulated in Prosecutorial Regulation Number 15 of 2020. This makes it important to examine the implementation and the obstacles encountered in its application within the criminal justice system. The purpose of this research is to analyze the implementation of prosecution termination based on restorative justice in domestic violence cases at the Indragiri Hilir District Prosecutor's Office; to analyze the obstacles and solutions in implementing prosecution termination based on restorative justice in domestic violence cases at the Indragiri Hilir District Prosecutor's Office; and to analyze the ideal regulatory framework for prosecution termination based on restorative justice in domestic violence cases in the future. The research approach used in preparing this thesis is empirical juridical research. The specification of this study is descriptive-analytical. The results of this study show that the implementation of restorative justice in domestic violence cases at the Indragiri Hilir District Prosecutor's Office is evident in the resolution of the TWS case, who committed minor physical violence against SBJ. After the submission of the stage-two dossier, the prosecutor assessed that the case met the requirements for restorative justice and facilitated a deliberation by bringing together the victim, the perpetrator, their families, and local community leaders. The dialogue proceeded without coercion until an unconditional settlement was reached, which then became the basis for terminating the prosecution. This process aligns with Tony Marshall's concept emphasizing the three pillars of restorative justice: encounter, through direct meetings between the victim and the perpetrator to foster mutual understanding; reparation, through acknowledgment of wrongdoing and commitment to repairing the relationship; and reintegration, through the offender's return to the social environment without stigma. The obstacles

to implementing prosecution termination based on restorative justice in domestic violence cases at the Indragiri Hilir District Prosecutor's Office originate from three main dimensions of the legal system substance, structure, and legal culture. These include weak normative foundations due to the absence of restorative justice provisions in the Criminal Procedure Code (KUHP), limited human resources, heavy workloads and complex administrative procedures within the prosecutor's office, as well as patriarchal culture and societal or institutional perspectives that equate justice with punishment, which in turn leads to victim hesitation. To address these challenges, it is necessary to strengthen the legal basis through the reformulation of Article 140 paragraph (2) of the KUHP, improve structural capacity by increasing and specializing human resources, simplifying restorative justice procedures, and transforming legal culture through education and continuous public outreach involving community and religious leaders.

Keywords: *Domestik; Justice; Prosecution; Restorative Violence.*

1. Introduction

Article 1 paragraph 3 of the 1945 Constitution of the Republic of Indonesia states that "the State of Indonesia is a state based on law." This article explains that the State of Indonesia is a state based on law, so the State of Indonesia places law at the highest place in social, national and state life so that the State of Indonesia is a state based on law.¹

The function of law is not only to regulate society but also to serve as a tool of social control, providing an understanding that law is a tool for determining human behavior. In this case, behavior can be interpreted as something that deviates from the legal rules themselves. Consequently, the law can impose sanctions or take action against those who violate them, with the aim of providing a deterrent effect on those who break the law. Therefore, law can be seen as a whole as being regulatory and coercive, so that society complies with these rules and can achieve peace and tranquility.²

Domestic violence is a form of violence that occurs within the family. This act cannot be equated with everyday tensions or conflicts such as disagreements, arguments, fights, or momentary teasing. Domestic violence is far more serious

¹Fatimah Zahra, Muharuddin Abu, and Wahab Aznul Hidayat, Implementation of Restorative Justice in Domestic Violence Cases (Case Study of the Sorong District Attorney's Office), Judge: Jurnal Hukum, Vol. 5, Number 2, 2024, pp. 193-206

²Galih Orlando. Law as Social Control and Social Engineering. Tarbiyah bil Qalam: Journal of Religious Education and Science, Vol. 7, No. 1, 2023, pp. 31-48

because it is usually perpetrated by a party with greater position, physical strength, social status, or economic control than the victim.³In other words, domestic violence occurs in situations of unequal relationships between the perpetrator and the victim. According to Law Number 23 of 2004 concerning the Elimination of Domestic Violence, domestic violence is any act against a person, particularly women, that results in physical, sexual, or psychological suffering or misery, or domestic neglect. This includes threats, coercion, and unlawful deprivation of liberty within the household.⁴In Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, the Prosecutor has the principle of *dominus litis*, which means that the Prosecutor as the case controller has the right to determine whether a case is worthy of being transferred to court or not in the criminal justice system.

The termination of prosecution carried out by the Prosecutor is based on the authority stipulated in Prosecutor's Regulation Number 15 of 2020, as well as Law Number 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia. Article 35 paragraph (1) letter (a) of the law emphasizes that the Prosecutor's Office has the authority to determine and control legal and justice policies within the scope of its duties and authorities. Therefore, the termination of prosecution by the Public Prosecutor is a form of implementation of the constitutional authority mandated by the Law.

Restorative justice is a legal framework that prioritizes the needs of both victims and perpetrators within the criminal justice system. It emphasizes community involvement and does not rely on judges' discretion to punish offenders alone. Restorative justice is a method that prioritizes restoring relationships between perpetrators and victims, with the goal of repairing the harm caused by violent acts.⁵Therefore, the goal is not solely focused on retribution, but also on seeking a more compassionate and understanding solution. More than simply an alternative means of addressing legal violations, the concept of restorative justice, as proposed, is a concept of justice that emerges as an answer to the paradox of modern justice, which often fails to fulfill a sense of substantive justice for the parties involved.⁶Justice is no longer understood as merely the state imposing

³Oktir Nebi and Yudi Anton Rikmadani, *Domestic Violence Law: "Perspective of Legal Protection Theory"*, Azka Pustaka, Pasaman, 2021, p. 22

⁴Siagian, Saidah, John Kenedi, and Miti Yarmunida. *Implementation of Law Number 23 of 2004 concerning the Elimination of Domestic Violence: A Fiqh Siyasah Dusturiyah Perspective*. *Journal of Sharia and Legal Science*, Vol. 2, No. 1, 2024, pp. 73-96.

⁵Yusna Arsyad, et. al., *Reimagining the Principles of Restorative Justice in the Indonesian Criminal Justice System: An Idea to Achieve Ideality*. *Ilmu Hukum Prima (IHP)*, Vol. 6, No. 2, 2023, pp. 253-265

⁶Flora, Henny Saida. *Restorative justice as an alternative in resolving criminal acts and its influence on the criminal justice system in Indonesia*. *University of Bengkulu Law Journal*, Vol. 3, No. 2, 2018, pp. 142-158.

punishment on perpetrators, but rather as a transformative process that aims to rebuild relationships damaged by criminal acts.

The Attorney General's Office, but also a number of other institutions such as the Supreme Court and the Indonesian National Police. This is evident in the birth of various regulations, including the Republic of Indonesia Police Regulation Number 8 of 2021 concerning Handling Criminal Offenses Based on Restorative Justice, Memorandum of Understanding between the Chief Justice of the Republic of Indonesia, the Minister of Law and Human Rights of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, and the Chief of Police Number 131/KMA/SKB/X/2012 concerning the Implementation of Adjustments to the Limits of Minor Crimes, the Amount of Fines, Speedy Examination Procedures, and Restorative Justice, and Decree of the Director General of the General Courts (Dirjen Badilum) of the Supreme Court Number 1691/DJU/SK/PS.00/12/2020 concerning the Implementation of Guidelines for the Implementation of Restorative Justice. The presence of these regulations demonstrates a serious concern for handling criminal cases by prioritizing the principles of restorative justice.

Therefore, the Attorney General's Office's implementation of restorative justice-based prosecution termination is the primary focus of this study. The implementation process and any obstacles encountered will serve as the basis for assessing the effectiveness of restorative justice-based prosecution termination at the Indragiri Hilir District Attorney's Office.

2. Research Methods

This research method uses an empirical legal approach. The type of research chosen is descriptive analytical, which aims to describe facts as they are based on the data obtained, which is then processed and analyzed to draw conclusions. The research data includes primary data from directed interviews and secondary data from literature studies covering primary, secondary, and tertiary legal materials such as laws and regulations, legal literature, and encyclopedias. Data collection was conducted through structured interviews and documentation studies, while data analysis was conducted qualitatively by describing empirical and normative findings, then systematically examining the problems to formulate suggestions and answers to the legal issues studied.⁷

3. Results and Discussion

3.1. Implementation of Termination of Prosecution Based on Restorative Justice in Domestic Violence Cases at the Indragiri Hilir District Attorney's Office

⁷I Made Pasek Diantha, *Normative Legal Research Methodology*, Prenada Media Group, Jakarta, 2016, p. 1.

Law enforcement often proceeds slowly because cases are generally resolved through the judicial system, which ultimately results in a judge's decision. This procedure requires a lengthy process through the police, prosecutors, district courts, high courts, and the Supreme Court, leading to overlapping cases and reducing the effectiveness of the justice system. Participate influencing public perception, which believes that litigation mechanisms are the only path to justice, even though the reality shows that this process requires large costs and is often accompanied by practices of corruption, collusion, and nepotism. This situation the more strengthening public doubts about the ability of the law enforcement system in Indonesia to fulfill the sense of justice in real terms.⁸

The development of the times brings new policies that enable the resolution of problems. Casen on-litigation or outside the judicial system through an agreement between the parties. This approach, which emphasizes consensus, provides the public with an understanding that law enforcement officials, such as the police and prosecutors, do not always have to take every case to court. This concept aligns with the character of criminal law as ultimum remedium, a last resort when no other resolution mechanisms are available. However, emerging practices show that criminal law is often the primary option in handling acts deemed criminal, resulting in a culture of deliberation being gradually marginalized by the increasingly dominant litigation orientation.⁹

The restorative justice approach has become a benchmark for public prosecutors to dismiss criminal cases before they reach trial. This approach stems from public frustration with the Indonesian legal system, which is perceived as failing to fulfill a sense of justice. Therefore, restorative justice is essential. Become alternative solutions for minor criminal cases with the aim of creating more humane justice.¹⁰

Fundamentally, restorative justice changes the role of victims in the criminal justice system by empowering them, giving them the personal right to participate in the resolution of criminal cases. This empowerment of victims is the philosophical foundation of the concept of restorative justice. Based on this philosophy, the objective problem in criminal law is not the severity of punishment as a form of revenge against the perpetrator. However, repair or restore losses or injuries suffered by victims as a result of the crime.¹¹

⁸Satjipto Rahardjo, *The Other Side of Law in Indonesia*. Kompas Books, Jakarta, 2003, p. 42

⁹Fatimah Zahra, et. al., *Implementation of Restorative Justice in Domestic Violence Cases (Case Study of the Sorong District Attorney's Office)*, *Judge: Jurnal Hukum*, Vol 5, Number 2, 2024, pp. 193-206

¹⁰Risnawati Br Ginting, et al. *Termination of Prosecution Through the Implementation of Restorative Justice at the Prosecutor's Office Level*. *Iocus Journal of Academic Literature Review*, Vol. 2, Issue 10, 2023, pp. 789-806.

¹¹Ahmad Faizal Azhar, "The Application of the Concept of Restorative Justice in the Criminal Justice System in Indonesia," *"Majlis: Jurnal Kajian Hukum Islam"*, Vol. 4, No. 2, 2019, pp. 134-143.

The first legal breakthrough accommodated in the Domestic Violence Law is the forms of domestic violence which include physical violence, psychological violence, sexual violence and economic violence or family neglect.¹²We know that before the enactment of the Domestic Violence Law in Indonesia, domestic violence was only categorized as physical violence or abuse. This breakthrough allows victims of domestic violence, who have previously faced legal discrimination, to seek the justice they desire for the various forms of violence they have experienced. However, in reality, many obstacles remain. Process The development of Criminal Law is also manifested in the Criminal Act of Domestic Violence (KDRT), which is a development of the Criminal Code (KUHP).

The procedure for terminating a prosecution based on restorative justice is regulated by a Circular Letter from the Deputy Attorney General for General Crimes dated September 16, 2020. This mechanism requires that a permit application be submitted to the Deputy Attorney General for General Crimes, first proposing a case title. After the Public Prosecutor reports a peace agreement, the Head of the District Attorney's Office immediately submits the case title to the Deputy Attorney General for General Crimes through the Head of the High Prosecutor's Office no later than one day after the peace agreement is signed. A case review is then held within two days of the application being received using electronic means such as video conferencing, and is led by the Prosecutor and the Head of the High Prosecutor's Office. If the Deputy Attorney General for General Crimes approves, the High Prosecutor's Office issues a written approval for the termination of prosecution no later than one day after the decision is made. After receiving this approval, the Public Prosecutor summons the parties to submit their decision to terminate the prosecution and requires them to implement all the terms of the peace agreement no later than two days after the notification is given.

After the peace agreement has been executed in accordance with the provisions in letter g, the Prosecutor requires the parties to show evidence of the implementation of the agreement as referred to in letter h. When all peace obligations have been fulfilled, the Prosecutor prepares a report to the Head of the District Attorney's Office as stipulated in letter i, attaching all evidence of the implementation of the agreement. Based on this report, the Head of the District Attorney's Office as the public prosecutor then issues an order to stop the prosecution no later than one day after the peace agreement is signed.

The results of the author's research conducted at the Indragiri Hilir District Attorney's Office show that since the issuance of the Republic of Indonesia Prosecutor's Office Regulation Number 15 of 2020, the Indragiri Hilir District Attorney's Office has resolved one of the domestic violence criminal cases using restorative justice efforts, that based on the case involving the suspect TWS who

¹²Sopacua, Margie Gladies. The Ideal Concept of Preventing Domestic Violence Against Women. Indonesian Journal of Legal Development, Vol. 4, No. 2, 2022, pp. 213-226

was charged with violating Article 44 paragraph (4) of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, with the case position as follows:

That on Sunday, June 30, 2024 at around 17.00 WIB the Defendant said "When will Mamak's loan come out?" After that Witness Sbj said "Not yet, son, just wait until there is a call" then the Defendant spat towards the wall of the house then Witness SBJ said "Don't be like that, son, Uncle doesn't like it when you do that" after that the Defendant said "I'm being fooled" then because it was Maghrib time, when Witness SBJ was going to take ablution water but the Defendant said "Don't pray Mamak, sit here first" but Witness SBJ still took ablution water after that the Defendant took 1 (one) short machete and said "Don't Mamak take ablution water" but Witness SBJ still took ablution water and performed Maghrib prayer after finishing the Defendant poked Witness SBJ's back using 1 (one) caterpillar knife sheath repeatedly then Witness SBJ said "You Want to Kill Mamak Yes" after that the Defendant stopped while smiling then Brother Dina Mareta Sandi contacted Witness SBJ after that the Defendant slapped his left cheek using his right hand which was witnessed by Witness Nursehan Binti Asnawi and immediately ran out of the house and asked for help from Witness Suardi Bin Makmur then Witness Suardi Bin Makmur took the Defendant out of the house;

Visum et Repertum Letter Number 400.2.3/VER-KB/308.1 dated July 3, 2024 signed by Dr. Widyawati as a Doctor at the Kota baru Health Center, Indragiri Hilir Regency, Riau, an examination was carried out on a person named SBJ with the conclusion based on the findings obtained from the examination of the victim, it can be concluded that the victim is a sixty-one year old woman, from the external examination, signs of violence were found on the face.

The implementation of restorative justice in this case began after investigators handed over the suspect and evidence to the Public Prosecutor in the second stage. Then reviewed the files to ensure that the case met the criteria for resolution through restorative justice as stipulated in Attorney General Regulation Number 15 of 2020. Once the requirements were met, the prosecutor initiated the peace process by summoning the victim SBJ and the suspect TWN and explaining the purpose of the summons and the peace mechanism. The summons was carried out based on the Order for Appointment of a Public Prosecutor and the Order to Facilitate the Peace Process, with Public Prosecutors Windu Harimika, SH and Reza Yusuf Afandi, SH acting as facilitators. On Thursday, August 22, 2024, the peace process was carried out at the Indragiri Hilir District Attorney's Office with the presence of the parties and their companions such as the Head of the Neighborhood Association (RT), the victim's companion, and the Head of Criminal Investigation Unit of the Pulau Burung Police as part of the deliberation process. In the forum, the prosecutor explained the rights and obligations of each party, the legal consequences of the settlement options, and the provisions regarding the approval of the prosecutor's leadership if the peace was agreed upon.

The peace process was conducted voluntarily, without pressure or intimidation from any party, in accordance with the principle of consensus in restorative justice. After dialogue and explanations, Which If the settlement is adequate, the victim and suspect agree to an unconditional settlement. The prosecutor then documents the results of the agreement in a settlement report and an opinion memorandum to be reported to the Head of the District Attorney's Office. The report is forwarded to the Head of the High Prosecutor's Office as the basis for proposing a request for permission to terminate the prosecution. In accordance with the mechanism in Circular Letter of the Deputy Attorney General for General Crimes Number B-4301/E/EJP/9/2020, after the settlement report is received, an electronic case review is conducted to assess the feasibility of terminating the prosecution. Once approved, the High Prosecutor's Office issues a written agreement to terminate the prosecution, and the Public Prosecutor invites the parties to submit their decision. The and ensure that there are no obligations that have not been fulfilled.

Based on an interview with Mr. Windu Harimika, SH, as a prosecutor at the Indragiri Hilir District Attorney's Office, he provided additional information regarding the dynamic simple mentation restorative justice at the prosecution level. He explained that the success of the peace process depends heavily on the prosecutor's ability to build empathetic communication, as most victims initially doubt whether the restorative process can truly provide just reparations. Prosecutors must ensure that the peace agreement is not merely a formality, but rather arises from the awareness of both parties and does not violate the boundaries of legal propriety.¹³

After the entire peace process has been carried out properly and the parties have presented evidence of the agreement's implementation, the prosecutor will prepare a final report for the Chief Prosecutor. Based on this report, the Chief Prosecutor will: Country issue an order to stop prosecution within a specified time period, so that the case official terminated through restorative justice mechanisms. An unconditional peace agreement between the victim and the suspect serves as the primary basis for terminating the prosecution, as mandated by Attorney General Regulation Number 15 of 2020, while also confirming the success of restorative justice in restoring social relations without neglecting the principles of justice and protection for victims.

3.2. Obstacles and Solutions to the Implementation of Termination of Prosecution Based on Restorative Justice in Domestic Violence Cases at the Indragiri Hilir District Attorney's Office

According to Lawrence M. Friedman's thinking, the legal system is seen as a system that works through three main elements that influence each other, namely

¹³Interview with Mr. Windu Harimika, SH, as Prosecutor at the Indragiri Hilir District Attorney's Office on October 15, 2025

structure, law, legal substance, and legal culture.¹⁴The legal structure describes the institutions and officials that carry out law enforcement functions, including the working mechanisms, authorities, and inter-institutional relationships that determine how the law operates in practice. Legal substance refers to the norms, rules, and principles contained in laws and court decisions, which reflect societal values and the intended direction of legal policy. Meanwhile, legal culture relates to the attitudes, mindsets, beliefs, and behaviors of the public and law enforcement officials toward the law itself. These three elements are essential foundations for the functioning of the legal system because from a harmonious interaction between them, a legal order emerges that is able to function according to its objectives and meet societal needs.

Implementation of termination of prosecution with a restorative justice approach in cases of domestic violence at the Indragiri Hilir District Attorney's Office face various obstacles. To comprehensively analyze these obstacles, Lawrence M. Friedman's legal system theoretical framework is used, which divides the components of the legal system into legal substance, legal structure, and legal culture. The following describes the weaknesses or obstacles in each of these components, along with a discussion of solutions to overcome them.

1) Substantial Weaknesses

The implementation of restorative justice at the Indragiri Hilir Prosecutor's Office is currently based on Republic of Indonesia Prosecutor's Office Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. This regulation is an internal product of the prosecutor's office, not a Criminal Procedure Code (KUHP) law. This limitation can be considered a weakness in the legal substance due to its less binding force and limited scope. The absence of restorative justice regulations in the KUHP causes the implementation of restorative justice to depend on the prosecutor's internal policies. As a result, the legal basis for restorative justice is weak and has the potential to raise doubts among some law enforcement officials and the public regarding the legitimacy of terminating cases through restorative justice.

The provisions regarding the termination of prosecution in Article 140 paragraph (2) of the Criminal Procedure Code provide a foundation for the Public Prosecutor to close a case by law, but this provision does not yet regulate the termination of prosecution due to an agreement on justice between the victim and the perpetrator. The Criminal Procedure Code only recognizes three formal reasons for terminating a prosecution, namely there is insufficient evidence, the incident is not a criminal act, and the case must be closed by law. These three reasons refer

¹⁴Izzy Al Kautsar and Danang Wahyu Muhammad. Lawrence M. Friedman's modern legal system: Legal culture and social change from industrial to digital society. *Sapientia Et Virtus*, Vol. 7, No. 2, 2022, pp. 84-99.

to the classic principles in the criminal law system as stated in the Criminal Code regarding the elimination of the authority to prosecute.¹⁵

The limited scope of grounds for terminating prosecutions results in a misalignment between the norms of the Criminal Procedure Code (KUHP) and regulatory developments, particularly Attorney General Regulation No. 15 of 2020, which regulates termination of prosecution based on restorative justice. The KUHP does not recognize settlement through amicable settlement, so the validity of restorative justice rests solely on the *dominus litis* authority of the public prosecutor, not on statutory norms.

2) Weaknesses of Legal Structure in the Application of Restorative Justice in Domestic Violence Cases

The Indragiri Hilir District Attorney's Office is a district-level prosecutor's office with relatively limited personnel. The restorative justice process requires extra time and effort, as prosecutors must conduct mediation, coordinate with families and the community, prepare settlement reports, and even process termination requests with higher levels.

According to research at the Indragiri Hilir District Attorney's Office, the 14-day maximum time limit for the settlement process often becomes an obstacle because the limited number of prosecutors must handle a fairly high caseload, so that potential delays cannot be avoided and cases that actually deserve to be resolved through restorative justice mechanisms are forced to be transferred to the court to meet the deadline. According to Mr. Windu Harimika, SH, the implementation of restorative justice requires time to coordinate with various parties, while the number of prosecutors handling general cases is not commensurate with the ever-increasing workload.¹⁶

3) Weaknesses of Legal Culture in the Application of Restorative Justice in Domestic Violence Cases

Legal culture refers to a society's attitudes, beliefs, values, and expectations toward the legal system. Friedman describes it as a social climate of thought that determines how the law is used or ignored.¹⁷ Culturally, many victims of domestic violence doubt whether peaceful resolution can truly provide a sense of justice. Our legal culture is accustomed to viewing justice as punishment for the perpetrator, leaving victims worried that the perpetrator will "get off" without due

¹⁵Achmad Dewa Nugraha, *The Urgency of Restorative Justice Regulations as a Basis for Terminating Criminal Acts*. *UNES Journal of Swara Justisia*, Vol. 7, No. 1, 2023, pp. 194-207.

¹⁶Interview with Mr. Windu Harimika, SH, as a Prosecutor at the Indragiri Hilir District Attorney's Office on October 15, 2025

¹⁷Efrizon, Efrizon, et. al., *Legal Culture in the Digital Age: Social and Cultural Implications of Social Media in Law Enforcement*. *Locus Journal of Academic Literature Review*, Vol. 4, No. 3, 2025, pp. 177-185.

retribution. This creates a barrier: victims may be reluctant to agree to restorative justice for fear of being perceived as weak or for fear that the perpetrator will not be deterred. Empirical interviews revealed that most victims initially doubted whether the restorative justice process could truly restore the situation justly. They feared that reconciliation would only benefit the perpetrator. This skepticism and distrust stem from a legal culture in which imprisonment is considered the only real form of accountability. If not addressed, victims' doubts can derail mediation from the outset, as restorative justice requires the victim's voluntary consent.

In societies with a patriarchal or deeply familial culture, domestic violence cases are often considered a shameful family matter that should be resolved amicably whenever possible. This cultural paradigm has two sides. On the one hand, it supports restorative justice because it favors consensus and avoids formal legal proceedings. However, on the other hand, family pressure can be an obstacle if reconciliation is not the victim's sole desire, but rather because the victim is forced by the family to forgive the perpetrator "for the sake of their good name." For example, a wife abused by her husband may be pressured by family or traditional leaders not to pursue the case in court, under the pretext of maintaining the integrity of the household. The culture of *ewuh pakewuh* (reluctance/uncomfortable) and women's devotion to the household can make victims feel obligated to forgive, rather than out of a right. This certainly hinders restorative justice, which requires genuine voluntary action. If victims agree to reconciliation due to pressure from social norms, the results of restorative justice are illusory and vulnerable to violation. Patriarchal culture can also influence perpetrator behavior: perpetrators may consider it normal to "educate" their wives/family members with minor violence, resulting in less genuine feelings of guilt during mediation. This attitude can hinder the achievement of shared understanding in restorative justice dialogue.

Solutions to the Weaknesses in Implementing Restorative Justice in Domestic Violence Cases Overcoming the above obstacles requires a comprehensive approach. Which simultaneously addressing aspects of substance, structure, and legal culture. Here are some proposed solutions:

1) Strengthening the Legal and Regulatory Basis

The legal basis for restorative justice in Indonesia's criminal justice system needs to be strengthened. One key solution is to incorporate restorative justice provisions into the Criminal Procedure Code (KUHP). Researchers recommend that restorative justice principles be regulated not only at the regulation level but also elevated to the level of law. This way, the application of restorative justice will have stronger legitimacy and its implementation guidelines will be more comprehensive (including specific provisions for domestic violence cases). Higher-level regulations could detail the requirements, procedures, and protections for

victims in restorative justice, addressing the current normative gap. Furthermore, revision or harmonization of the Domestic Violence Law could be considered: for example, adding a clause that qualified peace efforts can be the basis for dismissal of a case, thereby aligning it with the prosecutor's restorative justice practices. This strengthening of the legal substance is expected to address normative weaknesses and provide legal certainty and greater flexibility for the application of restorative justice.

2) Procedure Improvement and Structural Capacity Enhancement

From a legal structure perspective, solutions include increasing institutional capacity and streamlining procedures. First, increasing human resources (HR) within the prosecutor's office or optimizing a dedicated restorative justice team could be implemented. If necessary, establish a restorative justice task force within the prosecutor's office, whose members will focus on managing mediation and restorative justice administration, so that the burden does not fall solely on the prosecutors. Second, provide training for prosecutors on mediation and communication techniques. This training will improve prosecutors' competence and confidence in facilitating restorative justice, addressing previous skill deficiencies.

3) Changing Legal Culture through Education and Socialization

The public needs to be given a proper understanding of the concept of restorative justice. The Prosecutor's Office, along with relevant agencies, can conduct outreach at the local level (sub-districts and villages) regarding restorative justice programs, perhaps through legal counseling or public discussions. With sufficient information, victims and potential perpetrators will understand their rights and options, and the stigma that peace violates justice will be removed. This step aligns with research recommendations for law enforcement to actively promote restorative justice in Indragiri Hilir for more optimal implementation.

4. Conclusion

The implementation of restorative justice in domestic violence cases at the Indragiri Hilir District Attorney's Office was evident in the resolution of the case of TWS, who committed minor physical violence against SBJ. After the second-stage file was submitted, the prosecutor deemed the case met the requirements for restorative justice and facilitated deliberation by presenting the victim, perpetrator, family, and local community leaders. The dialogue took place without coercion until a resolution was reached. Un conditional peace which then becomes the basis for the termination of prosecution. This process is in line with Tony Marshall's concept which emphasizes the three pillars of RJ, namely encounter through direct meetings between the victim and the perpetrator to understand each other, reparation through an admission of guilt and a commitment to repair the relationship, and reintegration with the return of the perpetrator to the social

environment without stigma, thus combining relationship restoration and substantive justice in a more humane mechanism than litigation. Obstacles to the implementation of termination of prosecution based on restorative justice in domestic violence cases at the Indragiri Hilir District Attorney's Office basically stem from three main dimensions of the legal system, namely substance, structure, and legal culture, starting from the weak normative foundation due to the lack of accommodation of restorative justice in the Criminal Procedure Code, limited human resources, workload and complex administrative procedures within the prosecutor's office, to patriarchal culture and the perspective of society and officials who still identify justice with punishment, which raises doubts among victims. To overcome this, it is necessary to strengthen the legal basis through reformulation of Article 140 paragraph (2) of the Criminal Procedure Code, improve the structure through the addition and specialization of human resources, simplify restorative justice procedures, and transform legal culture through education, ongoing socialization, involving community leaders and religious leaders.

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