

Analysis of The Implementation of Restorative Justice in Law Enforcement in Indonesia From The Perspective of Progressive Legal Theory (Case Study of The Prosecutor's Office of The Republic of Indonesia)

Elisabeth Mustika Situmorang

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

Abstract. *Restorative Justice/RJ has become a new paradigm for criminal law enforcement in Indonesia that focuses on victim recovery, perpetrator responsibility, and community involvement. Normatively, RJ was initially only regulated in Attorney General Regulation Number 15 of 2020. A historical milestone occurred with the enactment of Law Number 20 of 2025 concerning the Criminal Procedure Code which codified RJ in Chapter IV Articles 79-88 and came into effect on January 2, 2026. This study aims to analyze the implementation of RJ by the Attorney General's Office of the Republic of Indonesia after Law 20/2025 of the Criminal Procedure Code reviewed from the perspective of Satjipto Rahardjo's Progressive Legal Theory with a case study at the Attorney General's Office of the Republic of Indonesia. The research method used is normative-empirical juridical with a statutory, conceptual, and case study approach. Data were obtained through document studies, interviews with the RJ Facilitator Prosecutor, and analysis of the RJ Decision/SKP2. The results of the study indicate three things. First, Law 20/2025 of the Criminal Procedure Code (KUHP) freed RJ from sectoral limitations, as all law enforcement officials can implement RJ from the investigation stage, prosecution, and trial. However, the requirement for the Chief Justice of the District Court to issue a ruling under Article 86 paragraph 1 actually adds procedural constraints that contradict the nature of progressive legal liberation. Second, the biased nature is beginning to emerge through the recognition of victims' rights to file RJ under Article 144m and the "balance" objective of Article 79 paragraph 1. Third, the humanizing nature is most strongly manifested through the "Judge's Pardon Decision" instrument, Article 246, which gives judges the opportunity to go beyond the text of the article for the sake of substantive justice. The conclusion of this study is that the implementation of RJ by the Indonesian Attorney General's Office after the 2025 Criminal Procedure Code is categorized as*

"Progressive Formalism." Progressive in spirit and instruments, but formalistic in procedural implementation and the quality of facilitators. The research recommendations include technical revisions to Article 86, the establishment of a dedicated RJ facilitator team, and extensive outreach to prevent RJ from being perceived as "buying cases."

Keywords: Attorney General's Office; Criminal Procedure Code (KUHP); Progressive Formalism; Restorative Justice.

1. Introduction

The development of modern legal systems in the 20th and 21st centuries demonstrates a paradigm shift from a retributive approach that emphasizes punishment to a restorative approach that focuses on restoration. In a global context, the emergence of the concept of Restorative Justice (RJ) cannot be separated from criticism of the conventional criminal justice system, which is considered to fail to fulfill a sense of substantive justice, ignore the interests of victims, and produce destructive social impacts, such as overcriminalization and overcrowding in correctional institutions. This criticism, among others, states that the modern criminal justice system tends to "seize the conflict" from the affected parties and leave it entirely to the state. Similarly, Braithwaite emphasizes that the restorative approach seeks to restore social relations damaged by criminal acts through dialogue, participation, and the responsibility of the perpetrator.¹

In international literature, RJ has developed as an alternative model that emphasizes the active participation of victims, perpetrators, and communities in the criminal case resolution process. This model has been implemented in various forms, such as victim-offender mediation, family group conferencing, and circle sentencing, particularly in countries like Canada, New Zealand, and Australia. Empirical studies show that a restorative approach has the potential to reduce recidivism rates and increase victim satisfaction compared to a retributive approach. Thus, conceptually and empirically, RJ is seen as a new paradigm that seeks to reorient law toward humanitarian values, balance, and social harmony.

In the Indonesian context, the concept of RJ has gained momentum in the past two decades, amid growing criticism of the criminal justice system, which is considered formalistic, procedural, and unresponsive to the public's sense of justice. The Indonesian criminal justice system, rooted in the civil law tradition inherited from the colonial era, tends to prioritize formal legality and legal

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

certainty (*rechtszekerheid*) within a framework of legal positivism. As a result, criminal case resolution often falls into a textual and repressive approach, without considering the social, cultural, and relational aspects of the conflict.

Normatively, the implementation of RJ in Indonesia is legitimized through a number of sectoral regulations. Within the Prosecutor's Office, for example, Attorney General Regulation No. 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice was issued, which authorizes prosecutors to discontinue prosecution of certain cases by considering reconciliation between the victim and the perpetrator.² Within the Indonesian National Police, there is National Police Regulation No. 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice. Meanwhile, the Supreme Court, through various internal policies, also encourages the implementation of a restorative approach, particularly in juvenile cases and certain eligible cases. Furthermore, Law No. 11 of 2012 concerning the Juvenile Criminal Justice System explicitly integrates the principles of diversion and restorative justice as the primary mechanisms for resolving juvenile cases.

Nevertheless, the dynamics of RJ implementation in Indonesia show ambivalence. On the one hand, there is a normative and institutional commitment to adopting a restorative approach. On the other hand, its practice is often clouded by a legalistic and bureaucratic paradigm. Several national studies have shown that RJ implementation is not yet fully consistent, relies on the discretion of law enforcement officials, and faces structural and cultural obstacles. In many cases, RJ is understood narrowly as a mere "peace" or "penal mediation" mechanism, without any accompanying paradigm shift regarding the purpose of the law itself.³

Based on the above description, there is a significant research gap, namely the absence of an in-depth analysis that examines the application of RJ in law enforcement in Indonesia in an integrative manner through a Progressive Law perspective. This gap includes: (1) a lack of studies that examine how progressive values are internalized in RJ practice; (2) a lack of critical analysis of the tension between positivism and progressivism in RJ implementation; and (3) limited research that evaluates the gap between regulatory norms and empirical reality within a comprehensive legal theory framework.

The urgency of this research lies in the need to build a solid theoretical foundation for the implementation of RJ in Indonesia, so that it does not stop at the level of administrative policy, but becomes part of the transformation of the national legal paradigm. By analyzing RJ through the lens of Progressive Law, this

² John Braithwaite, *Restorative Justice and Responsive Regulation* (Oxford: Oxford University Press, 2002).

³ Nils Christie, "Conflicts as Property," *The British Journal of Criminology* 17, no. 1 (1977): 1–15, <https://doi.org/10.1093/oxfordjournals.bjc.a046783>.

research is expected to provide a conceptual contribution to the development of Indonesian legal theory, while also offering normative and practical recommendations to strengthen the humanitarian orientation in criminal law enforcement. Ultimately, this research aims to emphasize that restorative justice is not merely a procedural alternative, but rather a manifestation of legal ideals rooted in humanity, social justice, and the courage to transcend the boundaries of formalistic legalism.⁴

2. Research Methods

The approach method used in this research is a normative juridical approach, which emphasizes library studies by conducting research on library data or secondary data. The approach technique is carried out by reading and studying books, laws and regulations that are the object of research in depth, in this case regarding the application of restorative justice in law enforcement in Indonesia, Progressive Legal Theory Perspective, and other related books.

3. Results and Discussion

3.1. Conceptual construction and development of the Restorative Justice paradigm in the modern legal system, and its relevance in the criminal justice system in Indonesia

1. Conceptual Construction of Restorative Justice

The development of modern criminal law demonstrates a shift in perspective on crime and how it is resolved. For years, criminal justice systems in various countries, including Indonesia, have been dominated by a retributive justice paradigm that views crime as a violation of the state, thus focusing on imposing sanctions on the perpetrator. Within this paradigm, the success of law enforcement is often measured by the severity of the punishment imposed on the perpetrator. However, this approach is considered to have several weaknesses, primarily due to its inadequate attention to the needs of victims and its inability to always restore social relationships damaged by crime.

In response to these weaknesses, the concept of restorative justice was developed. Conceptually, restorative justice is an approach to resolving criminal cases that focuses on restoring the disturbed situation caused by the crime. This approach does not solely aim to punish the perpetrator, but rather seeks to restore the losses suffered by the victim, encourage the perpetrator to take

⁴ Agus Wibowo, "Implementation of Restorative Justice in Prosecution Policy in Indonesia," *Jurnal RechtsVinding* 11, no. 3 (2022): 457–72.

responsibility for their actions, and restore disrupted social relationships within the community.⁵

According to Tony F. Marshall, restorative justice is a process that involves all parties involved in a crime to jointly resolve the consequences of the crime and determine future steps. This definition demonstrates that restorative justice focuses not only on the perpetrator and the state but also provides greater opportunity for victims and the community to participate in the case resolution process.

From a restorative justice perspective, crime is viewed as an act that causes harm to individuals and society, not merely a violation of state legal norms. Therefore, criminal resolution must be directed at repairing this harm through dialogue, mediation, reconciliation, and agreements involving all parties involved. Therefore, the primary focus of restorative justice is not retribution, but restoration.⁶

Theoretically, there are several basic principles that form the foundation of Restorative Justice. First, there is recognition that the victim is the party most impacted by the crime, and therefore, their interests must be given primary attention. Second, the perpetrator must be directly responsible for the losses caused by their actions. Third, the community plays a crucial role in supporting the process of conflict resolution and social restoration. Fourth, case resolution is carried out through the active participation of all stakeholders. Fifth, the outcome of the resolution must be able to create a new, fairer balance for all parties.

This approach also aligns with Indonesian cultural values, which uphold deliberation, consensus, peace, and family-based conflict resolution. In indigenous communities across various regions, practices reflecting the principles of restorative justice have long been recognized, even before the concept developed in modern legal theory. Therefore, restorative justice is not a completely foreign concept to Indonesian society.⁷

RJ has been known to the community where each village has an RJ House which functions to ensure the continuity of law enforcement that is oriented towards justice and restoration.

⁵Satjipto Rahardjo, *Progressive Law: A Synthesis of Indonesian Law* (Yogyakarta: Genta Publishing, 2009), p. 5.

⁶Satjipto Rahardjo, *Dissecting Progressive Law* (Jakarta: Kompas Book Publisher, 2008), p. 12.

⁷Tony F. Marshall, *Restorative Justice: An Overview* (London: Home Office Research Development and Statistics Directorate, 1999), p. 5.

2. The Development of the Restorative Justice Paradigm in the Modern Legal System

The development of the Restorative Justice paradigm is inextricably linked to criticism of the conventional criminal justice system, which is considered too punishment-oriented. In the 1970s and 1980s, many academics and legal practitioners began to question the effectiveness of the retributive approach in reducing crime rates and achieving justice for victims. A criminal justice system focused solely on punishment is often considered to fail to meet the needs of victims and sometimes even worsen the social conditions of perpetrators after serving their sentences.

As thinking about human rights evolves, demands emerge that the legal system function not only as an instrument for enforcing rules but also as a means of social recovery. This is where the concept of restorative justice has gained increasing attention. Countries such as Canada, New Zealand, Australia, the United States, and the United Kingdom have become pioneers in developing various models of restorative justice-based case resolution.⁸

One of the earliest forms of restorative justice was victim-offender mediation (VOM), a mediation process that brings together victims and perpetrators to discuss the impact of the crime and find a mutually agreeable resolution. This model later evolved into family group conferences, which involve the victim's and perpetrator's families in the case resolution process. Furthermore, community conferencing emerged, involving the community as part of the social recovery process.

3.2. The normative basis and dynamics of the application of Restorative Justice in law enforcement practices in Indonesia, especially at the level of the Republic of Indonesia Attorney General's Office.

1. Normative Basis of Restorative Justice in the Indonesian Legal System

The development of the concept of Restorative Justice in the Indonesian legal system is part of the criminal law reform process aimed at realizing more substantive justice that is oriented towards the needs of society. For years, the Indonesian criminal justice system has tended to use a retributive justice approach that emphasizes the imposition of sanctions or punishment on perpetrators of criminal acts. In this approach, the success of law enforcement is often measured by the extent to which perpetrators are prosecuted and sentenced in accordance with applicable provisions. However, developments in modern legal thought demonstrate that punishment alone is not always

⁸Howard Zehr, *The Little Book of Restorative Justice* (Pennsylvania: Good Books, 2002), p. 18.

sufficient to resolve problems arising from criminal acts, particularly those related to victim recovery and improving social relations within society.⁹

Awareness of the limitations of this retributive approach has led to the emergence of a new paradigm that places greater emphasis on conflict resolution, reparation for victims, and the perpetrator's responsibility to repair the consequences of their actions. This paradigm is known as Restorative Justice. In this concept, criminal acts are viewed not only as violations of the state or the law, but also as actions that cause harm to individuals and society. Therefore, resolving them requires more than simply imposing punishment on the perpetrator; it must also consider the interests of the victim and the restoration of disrupted social relationships.

Normatively, the implementation of Restorative Justice in Indonesia has a strong foundation. Constitutionally, this concept aligns with the state's goals as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia, specifically the efforts to protect the entire Indonesian nation and realize social justice for all Indonesians. These goals demonstrate that the law functions not only as an instrument for enforcing regulations but also as a means to create order, peace, and prosperity in community life.¹⁰

Furthermore, the values embodied in Pancasila also serve as an important foundation for the development of restorative justice in Indonesia. The second principle, "Just and Civilized Humanity," embodies the principle of respect for human dignity, which must be upheld in every law enforcement process. In the context of restorative justice, this principle is reflected in efforts to provide protection and restitution to victims without neglecting the rights of perpetrators as human beings. Meanwhile, the fifth principle, "Social Justice for All Indonesians," emphasizes that justice must be felt by all parties involved in a criminal case. Thus, the restorative approach seeks to create a balance between the interests of victims, perpetrators, society, and the state.

From a sociological perspective, the concept of restorative justice is closely aligned with Indonesian legal culture. Since ancient times, various indigenous communities in Indonesia have recognized dispute resolution mechanisms that prioritize deliberation, peace, and the restoration of social relations. Conflict resolution is not always achieved through punishment, but rather is directed at restoring harmony in communal life. Therefore, the application of restorative

⁹Jefferson Hakim and Azeem Marhendra Amedi, "Prosecutorial Application of Restorative Justice: Overview, Mechanism, and Commentary on Prosecution Cessation," *Jurnal Hukum dan Peradilan*, Vol. 12, No. 2, 2023

¹⁰Syaiful Asmi Hasibuan, Christian Antonio Pardamean Tarigan, Nugraha Manuella S. Meliala, and Rachel Agatha Christi Hutabarat, "Restorative Justice as a Form of Progressive Law in Indonesian Legislation Is Not to Replace Retributive Justice," *Indonesian Journal of Law*, Vol. 1, No. 1, 2024

justice can be said to align with the values that exist and thrive in Indonesian society.¹¹

Within the legal framework, recognition of the concept of Restorative Justice began to be clearly evident through Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. This law introduced a diversion mechanism, namely the diversion of juvenile cases from the formal criminal justice process to an out-of-court settlement involving the victim, perpetrator, family, and community. Diversion is one form of restorative justice implementation that aims to protect children from the negative impacts of the judicial process while providing an opportunity for a more recovery-oriented resolution.

Subsequent developments have been marked by the increasingly widespread application of Restorative Justice principles in various law enforcement institutions. One important step was the issuance of Republic of Indonesia Attorney General's Regulation Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice. This regulation authorizes prosecutors to discontinue prosecution of certain cases if they meet specified requirements, such as reconciliation between the victim and the perpetrator, the perpetrator being a first-time offender, and the crime carrying a certain level of criminal penalties. The presence of this regulation demonstrates a paradigm shift in the prosecution process, from one that was initially focused on punishment to one that prioritizes recovery and social benefits.¹²

The strengthening of the normative basis is also evident in the Republic of Indonesia National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice. This regulation provides guidelines for investigators in implementing a restorative approach during the investigation phase. With this regulation, the application of restorative justice is no longer confined to a single stage of the criminal justice process but is integrated from the initial stages of case handling.

Furthermore, the enactment of Law Number 1 of 2023 concerning the Criminal Code further strengthens the position of restorative justice in the national legal system. In the new Criminal Code, the purpose of punishment is no longer solely directed at inflicting suffering on the perpetrator, but also at resolving conflicts caused by the crime, restoring balance in society, and fostering peace. This formulation demonstrates that restorative values have become an integral part of Indonesia's criminal law policy.

¹¹Evelin Nur Augusta, "Embracing Restorative Justice: A Path Towards Equitable Mediation in Criminal Cases," *Progressive Law Journal*, Vol. 12, no. 1, 2024

¹²Zentoni, "Harmonizing Restorative Justice in the Indonesian Legal System: Integrating Pancasila Values and Human Rights Protection," *Jurnal Hukum Progresif*, Vol. 13, No. 1, 2025.

Based on these various normative foundations, it is clear that Restorative Justice is not merely a temporary policy or an incidental alternative for resolving cases. Rather, this concept has gained strong legitimacy from both philosophical, constitutional, and legal perspectives. Its existence reflects the state's efforts to build a criminal justice system that emphasizes not only legal certainty but also considers aspects of justice and benefit to society. Therefore, Restorative Justice can be seen as a form of criminal law reform that seeks to balance the interests of the state, victims, perpetrators, and society in realizing a more humane and sustainable justice.¹³

2. The Position and Role of the Prosecutor's Office in the Implementation of Restorative Justice

In the Indonesian criminal justice system, the Prosecutor's Office (AGO) holds a crucial position as the state-authorized institution responsible for carrying out the prosecutorial function. The AGO not only serves as a liaison between the investigation and trial process, but also plays a key role in determining the direction of a criminal case's resolution. Therefore, the AGO is often referred to as *dominus litis*, meaning it has control over a case during the prosecution stage. This authority allows prosecutors to assess whether a case is worthy of proceeding to court or whether it can be resolved through other mechanisms stipulated by law.

As a law enforcement agency, the Prosecutor's Office has a responsibility to ensure that the law enforcement process is not only oriented towards legal certainty but also provides a sense of justice and benefits to the community. In the conventional law enforcement paradigm, the success of prosecutors is often measured by the number of cases successfully prosecuted and decided by the courts. However, developments in modern legal thought have brought about a shift in this perspective. Law enforcement is no longer understood solely as the process of bringing perpetrators before a judge for punishment, but also as an effort to more comprehensively resolve conflicts arising from criminal acts.¹⁴

This paradigm shift is increasingly evident with the issuance of Republic of Indonesia Attorney General's Regulation Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice. Through this regulation, the Attorney General's Office has a broader role in realizing restorative justice. Prosecutors not only act as public prosecutors representing the interests of the state, but also function as facilitators, helping to create peace

¹³Syaiful Asmi Hasibuan, Christian Antonio Pardamean Tarigan, Nugraha Manuella S. Meliala, and Rachel Agatha Christi Hutabarat, "Restorative Justice as a Form of Progressive Law in Indonesian Legislation Is Not to Replace Retributive Justice," *Indonesian Journal of Law*, Vol. 1, No. 1, 2024

¹⁴Jefferson Hakim and Azeem Marhendra Amedi, "Prosecutorial Application of Restorative Justice: Overview, Mechanism, and Commentary on Prosecution Cessation," *Jurnal Hukum dan Peradilan*, Vol. 12, No. 2, 2023

between victims and perpetrators of criminal acts. In this position, prosecutors are required to be able to bridge the interests of both parties to achieve a just and mutually acceptable resolution.

The facilitator role played by prosecutors represents a transformation in criminal law enforcement practices in Indonesia. While previously, case resolution focused primarily on punishing the perpetrator, the restorative justice approach also focuses on reparating the victim's losses and repairing social relationships disrupted by the crime. In this process, prosecutors strive to create a dialogue space that allows victims to express their experiences, while giving perpetrators the opportunity to admit their mistakes and take responsibility for their actions.¹⁵

The role of the Prosecutor's Office in implementing restorative justice is becoming increasingly important as the institution enters the prosecution phase, a crucial phase in the criminal justice process. At this stage, prosecutors have access to all information regarding the case being handled, including the victim's condition, the perpetrator's background, and the social impact of the crime. With this information, prosecutors can objectively assess the feasibility of implementing restorative justice and determine whether a settlement through amicable settlement would be more beneficial than proceeding to trial.

In practice, the implementation of restorative justice requires prosecutors to adhere not only to a rigid normative approach but also to consider sociological and humanitarian aspects. Prosecutors must be able to view cases more broadly, taking into account the interests of the victim, the perpetrator, the families of both parties, and the affected community. This approach reflects a shift from a law enforcement concept oriented toward punishment toward a problem-solving justice concept that focuses on problem-solving and social restoration.

Furthermore, the Prosecutor's Office plays a crucial role in ensuring that the reconciliation process is truly voluntary and free from coercion. In this regard, prosecutors are responsible for maintaining a balance between the victim and the perpetrator to prevent any imbalance that could harm either party. The success of restorative justice implementation depends heavily on the prosecutor's ability to maintain neutrality and professionalism throughout the process.

The Prosecutor's Office's strategic role in implementing restorative justice also contributes to efforts to reform the national criminal justice system. Resolving cases through restorative mechanisms can help reduce the backlog of cases in court, reduce the number of inmates in correctional institutions, and save on law enforcement costs. Furthermore, victims have the opportunity for more tangible

¹⁵Gita Santika Ramadhani, "The Role of the Prosecutor's Office in Implementing Restorative Justice as a Crime Prevention Effort," *PROGRESIF: Jurnal Hukum*, Vol. 15, No. 1, 2021

reparations, while perpetrators can be held accountable for their actions without having to undergo a lengthy criminal process.¹⁶

Thus, the position and role of the Prosecutor's Office in the implementation of Restorative Justice extends beyond the prosecutorial function as recognized in the conventional criminal justice system. The Prosecutor's Office has evolved into an institution that plays an active role in achieving more just, humane, and restorative-oriented case resolution. These changes demonstrate that modern law enforcement no longer solely focuses on punishment but also strives to create a balance between legal certainty, justice, and the benefit of all parties involved in a criminal case.

4. Conclusion

Based on the results of the analysis of the application of restorative justice by the Attorney General's Office of the Republic of Indonesia after the enactment of Law Number 20 of 2025 concerning the Criminal Procedure Code, viewed from the perspective of Satjipto Rahardjo's Progressive Legal Theory, 3 main conclusions can be drawn: 1. The implementation of the Prosecutor's Office's RJ after Law 20/2025 on the Criminal Procedure Code (KUHAP) has a stronger legal framework, but faces "new procedural constraints." Articles 79-88 of Law 20/2025 on the Criminal Procedure Code (KUHAP) elevate the status of RJ from Perja 15/2020 to a legal norm. This demonstrates the progressive nature of legal liberation because RJ is no longer merely an internal Prosecutor's Office policy. However, on the other hand, the requirement for the Chief Justice of the District Court to determine the case within 3 working days as stipulated in Article 86 paragraph 1 actually adds bureaucratic procedures. Prosecutor's discretion, which used to be fast via an internal SKP2 (SKP2), now requires "judge's permission." This finding shows that the 2025 KUHAP is half-progressive: freeing RJ from sectoral barriers, but shackling it with formal certainty. 2. The "partisan" nature of progressive law is beginning to be seen through the explicit recognition of victims' rights and the "balance" goal of Article 144m of the 2025 Criminal Procedure Code, which grants victims the right to file for restitution. Article 79 paragraph 1 also emphasizes that the goal of restitution is not solely for the perpetrator, but "to balance the protection of the interests of the victim, the perpetrator, and society." This is a significant improvement compared to Perja 15/2020, which places victims in a passive position. From a case study of the Indonesian Attorney General's Office, victims involved from the beginning of the Article 83 investigation felt "heard" and their needs for compensation/apologies were met more quickly. However, the asymmetry in economic power between victims and perpetrators remains a challenge. Progressive legal partisanship is incomplete if prosecutors are not active as "advocates for poor victims."

¹⁶Evelin Nur Agusta, "Embracing Restorative Justice: A Path Towards Equitable Mediation in Criminal Cases," *Progressive Law Journal*, Vol. 12, no. 1, 2024,

5. References

Journals:

- Adipuspito, Indiarto. "Paradigma Positivistik Dalam Ilmu Hukum: Kritik Terhadap Pandangan Teori Hukum Normatif Di Indonesia." *Jurnal Hukum Proyuris* 2, no. 1 (2020): 131–41.
- Alkautsar, Raden Adya Untea, Bagas Dewanto, Damar Winata, Muhammad Ardhika Fardhan Kusnadi, and Diesta Arya Wicaksono. "Pendekatan Hukum Progresif Terhadap Kebijakan Restorative Justice Dalam Sistem Peradilan Pidana." *Jurnal Multidisiplin Ilmu Akademik* 2, no. 6 (2025): 997–1001.
- Arafat, Muhammad. "Paradigma Pemidanaan Baru Dalam KUHP 2023: Alternatif Sanksi Dan Transformasi Sistem Peradilan Pidana Indonesia." *Jurnal Ilmu Hukum* 2, no. 1 (2025): 33–46.
- Arif, M Yasin Al. "Penegakan Hukum Dalam Perspektif Hukum Progresif." *Undang: Jurnal Hukum* 2, no. 1 (2019): 169–92.
- Baihaky, Muhammad Rif'an, Muridah Isnawati, and others. "Restorative Justice: Pemaknaan, Problematika, Dan Penerapan Yang Seyogianya." *Unes Journal of Swara Justisia* 8, no. 2 (2024): 276–89.
- Budiyono, Budiyono, Setya Wahyudi, and Dwi Hapsari Retnaningrum. "Kompatibilitas Restorative Justice Dengan Nilai-Nilai Pancasila Dalam Sistem Peradilan Pidana Anak." *Pancasila: Jurnal Keindonesiaan* 4, no. 1 (2024): 38–47.
- Christie, Nils. "Conflicts as Property." *The British Journal of Criminology* 17, no. 1 (1977): 1–15. <https://doi.org/10.1093/oxfordjournals.bjc.a046783>.
- Deninta, Dinda Dwi. "Kritik Positivisme Hukum Dalam Penegakan Hukum Di Indonesia: Perspektif Teori Hukum Progresif." *Causa: Jurnal Hukum Dan Kewarganegaraan* 16, no. 4 (2026): 161–70.
- Elvariani, Risma, and Sidik Sunaryo. "Refleksi Moralitas Dalam Keadilan Restoratif Sebagai Alternatif Penyelesaian Tindak Pidana." *AKADEMIK: Jurnal Mahasiswa Humanis* 5, no. 3 (2025): 1275–86.
- Fajarwati, Rona Apriana. "Rekonstruksi Sistem Pemidanaan Berbasis Nilai Universal Hukum Islam Dalam Implementasi KUHP 2023." *Jurnal Hukum Sasana* 11, no. 2 (2025): 404–16.
- Hakeem, Mirza Athaya Ghaisan, Aqiila Banyu Valentara, Achmad Faizuddin, and Muhammad Avin Athalla Rilya. "Telaah Filsafat Hukum Terhadap Restorative Justice Sebagai Upaya Dekonstruksi Paradigma Retributif

- Dalam Sistem Pemidanaan Di Indonesia.” *Media Hukum Indonesia (MHI)* 4, no. 1 (2026): 232–41.
- Halim, Abdul, and others. “Teori-Teori Hukum Aliran Positivisme Dan Perkembangan Kritik-Kritiknya.” *Asy-Syir’ah: Jurnal Ilmu Syari’ah Dan Hukum* 42, no. 2 (2008).
- Imaniyati, Neni Sri. “Pengaruh Paradigma Positivisme Terhadap Teori Hukum Dan Perkembangannya.” *MIMBAR: Jurnal Sosial Dan Pembangunan* 19, no. 3 (2003): 261–77.
- Irsyad Dahri, S H, and others. *Pengantar Restorative Justice*. Guepedia, 2020.
- Irwan, Irwan, Fadjriri Wira Perdana, Paulina M Latuheru, Muhammad Khairani, and Sri Kartini. “Pemikiran Tokoh Pakar Hukum Lima Paradigma.” *Jurnal Indonesia Sosial Sains* 2, no. 12 (2021): 468404.
- Lutfiyansyah, Dias, and Boedi Prasetyo. “Implementasi Keadilan Restoratif Dalam Penyelesaian Tindak Pidana Ringan (Studi Putusan Pn Tanjung Balai No. 1/PID. C/2023/PN Tjb).” *Riwayat: Educational Journal of History and Humanities* 9, no. 1 (2026): 159–72.
- Mabrurroh, Ima, Emilia Susanti, and Rini Fathonah. “Kesenjangan Norma Dan Praktik Penegakan Hukum Di Indonesia Dalam Mekanisme Penghentian Penyidikan (SP3) Terhadap Tersangka Yang Meninggal Dunia.” *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 4, no. 1 (2026): 3386–95.
- Maulidar, Mira. “Korelasi Filosofis Antara Restorative Justice Dan Diyat Dalam Sistem Hukum Pidana Islam.” *At-Tasyri’: Jurnal Ilmiah Prodi Muamalah* 13, no. 2 (2021): 143–55.
- Nuryadi, H Deni, M H Sh, and others. “Teori Hukum Progresif Dan Penerapannya Di Indonesia.” *Jurnal Ilmiah Hukum DE’JURE: Kajian Ilmiah Hukum* 1, no. 2 (2016): 394–408.
- Pardon, Rechterlijk. “Rechterlijk Pardon (Pemaafan Hakim): Suatu Upaya Menuju Sistem Peradilan Pidana Dengan Paradigma Keadilan Restoratif.” *Jurnal IUS Kajian Hukum Dan Keadilan* 8, no. 3 (2020).
- Pratama, Agus, Al Zuhri, and others. “IMPLIKASI DISKRESI KEPOLISIAN DI INDONESIA TERHADAP PROGRESIVITAS PENEGAKAN HUKUM.” *Jurnal Metrum* 2, no. 1 (2024): 32–41.
- Priatna, Tedi, Bayu Bambang Nur Fauzi, Ahmad Rifa’i, Ayu Aprianti, and M Faiz Azmi Ibnu Mansur. “ANALISIS KONSEPTUAL KAJIAN TEORI, KERANGKA BERPIKIR, DAN HIPOTESIS DALAM PENELITIAN PENDIDIKAN.” *JEEL: Journal of Elementary Education and Literacy* 2, no. 04 (2025): 32–49.

- Putranto, Dimas Ady. "Restorative Justice Untuk Tindak Pidana Ringan: Teori Dan Praktik Di Pengadilan Indonesia." *HARISA: Jurnal Hukum, Syariah, Dan Sosial* 2, no. 1) (2025): 140–53.
- Putri, Rizqy Fadhlina, and Rini Fadhilah Putri. "THIRD LEVEL DALAM FAKTOR KERANGKA KONSEPTUAL AKUNTANSI KEUANGAN." *Jurnal Penelitian Pendidikan Sosial Humaniora* 4, no. 2 (2019): 525–30.
- Ramadhan, Alfemba, and Hudi Yusuf. "Keadilan Yang Memulihkan: Restorative Justice Sebagai Alternatif Penegakan Hukum Pidana Yang Humanis Dan Efisien." *Jurnal Intelek Dan Cendekiawan Nusantara* 2, no. 5 (2025): 9161–79.
- Rizqullah, Azka Afdhalul, Andre Fernando Situmorang, and Fraja Mulya Dwi Bakt. "Peran Hukum Progresif Dalam Mencari Keadilan Menurut Satjipto Rahardjo." *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humaniora* 3, no. 01 (2025).
- Saptaningrum, Lathifah Azhar. "Penerapan Restorative Justice Terhadap Perlindungan Anak Yang Berhadapan Dengan Hukum Ditinjau Dari Teori Utilitarianisme." *Journal Equitable* 8, no. 1 (2023): 95–110.
- Sari, Gholin Noor Aulia, Wahyu Sinta Dewi Pramudita, Raden Muhammad Muhklasin, Dewi Sulistianingsih, and Martitah Martitah. "Tinjauan Filosofis Keadilan Restoratif Dalam Lensa Teori Keadilan." *Bookchapter Hukum Dan Politik Dalam Berbagai Perspektif* 3 (2024): 253–91.
- Sarmadi, ASukris. "Membebaskan Positivisme Hukum Ke Ranah Hukum Progresif (Studi Pembacaan Teks Hukum Bagi Penegak Hukum)." *Jurnal Dinamika Hukum* 12, no. 2 (2012): 331–43.
- Sarumpaet, Muhammad Idris, Hilal Haitami Harahap, and Fauziah Lubis. "Peran Politik Hukum Dalam Pembangunan Hukum Progresif Di Indonesia." *Innovative: Journal Of Social Science Research* 4, no. 4 (2024): 3991–4003.
- Setyawan, Vincent Patria. "Hukum Yang Membebaskan: Sintesis Hukum Progresif Dan Humanisme Yuridis." *Legal Advice Journal of Law* 2, no. 1 (2025): 45–54.
- Setyawan, Vincentius Patria. "Penemuan Hukum Oleh Hakim Dalam Perspektif Hukum Progresif." *Fundamental: Jurnal Ilmiah Hukum* 14, no. 1 (2025): 120–35.
- Sianturi, Sikkop Parluhutan Hotmatua, Muhamad Charis Marzuqi, Irwan Triadi, and Faisal Yogi Setyawan. "PENEMUAN HUKUM DILAKUKAN OLEH

HAKIM DALAM PERSPEKTIF HUKUM PROGRESIF.” *Jurnal Analisis Hukum Dan Kebijakan* 6, no. 4 (2025).

Suherman, Heru Andryana. “Relevansi Teori Hukum Pembangunan Dan Teori Hukum Progresif Dalam Pembentukan Teori Hukum Pancasila.” *HUNILA: Jurnal Ilmu Hukum Dan Integrasi Peradilan* 4, no. 1 (2025): 1–13.

Sukardi, Sukardi. “Restorative Justice Dalam Sistem Peradilan Pidana Indonesia.” *Jurnal Hukum \& Pembangunan* 51, no. 2 (2021): 321–40.

Utomo, Setiyo. “Penerapan Hukum Progresif Dalam Penyelesaian Konflik Agraria.” *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 3, no. 2 (2020): 33–43.

Wibowo, Agus. “Implementasi Keadilan Restoratif Dalam Kebijakan Penuntutan Di Indonesia.” *Jurnal RechtsVinding* 11, no. 3 (2022): 457–72.

Wijaya, Ida Made Oka. “Restorative Justice Dalam Tinjauan Hukum Progresif: Eksistensi Dan Implikasi.” *Indonesia Berdaya* 3, no. 3 (2022): 707–18.

Wirayudha, M Dicky. “Diskresi Penegak Hukum Dalam Sistem Peradilan Pidana: Harmonisasi Keadilan Prosedural Dan Substantif.” *HARISA: Jurnal Hukum, Syariah, Dan Sosial* 2, no. 1) (2025): 170–85.

Books:

Aji, Pandam Bayu Seto. “Hukum Progresif Dalam Sistem Hukum Indonesia.” *AMU Press*, 2026, 1–85.

Braithwaite, John. *Crime, Shame and Reintegration*. Cambridge: Cambridge University Press, 1989.

Karjono, Arpandi, Parningotan Malau, and others. “Penerapan Keadilan Restoratif Justice Dalam Hukum Pidana Berbasis Kearifan Lokal,” 2024.

Rahardjo, Satjipto. *Hukum Progresif: Sebuah Sintesa Hukum Indonesia*. Yogyakarta: Genta Publishing, 2006.

Simanjuntak, Jean Calvijn, and M H SIK. *Restorative Justice Metamorfosa Kearifan Lokal Indonesia*. PT. RajaGrafindo Persada-Rajawali Pers, 2023.

SURBAKTI, SAHBANA PILIHANTA. “REKONSTRUKSI REGULASI BATASAN NOMINAL PECANDU NARKOTIKA DALAM PENERAPAN RESTORATIVE JUSTICE TERHADAP TINDAK PIDANA NARKOTIKA RINGAN BERBASIS NILAI KEADILAN.” *Universitas Islam Sultan Agung*, 2025.

Tenriawaru, S H, Wisnu Murtopo Nur Muhammad MH, M H SH, S H Efan Apturedi, Baniara Mangapul Sinaga MH, M H SH, and S H Dimas

Pranowo. *Perbandingan Penerapan Sistem Hukum Progresif (Plea Bargain VS Restorative Justice)*. Penerbit Adab, 2022.

Virtuosi, Rayson. "Dampak Transformasi Digital Sektor Publik Dalam Pengentasan Kemiskinan Pedesaan: Bukti Quasi-Experimental Dari Indonesia." Universitas Gadjah Mada, 2025

Regulation:

Government Regulation of the Republic of Indonesia Number 44 of 2008
Concerning the Provision of Compensation, Restitution, and Assistance
to Witnesses and Victims

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System

Law Number 13 of 2006 concerning the Witness and Victim Protection Agency;

Law Number 20 of 2025 concerning the Criminal Procedure Code.

The 1945 Constitution of the Republic of Indonesia