

## Restorative Justice Concept in Islam & Its Implementation in National Criminal Law from Islamic Legal Philosophy

Rizky Fauzi<sup>1)</sup>, Watni Marpaung<sup>2)</sup> & Nurul Huda Prasetya<sup>3)</sup>

<sup>1</sup>Universitas Islam Negeri Sumatera Utara, Indonesia, E-mail: [rizkyfauzi@gmail.com](mailto:rizkyfauzi@gmail.com)

<sup>2</sup>Universitas Islam Negeri Sumatera Utara, Indonesia, E-mail: [watni\\_marpaung@yahoo.com](mailto:watni_marpaung@yahoo.com)

<sup>3</sup>Universitas Islam Negeri Sumatera Utara, Indonesia, E-mail: [nurulhuda@uinsu.ac.id](mailto:nurulhuda@uinsu.ac.id)

**Abstract.** *The reform of Indonesia's national criminal law marks a paradigm shift from a retributive punishment system to a Restorative Justice approach that places greater emphasis on victim recovery, social reconciliation, and perpetrator rehabilitation. This principle has been accommodated in various regulations, such as Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, Prosecutor's Regulation No. 15 of 2020, and Article 54 of the new Criminal Code which allows for the consideration of restorative justice in judges' decisions. In Islamic criminal law, the concept of qisas-diyat and the dispute resolution mechanism based on islah (peace) show alignment with restorative justice. Caliph Umar bin Khattab is an example of the application of this approach in a socio-economic context, by postponing punishment for thieves due to starvation. This study uses a normative legal approach with a descriptive-analytical method and a review of maqasid sharia to examine the integration of restorative justice principles in national criminal law. The results of the study indicate that although restorative justice has a place in regulations, its implementation is still limited and faces normative and institutional challenges. Therefore, legislative reform is needed which includes the ratification of special laws, the integration of restorative justice principles in the Criminal Procedure Code Bill, and the expansion of the scope of cases that can be resolved through this mechanism. With a more systematic implementation, restorative justice can become an integral part of the criminal justice system in Indonesia, in line with the principles of Islamic law which emphasize the balance between justice, welfare, and social protection.*

**Keywords:** *Criminal; Islamic; Justice; Restorative.*

### 1. Introduction

National criminal law reform has been a major agenda in the Indonesian justice system since independence. The enactment of Law No. 1 of 2023 concerning the Criminal Code (KUHP) marks a new era in national criminal law, replacing the Wetboek van Strafrecht, a legacy of the Dutch colonial era.(Wirawan 2024)One of the fundamental aspects of this reform is the adoption of a Restorative Justice approach as a response to the weaknesses of the conventional criminal justice system which places more emphasis on the aspect of retributive justice.

Historically, classical criminal law in Indonesia prioritizes a retributive approach, where punishment aims to provide an appropriate response to the perpetrator of the crime. However, in its development, this paradigm is considered insufficient to provide comprehensive justice for victims, perpetrators, and society. Therefore, Restorative Justice is present as a new paradigm in punishment that emphasizes the restoration of social relations, rehabilitation of perpetrators, and compensation for victims.(Ropei 2022)

In Islam, the principle of Restorative Justice has long been accommodated in various criminal law concepts. The Qur'an explicitly emphasizes the importance of resolving disputes peacefully and fraternally, as Allah says in QS. Al-Hujurat: 10:

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ

*Indeed, believers are brothers, therefore make peace between your two brothers and fear Allah so that you may receive mercy.(QS. Al-Hujurat: 10)*

In Islamic criminal law, the concept of qisas-diyat offers a balance between retributive punishment and restorative mechanisms. Qisas accommodates the victim's right to justice, while diyat provides an opportunity for the perpetrator to atone for his/her wrongdoing through compensation. This concept is in line with the principle of benefit in Islamic legal philosophy, which emphasizes restoration and social harmony as the primary goals of law.

One example of the application of Restorative Justice in Islamic history is the decision of Caliph Umar bin Khattab in a case of theft due to starvation. Instead of applying the punishment of amputation of the hand as stipulated in qisas, Umar acquitted the defendant because he saw socio-economic factors as the main cause of the crime. This shows that Islamic law has the flexibility to adjust sanctions based on the context and conditions of society.

Normatively, the new Criminal Code in Indonesia accommodates the principles of Restorative Justice in several provisions, one of which is in Article 54 which provides guidelines for judges in making decisions by considering various aspects, including the perpetrator's mental attitude, the impact on the victim, and the restoration of social relations.(Sopacua 2024)This shows a shift from a retributive paradigm to a more humanistic and proportional approach.

However, in practice, the implementation of Restorative Justice in national criminal law still faces various challenges. Normative obstacles, such as inconsistencies in regulations between laws, and institutional obstacles, such as the lack of understanding of this concept by law enforcement officers, are factors that hinder the effectiveness of implementation. Therefore, a more systematic reconstruction of the legal approach is needed, by integrating the principles of Restorative Justice into the national criminal justice system more explicitly and operationally.

Based on this background, this study will examine the concept of Restorative Justice in the perspective of Islamic legal philosophy and its construction in the renewal of Indonesian national criminal law. This study aims to provide a strong conceptual foundation for the application of Restorative Justice in the Indonesian criminal law

system, by considering the principles of substantive justice in Islam and the dynamics of national law.

## 2. Research Methods

This study uses the maqasid approach in Islamic legal philosophy to examine restorative justice in Islamic criminal law and its implementation in the renewal of national criminal law. This approach aims to understand the main objective of Islamic law in maintaining a balance between legal certainty, welfare, and social justice. This type of research is normative juridical with a descriptive-analytical method, which examines laws and regulations, Islamic legal concepts, and restorative justice doctrines through literature studies. The sources of legal materials used include primary legal materials such as the Qur'an, Hadith, and related laws and regulations, as well as secondary and tertiary legal materials such as books, legal journals, and academic literature.

The technique for collecting legal materials is carried out through library research,(Indra Utama Tanjung 2024)with deductive analysis and comparative methods to assess the suitability between restorative justice in Islamic law and the national legal system. This study examines how Islamic law can contribute to the reconstruction of the national criminal law system, especially in aligning the principles of victim recovery and perpetrator rehabilitation with Islamic legal values. Thus, this study is expected to produce policy recommendations based on maqasid sharia values, in order to increase the effectiveness of national criminal law in handling criminal cases with a more just approach.

## 3. Results and Discussion

### 3.1. Restorative Justice and Islamic Law

conventional criminal justice system is considered incapable of providing justice for all parties involved. This system emphasizes victim recovery and social relationship restoration, not just punishment for the perpetrator. This approach involves the perpetrator, victim, family, and community in resolving conflicts through mediation and deliberation.(Fitriani 2012)

In Islam, this concept is in line with the principle of *islah* (peace) which is recommended in resolving conflicts, as Allah says:

إِنْ تُبْدُوا خَيْرًا أَوْ تُخْفُوهُ أَوْ تَعْفُوا عَنْ سُوءٍ فَإِنَّ اللَّهَ كَانَ عَفُورًا قَدِيرًا

*If you show or hide a goodness or forgive a mistake, indeed Allah is Forgiving, Almighty. (QS. An-Nisa: 149)*

This concept of *islah* is also applied in Islamic justice, where the law does not only aim to punish but also to achieve broader justice through peace and restoration of social relations.(Raharjo 2018)Islam has long adopted the concept of restorative justice in its legal application. In several categories of Islamic crimes such as *jinayah* (serious crimes), Islam recognizes the existence of space for forgiveness and peace. In *qisas* (the law of

equitable retribution), for example, the victim or his family can choose to forgive by receiving diyat (compensation).

Arguments regarding qisas and alternative solutions:

وَكُنْتُمْ عَلَيْهِمْ فِيهَا أَنْ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْأَنْفَ بِالْأَنْفِ وَالْأُذُنَ بِالْأُذُنِ وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ قِصَاصٌ فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَهُ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ

*And We have ordained for them in the Torah that a soul for a soul, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and wounds are their recompense. But whoever gives it up, it is an expiation for him. (QS. Al-Ma'idah: 45)*

In other words, Islam provides space for restorative justice where victims have the right to choose between seeking punishment or forgiveness in consideration of the wider public interest.

Restorative Justice has been integrated into several regulations in Indonesia, such as:

- Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, which requires a restorative justice approach in dealing with children in conflict with the law.
- Supreme Court Regulation no. 1 of 2024, which provides guidelines for judges in trying cases using a restorative approach.
- Prosecutor's Regulation No. 15 of 2020, which allows for the termination of prosecution if the perpetrator and victim reach a peace agreement.

This shows that the legal system in Indonesia has adopted the principles of Islamic law that emphasize social recovery rather than just retaliation. Caliph Umar bin Khattab is known as a leader who applied the principle of restorative justice in his legal policies. One famous example is when he suspended the punishment of cutting off the hands of thieves during the famine (am al-ramadah). (Raharjo 2018) It shows how the law should be applied taking into account social and economic factors.

This principle is in accordance with the maqashid sharia, which prioritizes the protection of the soul (hifz al-nafs) and the welfare of society. The evidence supporting this approach:

لَا إِكْرَاهَ فِي الدِّينِ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ فَمَنْ يَكْفُرْ بِالطَّاغُوتِ وَيُؤْمِنُ بِاللَّهِ فَقَدِ اسْتَمْسَكَ بِالْعُرْوَةِ الْوُثْقَىٰ لَا انْفِصَامَ لَهَا وَاللَّهُ سَمِيعٌ عَلِيمٌ

*There is no compulsion in (adhering to) religion (Islam); Indeed, the right path is clearer than the wrong path. (QS. Al-Baqarah: 256)*

In addition, Umar bin Khattab also emphasized the importance of reconciling the disputing parties before imposing punishment. This shows that the Islamic approach to justice is not only legalistic but also takes social aspects into account.

In maqasid sharia, the main goal of Islamic law is to protect five main things: religion (*hifz al-din*), soul (*hifz al-nafs*), reason (*hifz al-aql*), descendants (*hifz al-nasl*), and property (*hifz al-mal*). Restorative Justice is very relevant to maqasid sharia because:

- Protecting victims by giving them the right to compensation.
- Giving perpetrators the opportunity to repent and improve themselves without having to get caught up in a repressive punishment system.
- Maintain social stability by encouraging peaceful resolution in society.

This concept is also in accordance with the word of God which encourages peace and compassion in resolving conflicts:

*And if two groups of believers fight then make peace between them... (QS. Al-Hujurat: 9)*

Thus, the restorative justice system is not only in line with Islamic law, but also becomes an integral part of the principles of justice in Islam. Restorative Justice in Islamic law emphasizes the balance between justice, welfare, and social recovery. In Islam, justice is not only seen from the aspect of punishment, but also how the law can be applied in a peaceful manner, in accordance with the maqasid sharia and the principle of *islah*. Caliph Umar bin Khattab is one example of the application of restorative justice in Islam, where the law is applied by considering the social and economic conditions of the community. In the context of law in Indonesia, the principles of restorative justice have been applied through various regulations, demonstrating the conformity of positive law with Islamic values.

### **3.2. Islamic Legal Philosophy Perspective on Restorative Justice in Islamic Criminal Law**

Restorative justice in Islamic law is an approach to justice that emphasizes the restoration of damage caused by crime, reconciliation, and community involvement in resolving cases. Islam teaches that justice is not only about punishing the perpetrator, but also ensuring that the victim receives restitution, the community receives legal certainty, and the perpetrator has the opportunity to take responsibility and improve himself. The main principles of restorative justice include restoration (*islah*), reconciliation (*sulh*), and community participation in resolving disputes. This is emphasized in the word of Allah in the Qur'an: "And reconcile your differences." (QS. Al-Anfal: 1), which shows that Islam places great emphasis on peace in resolving conflicts. (Yusnani 2023)

In Islam, the concept of restitution can be found in the *ta'zir* mechanism, which is a punishment given according to the judge's discretion to achieve greater justice. On the other hand, *qisas* and *diyat* are concrete examples of how restorative justice is applied in Islamic law. *Qisas* is an appropriate punishment, while *diyat* is compensation that can

replace the punishment for the perpetrator, which aims to provide restitution for the victim or his family. This concept is emphasized in the word of Allah: "Whoever forgives and does good, then his reward is from Allah." (QS. Ash-Shura: 40), which shows that forgiving and reconciling have a higher position than simply demanding revenge.

Community participation in restorative justice is also an integral part of Islamic law. (DP Nugroho 2018) The Hadith of the Prophet states: "Whoever of you sees evil, let him change it with his hand; if he is not able, then with his mouth; if he is unable, then with his heart - and that is the weakest faith." (HR. Muslim). This shows that society has a role in creating justice and social harmony, not just legal officials. This approach is relevant to the principle of *maslahah* in *maqasid sharia*, which emphasizes the protection of religion, soul, mind, lineage and property as part of the main objectives of Islamic law.

In addition, restorative justice in Islam is not just an ideal concept but has been applied in various forms. During the time of Caliph Umar bin Khattab, for example, he suspended the punishment of cutting off the hands of thieves during times of famine because he understood that the crime occurred due to difficult social conditions. This shows that in Islamic legal philosophy, justice does not only mean applying punishment according to the legal text, but also considering social conditions and the greater good.

The concept of *qisas* in Islamic law reflects the balance between retributive justice and restorative justice. (Andriyani 2024) This punishment allows for appropriate punishment for perpetrators of serious crimes such as murder, but still leaves room for forgiveness and payment of *diyat* as a form of peaceful resolution. (UTOMO 2023) The word of Allah in the Qur'an confirms: "And We have ordained for them in the Torah that a soul for a soul, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and wounds (also) are recompense. But whoever releases it, it is an expiation for him." (QS. Al-Ma'idah: 45). This shows that Islam provides a choice between retributive punishment and peaceful resolution to achieve greater justice.

*Diyat* as a form of compensation for victims or their families in cases of murder or abuse also shows the flexibility of Islamic law in implementing restorative justice. (Ammanullah 2024) *Diyat* is not just a material payment, but also an effort to reconcile the parties involved. In the hadith of the Prophet it is stated that "forgiveness is better for those who are able to do it, and it will be a great reward in the sight of Allah." (HR. Abu Dawud). Thus, Islam not only prioritizes punishment as a solution to crime, but also provides opportunities for social rehabilitation and peace.

In addition to *qisas* and *diyat*, the concept of *ta'zir* in Islamic law provides room for judges to determine punishments that are more rehabilitative than merely retributive. *Ta'zir* is used in cases where there are no explicit provisions for punishment in the Qur'an and Hadith, thus providing flexibility in the application of restorative justice. (Adinata 2022) *Ta'zir* punishment can be in the form of a warning, a fine, community service, or rehabilitation, according to the level of the perpetrator's guilt. In Islamic legal philosophy, this flexibility allows for a more contextual approach to justice.

In modern legal practice, the principles of restorative justice in Islam have been adopted in various forms, including in the national criminal justice systems of several Muslim countries. In Indonesia, for example, Law No. 11 of 2012 concerning the Juvenile

Criminal Justice System has adopted the concept of restorative justice by prioritizing rehabilitation for children in conflict with the law. The Supreme Court Regulation and the Prosecutor's Office Regulation have also provided space for peaceful resolution through penal mediation, in line with the principles of Islamic law that encourage peace.(Devi 2014)

The Islamic legal philosophy of restorative justice also reflects the thoughts of great scholars such as Al-Ghazali and Ibn Ashur. Al-Ghazali in his work *Ihya 'Ulum al-Din* emphasized that justice must pay attention to social and moral interests. Punishment is not just a means of retribution, but must also be a means to improve individuals and society.(PRE-2016)Ibn Ashur in *Maqasid al-Shariah* also emphasized that Islamic law must always aim to achieve social welfare and prevent damage in society. Both thinkers emphasize that justice in Islam must reflect a balance between individual rights and broader social interests.

Thus, the concept of restorative justice in Islamic legal philosophy is not only normative but also applicable. Islam provides space for peaceful dispute resolution, encourages the rehabilitation of perpetrators, and prioritizes social welfare. Integration of these principles into modern criminal law can enrich the justice system, making it more humane and effective in creating a balance between justice, peace, and social welfare.

### **3.3. Construction of the Restorative Justice Approach in Islamic Criminal Law Towards the Reform of Indonesian National Criminal Law**

The construction of a restorative justice approach in Islamic criminal law provides an important contribution to the renewal of national criminal law in Indonesia. In this context, the application of restorative justice not only improves the criminal justice system which is often considered less than fulfilling the sense of justice of the community, but also adjusts to the principles of Islamic law which emphasizes restoration rather than just punishment.(Yudhanegara et al. 2024)

Umar bin Khattab is known as a caliph who carried out many progressive *ijtihad* in Islamic law. One famous case is his policy of not imposing the law of cutting off the hands of thieves who stole because of hunger during a time of famine. This decision shows the flexibility of Islamic law in considering the social and economic conditions of the perpetrators of the crime. This is in accordance with the principle in the Qur'an, Surah Al-Maidah verse 38:

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جِزَاءً بِمَا كَسَبَا تَكْلًا مِّنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ

*"The man who steals and the woman who steals, cut off the hands of both (as) retribution for what they did and as a punishment from Allah. And Allah is All-Mighty, All-Wise."*(QS. Al-Maidah: 38)

However, Umar interpreted this verse by considering the *maqashid shariah* (the objectives of Islamic law), which emphasizes substantial justice as opposed to the literal application of the law.

In Islam, the concept of restorative justice has long been known with the mechanisms of *afw* (forgiveness), *diyat* (compensation), and *musalahah* (reconciliation). Islamic law places more emphasis on the recovery of victims and the reintegration of perpetrators into society, as explained in Surah Al-Baqarah verse 178:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ الْحُرُّ بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ وَالْأُنثَىٰ بِالْأُنثَىٰ فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتِّبَاعٌ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ ذَلِكَ تَخْفِيفٌ مِّن رَّبِّكُمْ وَرَحْمَةٌ فَمَنِ اعْتَدَىٰ بَعْدَ ذَلِكَ فَلَهُ عَذَابٌ أَلِيمٌ

*O you who believe, qisas is prescribed for you regarding those who are killed; free person with free person, slave with slave, and woman with woman. But whoever receives forgiveness from his brother, let the one who forgives him do it in a good way, and the one who is forgiven should pay diyat to the one who forgives in a good way (also).*(QS. Al-Baqarah: 178)

This verse shows that Islamic law does not only provide sanctions, but also offers reconciliatory solutions that benefit all parties involved in a criminal case.(Azhar 2019)

In national criminal law, the concept of restorative justice has begun to be applied in various regulations such as the Indonesian Attorney General's Regulation Number 15 of 2020 which allows for the termination of prosecution in certain cases through a mediation mechanism between the victim and the perpetrator. This regulation is in line with the principles of Islamic law which emphasize peaceful resolution rather than retributive punishment.

However, there are several challenges in implementing restorative justice in Indonesia, including:

1. Limitation of case value – currently the application of restorative justice is still limited to cases with a certain loss value, even though in Islamic law, justice does not always depend on material value alone.
2. Lack of understanding among law enforcement officers – this concept is still new to many law enforcement officers so its implementation is often not optimal.
3. Legal culture challenges – society still has a paradigm that justice can only be upheld through severe punishment, not through reconciliation.

The two main theories in Islamic criminal law that are relevant to restorative justice are:

1. Zawajir Theory – put forward by Ibrahim Hosen, this theory emphasizes that punishment aims to prevent the recurrence of crimes, not just to provide appropriate sanctions.
2. Sharia Deconstruction Theory – developed by Abdullahi Ahmed An-Na'im, which states that Islamic law must always be adapted to the developing social and cultural context, so that it can be applied flexibly in a modern legal system.(Marcellin 2024)

In the revision of the Criminal Code (KUHP), the restorative justice approach needs to be accommodated to create a more responsive and just legal system. Some steps that can be taken to integrate this concept into national criminal law are:

1. Expanding the scope of restorative justice – not only for minor cases, but also for more complex cases such as theft and corruption, taking into account the return of losses to victims.



2. Adopting a flexible approach to sentencing – punishment may not only consist of imprisonment but may also include community service, compensation or mediation.
3. Adapting to Maqasid Sharia values – every criminal law policy must consider aspects of protecting religion, life, reason, lineage and property to achieve broader justice.

The construction of a restorative justice approach in Islamic criminal law can make a major contribution to the renewal of national criminal law in Indonesia.(F.S. Nugroho 2023)By adopting this concept, the criminal law system can be more oriented towards recovery, social reintegration, and crime prevention, rather than just punishment.(Rambe and Marpaung 2024)In this case, the inspiration from Umar bin Khattab's ijihad and the concept of afw and diyat in Islam can be a strong foundation for the implementation of restorative justice in Indonesia. Criminal law reform that takes this aspect into account will not only create a fairer system but also be more in line with the needs of the pluralistic Indonesian society and is based on the values of substantive justice.

#### **4. Conclusion**

Restorative Justice in Indonesia has begun to be recognized in various regulations such as the Supreme Court Regulation, Police Regulation, and Prosecutor's Regulation as an alternative to the punishment-based criminal justice system. This approach offers a more humane method by allowing perpetrators to be directly responsible to victims and the community, while addressing the root causes of the crime. In Islamic criminal law, the principle of restorative justice emphasizes social restoration and integration, not just retaliation, which is in line with the values of harmony and unity in Indonesian culture. Therefore, the integration of this approach into national criminal law requires concrete legislative reform, including training of law enforcement officers, development of mediation, and public education. To strengthen the implementation of restorative justice, it is necessary to enact a special law that regulates its comprehensive implementation and its integration in the Criminal Procedure Code Bill with provisions on mediation, reconciliation, and compensation based on Maqasid Syariah. In addition, the scope of cases that can be resolved through RJ must be expanded, including major cases such as theft and corruption, with the consent of the victim and the prosecutor. The RJ process also needs to be limited to a maximum of 14 days from the time the case is transferred to the prosecutor's office to ensure efficiency. With these steps, Indonesia can realize a justice system that is fairer, more humane, and in line with the principles of Islamic criminal law.

#### **5. References**

- Adinata, Kadek Diva Firman. 2022. "Penerapan Prinsip Restorative Justice Terhadap Pelaku Tindak Pidana Lanjut Usia (Studi Tentang Penerapan Pendekatan Keadilan Restoratif Dalam Praktek Penegakan Hukum)." *Jurnal Hukum Media Justitia Nusantara (Mjn)* 12 (1): 26–62.
- Ammanullah, Naufal. 2024. "Sistem Penghentian Penuntutan Dalam Mencapai Keadilan Restoratif Pemidanaan." Universitas Islam Sultan Agung Semarang.
- Andriyani, Lenna. 2024. "Dekonstruksi Pemaknaan Prinsip Keadilan Restoratif Dalam

Sistem Peradilan Pidana Di Indonesia Berdasarkan Pancasila." UNS (Sebelas Maret University).

Azhar, Ahmad Faizal. 2019. "Penerapan Konsep Keadilan Restoratif (Restorative Justice) Dalam Sistem Peradilan Pidana Di Indonesia." *Mahkamah: Jurnal Kajian Hukum Islam* 4 (2): 134–43.

Devi, Chindya Pratisti Puspa. 2014. "Restorative Justice Pada Hukum Pidana Anak Indonesia Dalam Perspektif Hukum Islam."

Fitriani, Ifa Latifa. 2012. "Islam Dan Keadilan Restoratif Pada Anak Yang Berhadapan Dengan Hukum." *IN RIGHT: Jurnal Agama Dan Hak Azazi Manusia* 2 (1).

Indra utama Tanjung. 2024. *Dasar-Dasar Metode Penelitian Hukum*. Karanganyar: CV Pustaka Dikara).

Marcellinno, Matthew. 2024. "Telaah Hermeneutika Atas Tindak Pidana Penipuan Dan Penggelapan Dalam Konseptualisasi Mediasi PenaL." UNS (Sebelas Maret University).

Nugroho, Dendy Prasetyo. 2018. "Kontribusi Hukum Pidana Islam Terhadap Konsep Mediasi Pidana Dalam Pembaharuan Hukum Pidana Nasional." Universitas Islam Indonesia.

Nugroho, Fajar Seto. 2023. "Rekonstruksi Regulasi Penegakan Hukum Tindak Pidana Pencurian Dengan Pemberatan Di Indonesia Melalui Pendekatan Restorative Justice." Universitas Islam Sultan Agung.

PRATAMA, BRILLIAN HADI WAHYU. 2016. "Implementasi Pasal 5 Undang-Undang Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman Dalam Putusan Pengadilan Dihubungkan Dengan Konsep Keadilan Restoratif." Fakultas Hukum Unpas.

Raharjo, Bimo Putro. 2018. "PROSES PENERAPAN KONSEP RESTORATIVE JUSTICE DALAM KASUS TINDAK PIDANA PEMBUNUHAN." Universitas Pembangunan Nasional Veteran Jakarta.

Rambe, Ahmad Razaki, and Zaid Alfauza Marpaung. 2024. "Tindak Pidana Pembunuhan Tidak Sengaja Perspektif Hukum Pidana Islam (Analisis Terhadap Konsep Restorative Justice)." *Jurnal Legisla* 16 (1): 71–85.

Ropei, Ahmad. 2022. "Penerapan Restorative Justice Sebagai Alternatif Penyelesaian Masalah Pidana Berdasarkan Hukum Pidana Islam." *AL-KAINAH: Journal of Islamic Studies* 1 (2): 40–83.

Sopacua, Margie Gladies. 2024. "Implementasi Keadilan Restoratif Sebagai Landasan Dalam Penyelesaian Masalah Kekerasan Dalam Rumah Tangga Di Indonesia." *Jurnal Pembangunan Hukum Indonesia* 6 (1): 96–111.

Utomo, Deni Setyo. 2023. "Rekonstruksi Regulasi Penyelesaian Tindak Pidana Melalui

Polmas Oleh Bhabinkamtibmas Mewujudkan Keamanan Dalam Negeri Berbasis Nilai Keadilan Restoratif." Universitas Islam Sultan Agung.

Wirawan, Vani. 2024. "Delik Hukum Dalam Perspektif Filsafat Hukum Islam." *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 4 (3): 2467–76.

Yudhanegara, Firman, Qadriani Arifuddin, Mohammad Hidayat Muhtar, Mas Ahmad Yani, Mia Amalia, Loso Judijanto, and Muhammad Adam HR. 2024. *Pengantar Filsafat Hukum: Sebuah Ontologi, Epistemologi, Dan Aksiologi Ilmu Hukum*. PT. Sonpedia Publishing Indonesia.

Yusnani, Besse. 2023. "Penerapan Konsep Keadilan Restoratif (Restorative Justice) Sebagai Alternatif Penanganan Perkara Tindak Pidana (Studi Kasus Kejaksaan Tinggi Sulawesi Selatan)." Program Pascasarjana Universitas Muslim Indonesia.