

Analysis of the Implementation of Restorative Justice in the Settlement of Minor Assault Cases Based on Prosecutor's Regulation Number 15 of 2020

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Abstract. *The discontinuation of prosecution becomes even more apparent when associated with cases of minor assault. This type of case often arises from spontaneous quarrels, family relationships, neighbors, or social disputes that can actually be resolved through peace. The purpose of this study is to analyze the regulatory construction of the application of restorative justice in discontinuing prosecutions of minor assault cases; the weaknesses of the application of restorative justice in discontinuing prosecutions of minor assault cases; the application of restorative justice in discontinuing prosecutions of minor assault cases based on legal certainty. The type of research used in this thesis is empirical legal research. Empirical legal research is a legal research method that attempts to examine law in a concrete sense, or in other words, to observe and examine how law operates in society, using a qualitative research approach. The application of restorative justice in terminating prosecutions for minor assault cases demonstrates a shift in Indonesia's criminal justice system, shifting from a retaliatory orientation to a restorative approach that remains grounded in the principles of the rule of law, legal certainty, expediency, and justice. Normatively, the regulatory framework rests on Law Number 11 of 2021 concerning the Prosecutor's Office, Regulation of the Prosecutor's Office of the Republic of Indonesia Number 15 of 2020, Law Number 1 of 2023 concerning the Criminal Code, and Law Number 20 of 2025 concerning the Criminal Procedure Code, which collectively provide the basis for authority, technical guidelines, classification of minor assault offenses, and procedural legitimacy for restorative-based prosecution terminations. However, its implementation still faces weaknesses in legal substance, legal structure, and legal culture, such as unsynchronized regulations, unclear parameters for victim recovery and protection, multi-layered institutional procedures, unequal distribution of recovery facilities and services, and the persistence of a punitive paradigm within society and the authorities. From the perspective of legal certainty theory, this mechanism can only be deemed appropriate if implemented based on clear rules, firm authority, written procedures, voluntary agreements, and concrete judicial oversight. Therefore, the termination of prosecutions for*

minor assaults through restorative justice will only truly reflect justice and legal certainty if supported by regulatory harmonization, institutional strengthening, protection of victims' rights, and a legal culture that places recovery and accountability at the heart of case resolution.

Keywords: Abuse; Discontinuation; Justice; Prosecution; Restorative.

1. Introduction

Crimes in society end up in the courts, which tend to use the courts to resolve issues and achieve justice. Indonesian law is less effective, and society often faces problems and challenges.¹

Law seeks to maintain and regulate the balance between individual interests and desires; its presence enforces a balance between individual rights and collective rights. By its very nature, law must be certain and just so that it can function as it should.

Furthermore, the criminal justice system in Indonesia consistently ends in prison. Prison is not the best solution for resolving crime, especially crimes that cause harm to victims and society. It's important to ensure that the damaged situation can be restored. This doesn't mean eliminating the threat of punishment, but rather that the advantages and disadvantages of using it as a healing tool must be considered.

In its development, the resolution of minor criminal cases through a judicial system that emphasizes revenge does not provide satisfaction and justice for both the victim and the perpetrator.² The parties feel that a fair solution is to make a peace agreement that is oriented towards restoration and not revenge, so that criminal resolution by implementing restorative justice is an approach that is more oriented towards creating conditions for justice and balance for victims and perpetrators.

The concept of restorative justice emphasizes peace-based justice, whereby justice based on revenge or punishment of the perpetrator is not recognized in the resolution of a case. The application of this concept represents a development in the criminal justice system that emphasizes the involvement of both the

¹Wahid, Eriyantouw, *Restorative Justice and Conventional Justice in Criminal Law*, Jakarta: Trisaksi University, 2009, p. 43.

²Wirjono Prodjodikoro, "Certain Criminal Acts in Indonesia", (Jakarta: Publisher PT. Refika Aditama, 2002), p. 15.

perpetrator and the victim in resolving a case, a mechanism not currently recognized in conventional criminal procedure law.³

The legality of the implementation of restorative justice in Indonesia can be found in Law Number 11 of 2012, Article 5 Paragraph 1 concerning the Juvenile Criminal Justice System (SPPA). Furthermore, it is also contained in the Regulation of the Supreme Court of the Republic of Indonesia Number 2 of 2012 (Perma Number 2 of 2012) concerning Adjustments to the Limits of Minor Offenses and the Amount of Fines, and in the Prosecutor's Office, it is contained in the Regulation of the Prosecutor's Office of the Republic of Indonesia Number 15 of 2020 concerning Case Resolution Based on Restorative Justice.

Restorative justice is an alternative case resolution approach that focuses on punishment, replacing it with a dialogue and mediation process that involves the perpetrator, the victim, the perpetrator's/victim's family, and other relevant parties to work together to reach an agreement on a fair and balanced criminal case resolution for both the victim and the perpetrator, prioritizing restoration to their original condition.

This restorative approach is considered a more comprehensive and effective solution because it aims to empower victims, perpetrators, families, and communities to repair the actions or consequences of unlawful acts. For the law to operate properly, authority is necessary, but this authority must not violate individual rights and interests, as the law also serves to protect the interests of society.

Handling criminal cases using a restorative justice approach offers a different perspective and approach to addressing and addressing criminal acts. From a restorative justice perspective, the definition of a crime is essentially the same as in general criminal law: an attack on individuals, communities, and social bonds.

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³Sunarso, H. Siswanto, *Victimology in the Criminal Justice System*, Jakarta: Sinar Grafika, 2014, p. 157

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2. Research Methods

In compiling this research, the author uses the approach method used in this research, namely the statutory approach (Statute Approach). This approach means a research approach carried out by reviewing all laws and regulations related to the legal issues being handled by the researcher. The specifications in this research are descriptive analytical, namely research that describes the application of applicable laws and regulations related to legal theories and the practice of implementing positive law concerning the problems studied. It is said to be descriptive because from this research it is hoped that a comprehensive and systematic picture will be obtained regarding all matters related to the Settlement of Cases of Assault in the Restorative Justice Framework. In this research, the author uses a data collection method with documentation techniques or library research, which is a single method used in normative legal research. The data analysis used in this research is qualitative analysis, namely data that has been obtained from field studies and literature studies will be collected and grouped systematically according to the facts and characteristics of the object being studied precisely and then analyzed qualitatively with the aim of obtaining a conclusion from the research problem.

3. Results and Discussion

3.1. Construction of Regulations for the Implementation of Restorative Justice in Terminating Prosecution of Cases of Minor Assault Crimes

A state based on the rule of law is governed by power exercised on a sound legal basis, leading to justice. In this context, the law acts to exercise state power. The state, or law enforcement officials, must enforce the law with an orientation toward a prosperous society. Within the concept of a state based on the rule of law, the principles of legal certainty, legal benefit, and legal justice are the primary foundations that must be upheld by all parties authorized to administer the state. This means that the law should not be used as a tool for the benefit of a select few or certain groups, but rather as a means to ensure that the rights and obligations of every citizen are respected and protected equally. Therefore, the application of the law must be carried out transparently, accountably, and with integrity, so that public trust in the legal system can be maintained.

System evolution justice criminal law in Indonesia is at a significant turning point, where orientation Law enforcement is no longer solely based on corporal punishment (retributive justice), but rather shifting towards restoring the original state (restorative justice). This new paradigm emerged in response to the

ineffectiveness of the prison system, which often fails to provide a sense of substantive justice for victims and instead creates new problems such as overcrowding in correctional institutions and high recidivism rates. In the context of the Indonesian Attorney General's Office, the authority to terminate prosecutions based on restorative justice is an implementation of the principle of opportunity, where public prosecutors have the discretion to close cases for the greater public interest.

Legally, the main basis for this practice is the Indonesian Attorney General's Regulation Number 15 of 2020 about Termination of Prosecution Based on Restorative Justice. This regulation grants prosecutor attributive authority to act as mediators between suspects, victims, and community leaders. However, the implementation of this regulation in Siborong borong is not without challenges. There is a dialectic between rigid formal requirements such as limits on material losses and criminal penalties and the dynamic and emotional demands of community justice.

Restorative justice is a process in which all parties involved in a particular crime sit together to solve problems in order to deal with the impact of the crime. Violation This is for the benefit of the future. The Indonesian Attorney General's Office adopted this concept through Regulation No. 15 of 2020, which defines restorative justice as the resolution of criminal cases involving the perpetrator, victim, family, and other relevant parties to seek a just resolution that emphasizes restoration to the original state, rather than retaliation.

The legal basis for restorative justice in the current national criminal law system can no longer be placed solely on the Indonesian Attorney General's Regulation Number 15 of 2020. While the regulation still serves as a technical guideline for public prosecutors in terminating prosecutions based on restorative justice, the primary normative basis has shifted to Law Number 1 of 2023 concerning the Criminal Code. The New Criminal Code places the orientation of criminalization not only on punishing perpetrators, but also on protecting society, developing perpetrators, resolving conflicts, restoring balance, and creating a sense of security and peace within society. This direction demonstrates that the value of restorative justice has entered the general foundation of national criminal law, not just the internal policies of the prosecution agency.

The New Criminal Code provides a stronger foundation due to its status as a law, thus having broader binding power for the entire criminal justice subsystem, from investigation and prosecution to court proceedings, through to the execution of sentences. Restorative justice in the New Criminal Code is evident through the objectives of sentencing, which are directed at reforming the perpetrator, restoring disturbed social relationships, and restoring balance resulting from the crime. This differs from Regulation No. 15 of 2020, which limited its scope to the prosecutor's authority to discontinue prosecution of certain eligible cases.

Regulation falls within the technical institutional domain of the Attorney General's Office, while the New Criminal Code serves as the basis for national substantive criminal law, determining the direction of Indonesian sentencing.

On this basis, discussions on restorative justice should no longer rely on Regional Regulation No. 15 of 2020 as the sole basis, but rather place the New Criminal Code or Law No. 1 of 2023 as the primary legal basis. The Regulation can still be considered an implementing regulation within the Prosecutor's Office, particularly regarding the termination of prosecutions, but the values and direction of restorative justice have gained stronger legitimacy through the New Criminal Code. This means that restorative justice is no longer merely a prosecutorial policy but has become part of national criminal law reform, emphasizing restoration, balance, perpetrator responsibility, victim protection, and community benefit.

Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia which aims to guarantee the position and role of the Attorney General's Office of the Republic of Indonesia in exercising state power, especially in the field of prosecution and other authorities based on the Law, the Attorney General's Office of the Republic of Indonesia must be free from the influence of any party's power. The Attorney General's Office of the Republic of Indonesia is one of the bodies whose functions are related to judicial power according to the 1945 Constitution of the Republic of Indonesia.

Abuse is a form of crime against the body. The Criminal Code itself does not define abuse. It defines abuse as "arbitrary treatment."⁴The definition of abuse is broadly understood, including anything that concerns "feelings" or "inner self." The abuse referred to in criminal law concerns the human body.

Prosecutors are state officials tasked and authorized by law to enforce the law. In carrying out their duties and functions, prosecutors are organized within an institution called the Republic of Indonesia Prosecutor's Office, also known as the Prosecutor's Office. The primary duty of the Prosecutor's Office is to prosecute criminal cases. In carrying out their prosecutorial duties, prosecutors are authorized to determine whether a case can be brought to court and the articles under which charges are filed. Prosecutors can also discontinue prosecution based on a restorative justice approach if a case meets several requirements for restorative justice.⁵

The existence of the Indonesian Attorney General's Office, as a law enforcement institution, has a central position and strategic role in a state of law because it functions as a filter between the investigation process and the examination

⁴Leden Marpaung, 2002, *Criminal Acts Against Life and Body*, Sinar Grafika Jakarta, p. 1.

⁵Dessy Kusuma Dewi, "The Prosecutor's Authority to Terminate Prosecution for the Sake of Justice," *Journal of Legal Studies*, Vol. 9, No. 1, 2021, p. 5.

process in court (the principle of *dominus litis*), so that its existence in the life of society must be able to carry out the task of law enforcement.⁶In addition, he has the ability to make changes in various aspects of life, especially in the field of law enforcement, with the aim of building a more professional and dynamic Attorney General's Office of the Republic of Indonesia so that it is able to keep up with the progress of society and provide justice to the community.

3.2. Weaknesses in the Implementation of Restorative Justice in Terminating Prosecution of Cases of Minor Assault Crimes

Lawrence M. Friedman's legal system theory explains that the functioning of law is determined by three interrelated elements: legal substance, legal structure, and legal culture. This framework is relevant for assessing the application of restorative justice in terminating prosecutions for minor assault cases, as successful case resolution is determined not only by the existence of rules but also by institutional design and the level of social acceptance of the idea of restoration.

1) Weaknesses of legal substance

This weakness demonstrates that the regulatory framework for restorative justice-based prosecution termination in Indonesia has evolved from Prosecutor's Regulation No. 15 of 2020, then been strengthened through Law No. 11 of 2021 concerning the Prosecutor's Office, and achieved legislative legitimacy through Law No. 20 of 2025 concerning the Criminal Procedure Code. This gradual series of norm formations does indeed demonstrate progress, but at the same time, it demonstrates that the legal framework was born in layers and was not designed from the outset as a fully uniform system.

The relationship between Perja 15 of 2020 and the 2025 Criminal Procedure Code (KUHAP) still leaves room for adjustment. The new KUHAP explicitly regulates restorative justice mechanisms, enhances the authority of public prosecutors, and came into effect on January 2, 2026, while the prosecutor's technical guidelines issued in 2020 continue to be used in prosecution practice. This situation raises synchronization issues because the legal basis at the statutory level has evolved further, while the technical provisions have not been completely reformulated to reflect the new design of criminal procedure law.

The material requirements for restorative justice-based prosecution termination practices also show weaknesses when applied to minor assaults. Several official prosecutorial sources still emphasize that the perpetrator must be a first-time offender, face a prison sentence of no more than five years, and the value of the

⁶Marwan Effendy. (2012). *Discretion in Enforcing Corruption Crimes*. Brawijaya University, Malang, pp. 2-3

loss or evidence must not exceed Rp 2,500,000.00. This formula, however, is easier to apply to property cases than to physical assault cases.⁷

The parameters for restitution in cases of minor assault have not been formulated in detail. While the new Criminal Code still regulates minor assault under Article 471, which carries a maximum penalty of six months' imprisonment or a fine, the provisions regarding the termination of prosecution based on restitution do not explicitly specify the appropriate restitution measures, such as medical expenses, psychological recovery, security guarantees, or specific social obligations that the perpetrator must fulfill.

Victim protection remains a weak point in the legal framework. The 2025 Criminal Procedure Code (KUHAP) emphasizes strengthening the rights of suspects, defendants, witnesses, victims, and persons with disabilities, and adds provisions on compensation, rehabilitation, restitution, and restitution. This formulation demonstrates a more pro-victim reform direction, but has not yet been fully translated into minimum obligations that must be met before prosecutors can dismiss minor assault cases through amicable mechanisms.

The position of Perja 15 of 2020 after the enactment of the 2025 Criminal Procedure Code presents a unique problem in normative analysis. Perja remains important as an operational guideline for the prosecutor's office, but its existence must now be read subordinately to the higher-level regulations in the new Criminal Procedure Code. If technical updates are not implemented promptly, the potential for differences in practice between prosecutorial work units will remain open, as officials can shift between the old and new interpretations in a non-uniform manner.

Implementing regulations following the enactment of the new Criminal Procedure Code (KUHAP) also still require consolidation. The official abstract from the Supreme Audit Agency (BPK) states that the 2025 Criminal Procedure Code (KUHAP) changes numerous areas simultaneously, from strengthening the rights of parties, improving the authority of law enforcement, plea bargaining, deferred prosecution agreements, pretrial motions, restorative justice mechanisms, to compensation and damages. The broad scope of these changes demonstrates that the development of follow-up norms is crucial for successful implementation on the ground.

The characterization of minor assault as a crime against the body has not received truly specific attention in the regulatory framework for discontinuing prosecutions. Current general requirements tend to equate cases against the body with cases against property, despite the fact that assault causes pain, fear, social

⁷ Wibowo, Eko Putro. "Implementation of Restorative Justice in the Settlement of Minor Crimes at the Blitar District Attorney's Office." *NUSANTARA: Journal of Social Sciences* 13, no. 2 (2026): pp. 448-456.

injury, and potential trauma that cannot always be translated into financial loss. This weakness places the risk of discontinuing prosecutions being deemed administratively complete, even though the victim's recovery dimension has not been fully met.

2) Weaknesses of the legal structure

This weakness points to another equally important one. Law Number 11 of 2021 stipulates that the Prosecutor's Office carries out functions related to judicial power independently, and the Attorney General is the highest public prosecutor. This central position places the Prosecutor's Office as the primary actor in determining whether a case of minor assault will be brought to court or dismissed through restorative justice.

The centralization of authority in the hands of public prosecutors means that the quality of prosecution terminations is heavily influenced by the quality of the officers' assessments. The prosecutorial discretion expanded by the Prosecutor's Office Law and implemented through Regulation No. 15 of 2020 may promote the humanization of law enforcement, but it also makes policy outcomes highly dependent on the sensitivity, experience, and orientation of individual prosecutors or task force leaders. Factually similar cases may potentially receive different treatment if handled by different units.

The multi-layered approval mechanism within the prosecutor's office also exposes structural weaknesses. Official prosecutorial practice shows that requests to terminate prosecutions based on restorative justice are typically discussed through virtual presentations or through a series of steps until approval is obtained from the head of the general criminal division. This type of governance does provide administrative control, but for cases of minor assault that require a quick resolution and immediate reparation, the lengthy bureaucratic chain can delay resolution.

Supporting facilities for peacemaking are also not evenly distributed across regions. Some prosecutors have used restorative justice houses or special mediation rooms involving victims, perpetrators, community leaders, religious leaders, and investigators. However, the success of this model depends heavily on the availability of local facilities and support from the local community. Inequality in facilities will result in disparities in the quality of case resolution across regions.

The involvement of victim recovery services has not yet become a standard part of the implementation structure. Strengthening victims' rights in the new Criminal Procedure Code is an important step, but in practice, the discontinuation of prosecutions for minor assault cases often focuses on apologies, reconciliation, and promises not to repeat the offense. The role of health workers, psychological counselors, or victim advocates has not been consistently seen as an integral part of the procedure.

The success of peace mechanisms often remains highly dependent on the quality of personnel. The mediation process, exploring victims' needs, understanding power relations, and drafting restitution agreements require different skills than traditional prosecutorial functions. Legal structures that rely too heavily on individual skills make the quality of restorative justice implementation unstable and difficult to standardize.

3) Weaknesses of Legal Culture

This legal culture is crucial in Friedman's assessment. Successful restorative justice-based prosecution termination requires not only rules and institutions, but also the moral willingness of victims, perpetrators, families, and communities to accept that peaceful resolution can be a legitimate form of justice. Without adequate social acceptance, the norm of restorative justice will remain viewed as a suspect exception.

Indonesian society actually has cultural capital that supports peaceful resolution, especially through the tradition of deliberation, family peace, and restoration of social relations.⁸ This direction is also reflected in various official prosecutorial practices that emphasize voluntary reconciliation, restoration of the original situation, and a positive public response as prerequisites for discontinuing prosecution. However, a culture of peace prevailing in society is not always synonymous with a legal culture that is aware of rights and free from coercion.

The legacy of the view that equates justice with punishment still strongly influences public perception. The official abstract of the 2025 Criminal Procedure Code (KUHAP) asserts that the old KUHAP no longer aligns with legal developments and societal needs, while the updated criminal procedure code now explicitly includes restorative justice mechanisms. The introduction of these new norms has not automatically changed the long-held belief that criminal cases that do not result in imprisonment are lenient.

The practice of forgiveness as the primary measure of case resolution remains highly dominant in the discontinuation of prosecution. Many official prosecutorial releases regarding assault cases emphasize apologies, unconditional acceptance of forgiveness, and the victim's willingness to drop the case. While this approach is crucial for restoring relationships, if overemphasized, the measure of success can shift from tangible healing to merely symbolic reconciliation.

A positive public response is often used as an indicator that a peaceful resolution is acceptable. Several official prosecutorial sources cite public support as a cumulative requirement for restorative justice implementation. While such

⁸ Financy, Fendy, Farrencia Nallanie, Fhelincia Nathanto, and Naniek N. Setijadi. "Cross-Cultural Communication in Creating Inter-Ethnic Peace in Indonesia." *Culture & Society: Journal of Anthropological Research* 6, no. 2 (2024): pp. 78-88.

sociological measures are important, overly dominant social assessments can shift the focus from the victim's needs to the need to calm the surrounding community.

Public legal literacy regarding the meaning of restorative justice is also uneven. When the public doesn't understand that restorative justice still demands accountability from the perpetrator and isn't synonymous with the elimination of wrongdoing, the termination of prosecution is easily misinterpreted as a compromise on the criminal offense. This lack of understanding makes support for peace mechanisms tend to be situational and highly dependent on the authority or local figures.

Law enforcement officials themselves are still undergoing a professional cultural transition. The prosecution system has for years been shaped by an orientation toward evidence, punishment, and winning cases, while restorative justice demands skills in listening, mediating, and managing the emotional needs of the parties. This shift in work culture cannot occur simply by issuing regulations; it requires familiarization, training, and a change in institutional orientation.

While quick settlements in cases of minor assault are often viewed as successes, not all conflicts are resolved simply by shaking hands. Official prosecutorial sources indicate that assault cases whose prosecutions are dropped are often rooted in family conflicts, personal disputes, or social relationships that persist after the case is concluded. This situation demonstrates that a restorative legal culture still requires follow-up mechanisms to prevent peace agreements from becoming a temporary solution to recurring conflicts.

3.3. Implementation of Restorative Justice in Terminating Prosecution of Minor Assault Cases Based on Legal Certainty

Indonesia adheres to the principle of a state based on law (*rechtsstaat*) as stated in Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The consequence of this principle is that all actions of state administrators and citizens must be subject to the law, and any violation of norms that harm the interests of others must be resolved through legitimate legal mechanisms. Law is not only understood as a set of written rules, but also as an instrument to guarantee order, legal certainty, and a sense of justice in social, national, and state life. However, in social reality, violations of the rules still occur across sectors, both in the general public and in institutions that should be examples of compliance with the law. This condition shows that law enforcement remains a central issue in the development of the national legal system.⁹

Weak legal awareness, unequal access to justice, and declining public trust in law enforcement have the potential to encourage vigilante action (*eigenrechting*).

⁹Dessi Perdani Yuris Puspita Sari. (nd). Application of the principles of restorative justice. I FH Jenderal Soedirman University, pp. 105–119

Such actions not only violate the principles of the rule of law but also exacerbate social conflict and create instability within society. Therefore, the effectiveness of the criminal justice system is crucial in maintaining legal legitimacy and ensuring that cases are resolved fairly, proportionally, and transparently.¹⁰

One of the crimes that frequently arises in the dynamics of social conflict is assault. Normatively, assault is regulated in Article 351 of the Criminal Code (KUHP), which originates from Law Number 1 of 1946, and in its equivalent provision in Article 466 of Law Number 1 of 2023 concerning the new Criminal Code. These provisions demonstrate that the state is paying serious attention to crimes against the body, because assault not only impacts the physical aspects of the victim but can also cause long-term psychological and social harm. Although normatively the elements of the crime have been clearly formulated, in law enforcement practice, obstacles to proof, the dynamics of the relationship between perpetrators and victims, and social pressures often encounter that influence the case resolution process. This condition emphasizes the gap between legal norms and their implementation in the field, so an empirical legal approach is needed to examine how the process of resolving assault cases takes place at the sectoral police level.

1) Comparison with Other Countries

The application of restorative justice in the termination of prosecution for minor assault cases in Indonesia today must be interpreted with Law Number 1 of 2023 concerning the Criminal Code as the primary legal basis. The National Criminal Code has shifted the direction of criminal punishment from a pattern that relies on retaliation to one that is also aimed at resolving conflicts, restoring balance, and fostering a sense of security and peace in society. In cases of minor assault, this direction is relevant because the nature of the act generally causes losses that can be recovered through an apology, reconciliation, compensation, victim treatment, and the perpetrator's willingness to refrain from repeating the act. Prosecutor's Regulation Number 15 of 2020 can still be used as a technical guideline for termination of prosecution by public prosecutors, but its position is no longer understood as the sole normative basis. This regulation serves to implement the value of restorative justice, which has gained a higher basis in the National Criminal Code.

New Zealand has a distinct model because restorative justice is firmly placed at the pre-sentencing stage of the trial. The Sentencing Act 2002 stipulates that when an offender has pleaded guilty, there are victims, no restorative justice process has been undertaken, and an appropriate process is available, the court must adjourn the trial to assess the appropriateness of the restorative process, taking

¹⁰ Hijriani, Adinda Nurriksia, and Nandang Sambas. "Integrity of Law Enforcement Officials and Public Trust: A Sociological Analysis of Law in Indonesia." *JOSH: Journal of Sharia* 5, no. 01 (2026): pp. 120-132.

into account the victim's wishes. The same law also requires the court to consider the results of restorative justice when imposing a sentence or determining other means of dealing with the offender. Compared with Indonesia, New Zealand views restorative justice not only as a basis for dismissal but also as part of the judicial process that influences the judge's decision. In cases of minor assault, this mechanism allows the victim to convey the impact of the act, the offender to acknowledge responsibility, and the court to consider the restorative agreement as a mitigating factor or determining the form of sanction.

4. Conclusion

The regulatory framework for the application of restorative justice in the termination of prosecutions in cases of minor assault demonstrates a shift in the Indonesian criminal justice system from a retaliatory orientation toward restorative justice, which is more in line with the principles of the rule of law, legal certainty, expediency, and justice. Normatively, the regulatory framework rests on Law Number 11 of 2021 concerning the Prosecutor's Office, which affirms the position and discretion of the public prosecutor; Republic of Indonesia Prosecutor's Office Regulation Number 15 of 2020, which serves as the technical guideline for termination of prosecution based on restorative justice; and Law Number 20 of 2025 concerning the Criminal Procedure Code, which provides legitimacy at the statutory level and provides a formal mechanism in the form of a decree terminating prosecution, which must be determined by the Chief Justice of the District Court. The relevance of this regulation is further strengthened when linked to minor assaults, as stipulated in Article 471 of Law Number 1 of 2023 concerning the Criminal Code. This offense carries a light sentence and normatively provides room for resolution through restorative justice, provided the perpetrator is a first-time offender, the reconciliation is voluntary, and there is a concrete effort to redress the victim's losses. Therefore, the application of restorative justice in cases of minor assault can be understood as a criminal resolution model that no longer relies solely on the administrative discretion of the prosecutor's office, but has developed into a multi-layered, measurable, and more legal mechanism that favors victim recovery, community protection, and procedural supervision by the court.

The application of restorative justice in terminating prosecutions for minor assault cases still faces weaknesses that can be analyzed through Lawrence M. Friedman's legal system theory, namely in the aspects of legal substance, legal structure, and legal culture. In the substantive aspect, weaknesses are evident in the lack of complete synchronization of Prosecutor's Regulation Number 15 of 2020 with the 2025 Criminal Procedure Code, the absence of specific recovery parameters for minor assaults, the lack of clear victim protection standards, and the large room for interpretation due to the diversity of regulations between regulations. In the structural aspect, obstacles are apparent in the centralization of public

prosecutorial authority, layered approval procedures, incompletely integrated inter-institutional coordination, disparities in mediation facilities, the lack of standardized involvement of victim recovery services, and the lack of strong post-peace agreement oversight. In the legal culture aspect, problems arise because society and authorities are still influenced by the paradigm of punishment, peace is often interpreted as merely forgiving each other, power relations have the potential to create a false peace, legal literacy regarding restorative justice is not yet widespread, and victim recovery has not become a primary orientation in social practice. Therefore, it is necessary to reconstruct more harmonious regulations, strengthen more integrated institutions, and develop a legal culture that places recovery, voluntariness, victim protection, and perpetrator responsibility at the heart of case resolution, as reflected in practices in New Zealand and Canada that demonstrate the importance of clear recovery standards and professional community service support.

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