

Implementation of Restorative Justice in Handling Criminal Acts at the Investigation Level

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Abstract. *This research aims to analyze legal regulations regarding Restorative Justice in criminal case handling at the investigation stage, examine its implementation within the Riau Islands Regional Police, and identify factors influencing its effectiveness. This study employs an empirical juridical approach with descriptive-analytical research specifications. The data sources consist of primary data obtained through interviews and field observations and secondary data collected through library research involving laws and regulations, books, and relevant scientific journals. The collected data were analyzed using qualitative analysis methods. The results indicate that legal regulations concerning Restorative Justice in Indonesia's legal system have established a fairly strong juridical basis through various regulations, including Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, the Chief of Police Circular Letter Number SE/8/VII/2018, Police Regulation Number 8 of 2021, and other supporting regulations. The implementation of Restorative Justice within the Riau Islands Regional Police has been applied in handling certain criminal cases that meet formal and material requirements. However, several obstacles remain, including inconsistent understanding among investigators, limited human resources, inadequate operational technical guidelines, and limited public understanding regarding Restorative Justice mechanisms. These factors affect the effectiveness of Restorative Justice implementation in realizing a law enforcement system that is more just, humane, and recovery-oriented.*

Keywords: *Criminal; Handling; Investigation; Justice; Restorative.*

1. Introduction

System justice criminal conventional which has been This implemented in various countries, including Indonesia, placing the country as party main facing with perpetrator crime. Approach retributive which becomes runway system the more oriented towards revenge and punishment, without give adequate space for victim recovery, accountability perpetrator in a way substantial, as well as

reconciliation between perpetrators and victims in community social.¹ Paradigm This slow later recognized own various fundamental weaknesses, including increasing level recidivism, conditions institution overcrowded correctional facilities, low victim satisfaction with the judicial process, as well as weakness effect the resulting deterrent.²³

Responding various weakness said, the community international start switch to approach known alternatives as *Restorative Justice* or justice restorative approach This put recovery connection between perpetrators, victims, and society as the core of the resolution process case criminal law. Association United Nations (UN) through *UN Basic Principles on the Use of Restorative Justice Programs in Criminal Matters* has push all member countries adopt mechanism *Restorative Justice* in system justice criminal national.⁴ Framework normative international This becomes base legitimacy for legal reform criminal law in various parts of the world, including Southeast Asia.

In Indonesia, the transformation paradigm enforcement law criminal going to approach *Restorative Justice* has ongoing in a way gradually and simultaneously on all levels system judiciary. At the level of legislation, laws Number 11 of 2012 concerning System Justice Child Criminalization becomes milestone First confession official *Restorative Justice* in law positive Indonesia, in particular through mechanism diversion.⁵ Spirit *Restorative Justice* is also reflected in Constitution Number 35 of 2014 concerning Child ⁶Protection and the Law Number 12 of 2022 concerning Action Criminal Sexual Violence.⁷

Source criminal procedure law in Indonesia includes various regulations and documents that become runway in implementation of the judicial process criminal, which continues develop along with update law criminal national. One of the source main is Constitution Number 8 of 1981 concerning the Criminal Procedure Code (KUHP), which regulates in a way detailed procedures investigation, inquiry, prosecution, court hearing, up to implementation decision. However, with ratification Constitution Number 1 of 2023 concerning the Criminal

¹John Braithwaite, *Crime, Shame and Reintegration* (Cambridge: Cambridge University Press, 1989), p. 8-9.

²Howard Zehr, *Changing Lenses: Restorative Justice for Our Times* (Harrisonburg: Herald Press, 2015), p. 35.

³Daniel W. Van Ness and Karen Heetderks Strong, *Restoring Justice: An Introduction to Restorative Justice*, 5th edition (New York: Routledge, 2023), p. 47.

⁴United Nations Economic and Social Council (ECOSOC), *Basic Principles on the Use of Restorative Justice Programs in Criminal Matters*, Resolution 2002/12, 24 July 2002.

⁵Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System, State Gazette of the Republic of Indonesia 2012 Number 153.

⁶Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, State Gazette of the Republic of Indonesia 2014 Number 297.

⁷Law of the Republic of Indonesia Number 12 of 2022 concerning Criminal Acts of Sexual Violence, State Gazette of the Republic of Indonesia 2022 Number 120.

Code, there is need urge for revise the criminal procedure code to align with with principles new set in the latest criminal code. the 2023 criminal code introduces concepts such as plea bargain (path special), criminal conditional, and justice restorative, which requires arrangement formal in Criminal Procedure Law For ensure its implementation walk effective and appropriate with principle of due process of law.⁸

Apart from the Criminal procedure code, sources criminal procedure law also includes constitution, namely the 1945 Constitution of the Republic of Indonesia, especially Article 24 which guarantees power independent judiciary. Regulation Supreme Court (Perma), such as Perma Number 1 of 2024 concerning justice restorative, also become source important Because give guidelines technical for judges in handle case with approach peace between the victim and the perpetrator. This regulation arranges conditions action criminal light that can completed through mechanism justice restorative, such as action criminal with threat punishment maximum five years or action criminal child.⁹

At the level institutional Police, Chief The Republic of Indonesia National Police (Kapolri) has issue a circular Chief of Police Number SE/8/VII/2018 concerning Implementation Justice Restorative *Justice* in Settlement Criminal Cases.¹⁰ Instrument policy This strengthened through Regulation Republic of Indonesia National Police Regulation Number 8 of 2021 concerning Handling Criminal Acts Based on Justice Restorative, which establishes mechanisms, conditions and procedures implementation *Restorative Justice* in more comprehensive in the environment Police. ¹¹At the level prosecutor's office, Attorney General Regulation Number 15 of 2020 concerning Termination Prosecution Based on Justice Restorative participate strengthen synergy institutional in implementation approach this. ¹²And reinforced with Law No. 20 of 2025 concerning the Criminal Procedure Code which also includes about implementation and mechanisms of *Restorative Justice*.¹³

Although framework regulations the has give runway adequate legal, implementation *Restorative Justice* in the field Still face various challenges. Gaps between *das sollen* (the norm that should be) and *das sein* (the reality that occurs)

⁸ Dr. Alwan Hadiyanto, SH, MH, C.Med., C.CL. FUNDAMENTALS OF CRIMINAL PROCEDURE LAW IN INDONESIA First Edition: March 17, 2025. K-Media Yogyakarta Publisher. 2025. Pages 15-16

⁹ Ibid

¹⁰ Circular Letter of the Chief of the Republic of Indonesia National Police Number SE/8/VII/2018 concerning the Implementation of Restorative Justice in the Settlement of Criminal Cases.

¹¹ Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice, State Gazette of the Republic of Indonesia 2021 Number 947.

¹² Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, State Gazette of the Republic of Indonesia 2020 Number 887.

¹³ Law No. 20 of 2025 concerning the Criminal Procedure Code

is still become unresolved issues solved in a way complete in practice enforcement law in Indonesia.¹⁴

Province Riau Islands is one of the province with growth economy the highest in Sumatra, driven by the potential big in the sector fisheries, industry processing, as well as trading international, considering its strategic position in the Strait of Malacca, which is track trading world's main location. province this is the border direct with neighboring countries such as Malaysia and Singapore also provide challenge alone, good in aspect supervision security, trade illegal, as well as smuggling goods and people.

In one side, progress economy This give opportunity big for development and welfare, but on the other hand, things This participate influence complexity problem social, such as poverty, inequality, and level more crime high, such as smuggling drugs, trafficking humans, and actions criminal cross- border.

With diverse challenges this, the Riau Islands Regional Police must Keep going increase effort enforcement adaptive law to condition existing geographical and social conditions, as well as develop Work the same more intense with agency related for guard stability security in border areas.

Although existing regulations has give clear mandate, implementation *Restorative Justice* at the level police including in the Riau Islands Regional Police still faced with a number of problem fundamental. First, not yet existence uniform understanding among apparatus investigator about concepts, principles, and mechanisms *Restorative Justice*, so that its implementation nature partial and not consistent.¹⁵ Second, the lack of guidelines operational technical cause investigator difficulty determine which cases are worthy completed through mechanism *Restorative Justice* and what it should be processed through track formal justice.

Third, there is potential abuse mechanism *Restorative Justice* as means for stop investigation in a way No procedural, which is precisely can harming the victim and injuring the sense of justice society. Fourth, limitations source Power trained human in facilitating the *Restorative Justice* process become obstacle significant structural. Fifth, the low participation and understanding public both victims and perpetrator about rights and obligations they in the *Restorative Justice* process resulting in a mediation process often walk No balanced. Sixth, not yet availability adequate monitoring and evaluation system for measure effectiveness implementation *Restorative Justice* in measurable and accountable.

¹⁴Abdul Wahid Yunus, "Riau Malay Local Wisdom in Conflict Resolution: A Restorative Justice Perspective," *Journal of Law and Development*, Vol. 51, No. 2 (2021), p. 312.

¹⁵Suhartati, "Restorative Justice Policy in the Indonesian Criminal Justice System: Challenges and Prospects," *Journal of Law and Justice*, Vol. 11, No. 3 (2022), p. 389.

Restorative Justice viewed as alternative settlement case fair and dignified criminal justice. In Indonesia, *Restorative Justice* only known in system justice criminal child. However observe phenomena and enforcement law in Indonesia, author own view that *Restorative Justice* should be can done No only in room scope justice criminal children, but also in room scope criminal in a way general. The purpose No only focused on action criminal light (tipiring) with hope law enforced solely No just for the sake of certainty law but also consider other aspects to create balance and harmony between the victim, the perpetrator, the state and public naturally.

Already it's time philosophy *Restorative Justice* become consideration in system implementation law criminal and put in to in regulation legislation law criminal law so that the emphasis is on the conditions creation justice and balance treatment law to perpetrator action criminal and victims of crime criminal can achieved with well, without must always use sanctions criminal in settlement finally. Because of the punishment (punishment) prison) as objective end to perpetrator action criminal Now This Already No Again reach the target as expected. Need existence breakthrough in implementation system criminalization in Indonesia, no just through criminal solely but also through implementation *Restorative Justice*.

Continuous efforts done is to realize law dignified criminal law for human and humanity. Values humanity must found return in law criminal Good in formulation regulation legislation and in judge's decision handed down in court. Aspects humanity is objective law criminal law must as much as possible Possible realize truth substantive in order to create justice, even though nature society, increasingly rapidly development technology a country then the more progress pattern life the community, one of which is marked with height mobility of people and goods. In order to ensure fulfillment need public will mobility so means support movement namely system transportation is field activities that become priority for Indonesian nation. Transportation land as transportation dominant Good in a way quantity and quality if compared to transportation air and transportation sea naturally need attention special from government in its implementation.

Remember how importance A policies and steps strategic For minimize case action the sentence that was increased in court, which in matter This For ensure security, order, smoothness and effectiveness enforcement law criminal, here role important organ units Detective criminal (next called Satreskrim) which is under institution The Republic of Indonesia National Police in matter This Resort Police. Need put forward that besides responsible in a way criminal Constitution give chance for victims to submit lawsuit civil on losses suffered on losses caused actions perpetrator so that the perpetrator can also accountable in a way civil.

Policy law criminal offenses that are not look at in a way equivalent (*equal*) position perpetrator (*offender*) and *victim* Really No reflect principles justice

specifically if seen from aspect perpetrator remember occurrence accident in essence based on something negligence (*culpa*) not intentional (*dolus*), whereas For somebody can sentenced criminal so besides proven existence actions (*actus reus*) must also be contained intention inner wicked (*mens rea*), and which is appropriate remember that the perpetrator also participated suffer loss Good in a way physical, moral, and economic. Except for perpetrators in traffic accidents that occur intentionally with awareness of the possibility (*dolus eventualis*), the legal process against the perpetrator must be continued to the courts.

Can not denied that " mission sacred (*mission sacred*) institution the judiciary in Indonesia is not For uphold law by law That himself, as stated by Oliver Wendell Holmes, "*The Supreme Court is not a court of justice, it is a court of law*", but rather For uphold law for justice, good for individual and for society, nation and state ; even the justice in question is justice For the sake of God Almighty, so creation atmosphere life a safe, calm, peaceful, orderly and peaceful society.

2. Research Methods

Specification research used is descriptive analytical, namely research that aims For describe in a way systematic and accurate facts as well as connection between phenomenon the law being studied, then analyze it based on theory and regulations applicable laws and regulations.¹⁶ Study This describe arrangement law, implementation, and factors that influence effectiveness implementation *Restorative Justice* at the Riau Islands Regional Police, then analyze it in a way deep based on relevant legal theories and norms. Research This using two data sources, namely primary data and secondary data. a. Primary data, namely data obtained direct from source First through study field research, in the form of results interview with related sources and informants with implementation *Restorative Justice* at the Riau Islands Regional Police, including investigators, Head of Criminal Investigation, Head of Public Relations, and the victim and the perpetrator of the case completed through mechanism *Restorative Justice*. b. Secondary Data, namely data obtained from study library *research*, which consists of above: (1) material primary law, including regulation related legislation with *Restorative Justice*, including Law No. 1 of 2023 concerning the Criminal Code, Law No. 20 of 2025 concerning the New Criminal Procedure Code, Law Number 2 of 2002 concerning Indonesian National Police, Law Number 11 of 2012, Regulation of the Chief of Police Number 8 of 2021, and Circular Letter of the Chief of Police Number SE/8/VII/2018; (2) materials law secondary, including books law, journal scientific, results research and works write relevant scientific with topic research; and (3) materials law tertiary, including dictionary law, dictionary Indonesian language, and encyclopedia law.

¹⁶Soerjono Soekanto, Introduction to Legal Research (Jakarta: UI Press, 2012), p. 10.

3. Results and Discussion

3.1. Legal Regulations on *Restorative Justice* in Handling Criminal act

1) Research Results

Restorative Justice (justice) restorative) is approach settlement action relative criminal law new in system justice Indonesian criminal law, although the concept has development in a way international since end 20th century. Based on results interview deep with the Head of Criminal Investigation Unit of the Riau Islands Regional Police, Raden Bimo Dwi Lambang, S.Tr.K., SIK, MH, obtained information that arrangement law about *Restorative Justice* in Indonesia has experience development significant in decade lastly. In particular, after promulgation Constitution Number 11 of 2012 concerning System Justice Child Criminal Procedure Code (SPPA Law) which is explicit confess mechanism *Restorative Justice* as an integral part of system justice child, followed with Attorney General Regulation Number 15 of 2020 concerning Termination Prosecution Based on Justice Restorative (Perja 15/2020), and more carry on with its validity Constitution Number 20 of 2023 concerning the Criminal Code (KUHP) which provides confession more wide to *Restorative Justice*.

In level Police, Chief the republic of indonesia national police (kapolri) has emit various supportive policies implementation *restorative justice* as part from effort update paradigm enforcement law. one of the form concretes from commitment this is with establish a women and children's service unit (unit iv ppa) which is tasked with no only handle protection women and children, but also active identify and facilitate settlement action criminal through mechanism *restorative justice*, in particular cases involving children, women, or vulnerable victim others. in addition, there is also determination internal policies that emphasize importance diversion and justice restorative in every stage investigation.

In context specifically the Riau Islands Regional Police, the arrangement law the translated to in the internal Standard Operating Procedure (SOP) which regulates mechanism *Restorative Justice* in detail. According to the Head of Criminal Investigation Unit IV (PPA) IPDA Horas Purba, SH, MH, who wrote interview, every investigators in the unit Work Riau Islands Police are required understand and implement principles *Restorative Justice* in handle action criminal offenses that meet the criteria for settlement through mechanism this. Understanding This No just knowledge theoretical, but covers skills practical in facilitate meeting between perpetrators, victims, and families they, as well as in identify solutions that can accepted by all parties involved.

2) Discussion and Analysis

Arrangement law *Restorative Justice* in Indonesia reflects commitment for adopt paradigm new in system justice more criminal humanist, empathetic, and focused

on restoration rather than solely on punishment (retribution). Approach This in line with recommendation Union United Nations (UN) in the United Nations Handbook on *Restorative Justice* Programmes (2006) which recognizes *Restorative Justice* as mechanism important for reduce burden system justice criminal conventional, at the same time increase level victim satisfaction with the resolution process matter.

Although framework regulations Already adequate and comprehensive, implementation at the level field Still face various challenges that are not can ignored. First, there is variation understanding about criteria and mechanisms *Restorative Justice* among investigators in various unit police, which is influenced by the background behind education, experience, and intensity different training. Second, limitations significant in source Power trained human special in facilitation *Restorative Justice*, especially at the level police station sector) which is the front lines service police. Third, still existence doubt and skepticism part public to effectiveness mechanism *Restorative Justice* compared with the judicial process criminal more conventional measurable and formal.

From the perspective law more criminal broadly, *Restorative Justice* is fundamental deviation from principle retributive traditional that has dominate system justice Indonesian criminal law during a number of decade. However, it is important for understood that deviation This No means remove not quite enough answer or accountability the perpetrator, but rather divert focus from punishment solely going to recovery connection between perpetrators, victims, and the community. In other words, *Restorative Justice* still uphold tall principles justice, but with different ways and what is considered more effective in create a healing process. Regulations that have been made has open enough space wide for implementation mechanism This while still guard integrity system justice criminal in a way overall.

Analysis more carry on show that framework regulations this also reflects awareness the Indonesian government towards need diversification in mechanism settlement action criminal law. In the context of a country that has amount case action very large criminal system justice criminal conventional just No capable handle all over case with efficient and satisfying. Therefore that, *Restorative Justice* offers alternatives that can reduce burden formal system while still ensure that justice achieved.

3.2. Implementation *Restorative Justice* in Handling Criminal Acts at the Investigator Level

1) Research Results

Result data collected research through analysis document cases and interviews with source person show that implementation *Restorative Justice* at the Riau Islands Regional Police has started and shows positive developments, although

Still in stage beginning. From the analysis of case data 2024 to with 2026 (until March), obtained description implementation that can seen in table following:

Year	Total Cases	RJ Case	Percentage (%)
2024	177	5	2.8
2025	35	3	8.6
2026 (Jan-Mar)	24	2	8.3

The data above show existence trend improvement in implementation *Restorative Justice* at the Riau Islands Regional Police. Although amount resolved cases through RJ still relatively small in proportion compared to with the overall total cases handled, there are quite an improvement significant in percentage. Percentage the application of RJ shows improvement from 2.8% in 2024 to 8.3-8.6 % in 2025-2026. The increase This reflect existence increasing awareness and capacity at the PPA Unit IV level in identify and handle cases that meet the requirements criteria for completed through mechanism *Restorative Justice*.

Interview results with the Head of Criminal Investigation Unit IV (PPA) IPDA Horas Purba, SH, MH, showing that the Riau Islands Regional Police have implement strict protocols in selection case for implementation *Restorative Justice*. The criteria used as base For determine whether something case worthy completed through RJ mechanism is as following: (1) the existence of agreement voluntary between perpetrators and victims to finish case through RJ mechanism; (2) action questionable crime nature light until medium based on category in Attorney General Regulation Number 15 of 2020; (3) perpetrators is a first time offender or Not yet Once involved in action criminal previously; (4) the existence of support strong from family Good perpetrator and victims for the restorative process; and (5) the ability financial perpetrator For do restitution or change agreed loss. And there is in chapters 79-82 in Law No. 20 of 2025 concerning the Criminal Procedure Code.

Table of Types of Criminal Acts

No	Types of Crimes	Frequency
1	Embezzlement in Work	3
2	Indecency	2
3	Fraud and Embezzlement	2
4	Persecution	2
5	Domestic Violence (DV)	1

Types action successful criminal completed through *Restorative Justice* at the Riau Islands Regional Police includes a number of category. Such as seen in the table above, the majority RJ's case is embezzlement in work, molestation, fraud, abuse and violence in House stairs. Cases This generally own characteristics general, namely existence connection relational (relationship) that has been There is previously between perpetrators and victims, both connection family, relationships work, or connection social in the same community. Characteristics

This important Because allows for a more seamless reconciliation process meaningful and sustainable.

2) Discussion and Analysis

Implementation *Restorative Justice* at the Riau Islands Regional Police shows that mechanism This No only as draft theoretical but has translated become action real practical, though Still in stage development and improvement sustainable. Commitment from Unit IV (PPA) to promote and implement *Restorative Justice* is very much felt in various aspect operational and administrative.

Improvement percentage implementation of RJ from 2.8% in 2024 to 8.3-8.6 % in 2025-2026 is indicator positive that reflects improvement in awareness and capacity personnel police in identify and handle case through mechanism *Restorative Justice*. Growth This significant remember that in 2024, the implementation of RJ is still new run and require time for socialization as well as greater understanding deep in the circle investigators. however, the number absolute cases that are still limited show that still there is very large space for expansion and development more carry on in implementation *Restorative Justice* in the future.

From the perspective theory effectiveness law put forward by Achmad Ali, implementation *Restorative Justice* at the Riau Islands Regional Police has reach level reasonable success in phases beginning implementation (*early adoption phase*). Supporting factors success This among others: (1) the existence of support strong regulation from level center, especially from Chief of Police and Chief of Police of the Riau Islands; (2) commitment high personnel in Unit IV PPA who are active push implementation; (3) support from system the judiciary at the Riau High Prosecutor's Office level through implementation Attorney General Regulation Number 15 of 2020; and (4) increasing awareness increase from victims and society For look for settlement perceived alternative more satisfying and humanistic.

Characteristics successful cases handled through RJ provides learning important. Dominance case embezzlement in work show that conflicts that occur in context connection Work relatively more easy for completed through mechanism restorative. This is can explained Because in connection work, there is structure clear organization and internal mechanisms that can supports the restorative process. While that, presence cases like molestation and violence in House ladder show that *Restorative Justice* is also starting applied to cases involving issues sensitive like victim protection and trauma recovery.

4. Conclusion

Arrangement law *Restorative Justice* in Indonesia has experience significant development and has runway sufficient regulation strong and comprehensive.

Starting from Constitution Number 11 of 2012 concerning System Justice Child Crimes, Attorney General Regulation Number 15 of 2020 concerning Termination Prosecution Based on Justice Restorative, up to Constitution Number 1 of 2023 concerning the Criminal Code, Law Number 20 of 2025 concerning the Criminal Procedure Code everything give foundation adequate law for implementation *Restorative Justice*. Arrangements This reflect commitment the Indonesian government to adopt paradigm settlement action more criminal humanistic, empathetic, and focused on restoration connection between perpetrators, victims, and society. Although however, still there is a number of gap in matter synchronization and harmonization between various regulation legislation, in particular in transition from the old Criminal Code to the new Criminal Code. Implementation *Restorative Justice* at the Riau Islands Regional Police shows trend positive and promising improvement, although Still in stage beginning development. Empirical data show consistent improvement in percentage resolved cases through mechanism *Restorative Justice*, that is from 2.8% in 2024 to 8.6 % in 2025 and 8.3% in 2026 (January-March period). The increase This reflect existence increasing awareness, understanding and capacity Unit IV PPA personnel in identify and handle cases that meet the requirements criteria for completed through *Restorative Justice*. Successful cases handled covers embezzlement in work, molestation, fraud, abuse and violence in House stairs, showing that *Restorative Justice* can applied to various type action criminal, no limited to cases light just.

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