

Analysis of the Implementation of Restorative Justice by the Prosecutor's Office of the Republic of Indonesia in the Framework of the Direction of Criminal Law Political Reform in Indonesia

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Abstract

This study examines the application of the concept of Restorative Justice in Indonesia's criminal justice system, which represents a shift in the system that focuses on repairing damage and restoring relationships rather than solely imposing punishment. This study suggests that restorative justice offers a promising option to traditional punitive approaches. However, its success in Indonesia depends on continuous evaluation, training, and changes to the legal framework to ensure that it fits with the goals of legal reform in Indonesia. This study reaches its conclusion by suggesting strategic actions that can improve the performance of restorative justice in Indonesia. One of the suggested measures is for restorative justice to be incorporated into a stand-alone law, which could strengthen its role in achieving a more balanced and rehabilitative justice system.

Keywords: Energy, Nuclear, Waste, Regulations

Introduction

The legal system in the Netherlands applies non-imprisonment sentences to criminals who are threatened with a sentence of less than 6 (six) years. These sentences include community service sentences. This punishment, which does not rely on imprisonment, has succeeded in reducing the occupancy rate of Correctional Institutions (Lapas) in the Netherlands. In fact, in some areas the occupancy rate of the Prison is only 70%. This is different from the conditions in Indonesia. The prison occupancy rate is above the capacity it should be (over capacity). This is because punishment is oriented towards "imprisonment".

The restorative justice approach emerged in the Netherlands since the 1990s, marked by various initiatives and movements by civil society. Starting from mediation practices in Maastricht and Limburg since 1999 to peer mediation and family conferencing. Although various programs related to restorative justice have been well received, many programs have not continued due to the lack of regulations, policies and budgets.

The ideology of a country is a reference for the legal system in a country, Indonesia in this case adheres to the Pancasila ideology. In this case, Pancasila is positioned as the basic norm

of the state (staats fundamental norm), so that every legal norm must make Pancasila the source of its philosophical basis. The legal system based on Pancasila is a reflection of the soul of the nation that prioritizes moral values, family, harmony, balance, deliberation, and social justice. Related to this, the legal system in Indonesia should be based on the values of Pancasila.

The initial purpose of the law was created to organize people's lives to be better, this is the idealism behind the birth of law, the source of creating *das sollen* is none other than what is called Ideology. Ideology here means everything that concerns the most central and essential values, so that on that basis we can assess and make improvements to everything else in our lives.

The 1945 Constitution in the Third Amendment as a *grundnorm*, emphasizes that the state of Indonesia is a state of law. Regarding the concept of the state of law, it was expressed by A.V. Dicey, that one of the important elements in every state of law which he calls "The Rule of Law" is the Supremacy of Law, namely the dominance of legal rules to oppose and eliminate the arbitrariness and broad free authority of the government. The formulation of Article 1 paragraph (3) of the 1945 Constitution is the concept of a state of law is an idea that law is a means for the state to carry out affairs, all actions taken by the government must be in accordance with the rule of law.

Quoting a statement from Romli Atmasasmita, national law (Indonesia) as a legal system has not yet been formed holistically, comprehensively, and has not been enriched with the values of indigenous people's lives to adapt to the life of an advanced society. This is based on the fact that the national legal system is a legacy of the Dutch East Indies legal system. In line with this, efforts were made to renew national law which carried out a major mission, namely decolonization of colonial legacy law, democratization, and consolidation of criminal law, and adaptation to the development of legal paradigms that have developed nationally and internationally in accordance with national legal politics.

This is because the legal system in Indonesia still uses the legacy of the Dutch East Indies colonial legal system, so the logical consequences of the formation of criminal law will not be separated from the review of the effectiveness of law enforcement. Thus, the creation of this criminal system is based on the thinking of individualism-liberalism and is greatly influenced by the classical and neo-classical schools of thought on criminal law and punishment from the interests of the Dutch colonial in its colonies. Therefore, the direction of criminal law enforcement is actually *primium remedium*, not placing criminal law as *ultimum remedium*. The dynamics of criminal law enforcement today have experienced a paradigm shift, from law enforcement with a Retributive nuance (revenge) to law enforcement with a Rehabilitative

approach (Restorative Justice). This change in conception did not simply occur, but was born from the process of maturing society to interpret what law is (*quid ius*). The current assumption of social justice requires the handling of relatively minor cases with humanitarian aspects, such as criminal acts of assault, physical violence that does not cause any obstruction or disruption of activities, or criminal acts related to property, such as theft with a minimal loss value so as not to be processed punitively.

The development of the value of justice in the criminal law system itself has changed, where initially the adage of an eye for an eye, a life for a life appeared. This concept is no longer felt to be relevant in presenting justice in society. Therefore, in its development, the concept of justice can be realized if a law can provide benefits, not only about how the law can provide certainty. Over time, an alternative to the Retributive Punishment method has now developed, namely an idea that emphasizes the importance of solutions to improve the situation, reconcile the parties and restore harmony to society, but still demands accountability for the perpetrators. This theory is known as Restorative Justice.

Restorative Justice is a major issue in the development of law, this is because criminal law, which was initially used as a tool of retaliation so that it is punitive, is felt to be less able to provide answers to the concerns of the community, who feel that law enforcement is actually felt to hurt the sense of justice, so that the law that is applied in accordance with the provisions actually causes chaos in society.

The concept of Restorative Justice includes restoring relations between the victim and the perpetrator, where restoration will provide peace that has faded between the victim, the perpetrator, and the community. Justice based on peace between the perpetrator, victim, and society is the moral ethic of restorative justice, because basically justice and peace cannot be separated. This relationship restoration can be based on a mutual agreement between the victim and the perpetrator. The victim can convey the losses they have suffered and the perpetrator is given the opportunity to atone for them through compensation mechanisms, peace, social work or other mechanisms. This is different from conventional criminalization, which does not provide space for the parties involved. This concept is a manifestation of balancing the applicable rules (*rechtmatigheid*) with interpretations that are based on the purpose or principle of benefit (*doelmatigheid*).

Literature Review

History of Restorative Justice

Basically, the concept of restorative justice was born in the 1970s in North America and Europe, marked by the presence of the Victim Offender Reconciliation Program in Ontario.

This approach is assumed to be the most recent shift from various models and mechanisms that work in the criminal justice system in handling criminal cases today, because the principle of this restorative justice model aims to restore damaged relationships due to criminal acts between victims and perpetrators.

New Zealand is the first country in the world to implement restorative justice which was initially applied to crimes, school discipline, and conflicts between citizens and the government which then developed into general justice implemented with the Family Group Conference (FGC). In further developments, restorative justice was also applied to serious crimes. Northern Ireland applies restorative justice as an alternative to resolving violent crimes. Eastern Europe applies restorative justice in the context of Court Reform. The application of restorative justice in Africa can be seen from the revitalization of indigenous practices, increased social work sanctions, and national responses to civil war and genocide. The Middle East implements restorative justice starting from the traditional conflict resolution process. Other Asian regions implement restorative justice related to juvenile justice, which stipulates that the resolution of cases is excluded from the judicial process. Mexico implemented restorative justice after the Constitutional Amendment Article 20 emphasized that the rights of victims are recognized and the sentencing policy is reviewed.

In Indonesia itself, the concept of Restorative Justice has basically been known and practiced in customary law in force in Indonesia. In other words, it can be stated that the basic philosophy of the purpose of the restorative approach is to restore the situation to its original state before the conflict. Identical to the philosophy of restoring disturbed balance contained in Indonesian Customary Law.

Definition of Restorative Justice

Umbreit in his writing explains that:

"Restorative Justice is a victim-centered response to crime that allows the victim, the offender, their families, and representatives of the community to address the harm caused by the crime".

Restorative Justice is a victim-centered response to crime that allows victims, perpetrators, their families, and community representatives to address the harm and loss caused by the crime. In response to this view, Daly said that Umbreit's concept focuses on "repairing the harm and loss caused by the crime", which must be supported by the concept of restitution, which seeks to restore the harm and loss suffered by victims of the crime and facilitates reconciliation..

Principles of Restorative Justice

In restorative justice, the interests of the victim are considered. Unlike in the settlement of criminal cases through legal channels, where the Criminal Procedure Code (KUHAP) only mentions the rights of the Suspect and the rights of the Defendant, while the rights of the victim of the crime are not mentioned, because so far the victim has been represented by the Public Prosecutor who is a representative of the state, but does not show his side for the rights of the victim.

According to restorative justice, that crime is not always limited to an attack on the state, but rather a violation by one person against another. This does not mean taking back the authority of revenge from the state to the victim of the crime. Restorative justice is based on a humane relationship between the victim and the offender, and its focus is on the impact caused by the crime on all parties, not only on the victim, but also on society and the offender himself. In punishment based on the perspective of restorative justice, there are 4 (four) elements that play a role, namely the victim of the crime, society, the state, and the offender.

Some principles that apply in the concept of a restorative approach in resolving criminal acts are:

1) Principle of Fair Settlement (Due Process)

In every criminal justice system in all countries, the Suspect is always given the right to know in advance about certain procedural protections, when faced with prosecution or punishment. The judicial process (due process) must be considered as a form of protection to provide balance for the State's power to detain, prosecute, and carry out the punishment of a sentencing decision. In its implementation, the mechanism of the restorative approach process requires a desire to continue to provide protection for the Suspect related to the due process. However, because the restorative process requires an admission of guilt first, this raises questions about the extent of informed consent and voluntary waiver of rights.

2) Equal Protection

In the process of resolving criminal acts through a restorative approach, justice must arise from a process of mutual understanding of the meaning and purpose of justice, regardless of ethnicity, gender, religion, national origin, and other social status. There are doubts about the ability of the restorative approach system to resolve a problem and provide a sense of justice among the different participants. Because it is possible that one party has economic, intellectual, political or even physical strength, so that there is inequality between the parties participating in a restorative process.

3) Victims' Rights

In resolving problems through a restorative approach, the rights of victims need attention, because victims are interested parties who should have a (legal) position in the resolution process. In the criminal justice system in general, victims do not receive equal protection from the authorities of the criminal justice system, so that the victim's true interests are often neglected and even if they exist, they are only to fulfill the administrative or management system of criminal justice.

4) Principle of Presumption of Innocence

In criminal justice in general, the State has the burden of proof to prove the guilt of the Suspect. Since and until the burden of proof is carried out, the Suspect must be considered innocent. This is different from the restorative process, which requires an admission of guilt as a condition for continuing the resolution. In restorative processes, the rights of the Suspect regarding the presumption of innocence can be compromised in the following ways: the Suspect has the right to undertake the restoration process and reject the admission of guilt, and then choose the formal process option, where guilt must be proven, or the Suspect can obtain the right to appeal to the Court and all agreements agreed in the restorative process are declared to have no binding force.

5) Right to Legal Assistance

In the restorative process, Advocates or Legal Advisors have a very strategic role in building the ability of offenders to protect their rights with the help of Legal Advisors. In all informal restorative stages, the Suspect can be given information through the help of Legal Advisors regarding their rights and obligations, which can be used as considerations in making decisions. However, once the Suspect chooses to participate in a restorative process, he should act and speak on his own behalf. Their positions that allow lawyers to represent participants at all points during the restorative process, will destroy many of the benefits expected from the "encounter", such as direct communication and expression of feelings. Lawyers can also be very helpful in advising their clients on the most likely outcomes that can be obtained and should be expected.

Forms of Restorative Justice Implementation

Burhanuddin Salam said that justice is not an understanding, but a quality of the results of an act that is considered fair after a separation, the results of which selection are right and wrong.

Justice as expressed is the result of a process of selection and sorting. The idea of justice is not as a reward, but rather to avoid arbitrariness between fellow human beings which results in injustice of arbitrary power. The power of a person over another person is used directly or indirectly through power.

The justice that applies today is retributive justice and restitution justice. Retributive justice is related to the mistakes made by a person, so that the person must be given a fair punishment according to his actions. Restitution justice is related to compensation for victims of criminal acts.

As stated by Mardjono Reksodiputro, that in the case of suffering or material losses experienced by the victim as a result of a criminal act committed by another person, it is appropriate for the perpetrator of the criminal act (the other person) to provide compensation.

Purwoto S. Gandasubrata stated that a criminal act that is against the law but does not violate a person's rights and therefore does not cause real harm, is sufficient to be given a sentence (imprisonment) only. On the other hand, only if this criminal act violates rights and causes harm, then it is appropriate to be given compensation (restitution).

Methods

This study intends to provide a new picture related to new, cleaner energy, but the design of regulations needs to be carried out by taking examples of nuclear power plant waste management in other countries (Hartanto and Sartini 2019). This is because in Indonesia itself the use and processing of nuclear power has only met the need for health needs.

The data used in writing this article is quantitative data collected through data collection from the internet and books related to the core discussion of this article. The data used also comes from trusted sources that are competent in their fields. The laws and regulations used to underlie the jurisdiction of writing this article are also still in the form of a bill that has not been ratified, but for *lex generalis* related to waste management regulations that are already in effect are also used as comparative regulations.

Results and Discussion

Concept Of Implementing Restorative Justice In The Criminal Law System In Indonesia

The mechanism for resolving cases using the restorative justice approach is possible to be applied to criminal acts, where one of the first to be carried out was in the Canberra Reintegrative Shaming Experiments (RISE) program. This activity is a trial of the RJ program for 4 (four) types of criminal acts, one of which is drink-driving or driving while drunk. The perpetrators in this case are invited to use the conference mechanism. The victim is represented

by representatives of the community and supporters of the perpetrator because there are no real victims, while the Police act as facilitators in this meeting.

Not all perpetrators of crimes without victims can participate in the restorative justice mechanism. There are certain requirements, one of which is regarding a common perception of the facts of the crime and agreement to participate in the program. In this process, an agreement is attempted to be produced between the perpetrator and his supporters/family to help the perpetrator not repeat his actions through certain interventions. This model was chosen based on Braithwaite's view that informal coercion would be more beneficial than formal sanctions, so that it is hoped that there will be no more alcohol consumption. However, it should be noted that often in its application, the Community Reparative Board is confused in determining the level of loss in victimless cases, so they also have difficulty determining what kind of reparation is needed and should be given to the perpetrators of the crime. Retributive justice and restitutionary justice are considered unable to prevent and reduce the emergence of crime. In contrast to restorative justice, where the interests of the perpetrator and victim are equally considered. Dean E. Peachey provides an explanation of the differences between the paradigms of retributive, restitutive, and restorative justice, namely:

No 1	Difference Philosophical basis	Restitution Correct errors by replacing or updating	Retribution Achieving justice by providing recompense for the suffering/pain caused	Restorative Forgiveness as a basis for improving interpersonal relationships
2	Method	Victims receive compensation	The perpetrator is given a heavy or appropriate punishment	The perpetrator regrets his actions and promises not to repeat them (by providing compensation if necessary).
3	Focus	Victim	Perpetrator	Victims and perpetrators

Based on the differences in the justice paradigm as mentioned above, it can be seen that restorative justice can be a solution to handling cases of children in conflict with the law. Restorative justice aims to empower victims, perpetrators, families, and communities to correct an unlawful act, by using awareness and realization as a basis for improving community life.

1. Mapping of Regulatory Opportunities that Support Restorative Justice

Although the definition of RJ in the current Indonesian legal framework still contains several notes, namely that its orientation is still interpreted as a settlement or peace, there are still several regulatory frameworks that provide opportunities to support the implementation of RJ as an approach to resolving criminal cases carried out by providing space by involving the parties, both victims, perpetrators, or related parties to carry out the process and objectives of resolving cases that seek recovery.

a. Child Criminal Justice System Law (SPPA)

Indonesia has Law Number 11 of 2012 concerning the Child Criminal Justice System (SPPA) which expressly states in Article 5 that the Child Criminal Justice System must prioritize the restorative justice approach. In this law, restorative justice is defined as the resolution of criminal cases involving the perpetrator, victim, the perpetrator/victim's family, and other related parties to jointly seek a just resolution by emphasizing restoration to the original state, and not retaliation. Restorative justice, according to the law, is an approach that must be prioritized, but this law does not explain further what is meant by the restorative justice approach and how it is operationalized.

b. PERMA Number 2 of 2012 concerning Adjustment of the Limits of Minor Crimes and the Amount of Fines in the Criminal Code.

Supreme Court Regulation (PERMA) Number 2 of 2012 concerning Adjustment of the Limits of Minor Crimes and the Amount of Fines in the Criminal Code aims to change the standards set for minor crimes and the limits of fines in the Criminal Code. This PERMA has many meanings in the context of implementing restorative justice.

1. Adjustment of the Limits of Minor Crimes

PERMA Number 2 of 2012 defines and divides minor crimes into clearer categories and definitions for Indonesian criminal law. These adjustments may affect the implementation of restorative justice and how minor crimes are treated in the legal system.

Supreme Court Regulation (PERMA) Number 2 of 2012 is an important law that focuses on adjusting the Criminal Code (KUHP) standards for minor crimes and the limits of fines. The purpose of this regulation is to update and adjust the definitions and sanctions related to minor crimes to better suit the developments and requirements of the current criminal justice system.

c. Decree of the Director General of the General Courts Number 1691/DJUSK/PS.00/12/2020 concerning the Implementation of Guidelines for the Implementation of Restorative Justice

This Decree was issued by the Director General of the General Courts as a guide for law enforcement officers in implementing restorative justice in the criminal justice system in Indonesia. The main purpose of issuing this Decree is to provide a clear and directed framework for the implementation of restorative justice, especially in cases involving perpetrators with a relatively minor level of culpability or certain cases that can be resolved outside the court through the mediation process. Restorative justice is an approach to resolving criminal cases that emphasizes restoring the relationship between the perpetrator, the victim, and the affected community, rather than focusing on punishment for the perpetrator. The main principle of restorative justice is to reach a mutual agreement that can restore the losses suffered by the victim, as well as provide an opportunity for the perpetrator to correct their mistakes.

d. Circular Letter of the Indonesian National Police Number: SE/8/VII/2018 of 2018 concerning the Implementation of Restorative Justice in the Settlement of Criminal Cases

1) Background of the Issuance of SE/8/VII/2018

This Circular Letter (SE) was issued by the Indonesian National Police in 2018 as an effort to integrate the concept of restorative justice in handling criminal cases. The background of the issuance of this SE is to reduce the backlog of cases in court and to prioritize settlements that focus more on the recovery of victims and the community compared to punishment alone. The main purpose of this SE is to provide guidelines to the police in handling criminal cases that can be resolved through the restorative justice mechanism, this SE also aims to provide legal certainty and improve the quality of law enforcement that is oriented towards social justice.

In the context of this SE, restorative justice is defined as an approach to resolving criminal cases that involves perpetrators, victims, and the community in a dialogue process to achieve a just settlement for all parties. The main principles of restorative justice adopted in this SE are restoration of relationships, compensation to victims, and rehabilitation of perpetrators. This Circular stipulates that not all criminal cases can be resolved through restorative justice

The Implementation Of Restorative Justice Carried Out By The Prosecutor's Office Of The Republic Of Indonesia

The implementation of restorative justice by the Prosecutor's Office of the Republic of Indonesia through the Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice is a significant advancement in the realm of criminal law in Indonesia. This regulation

empowers public prosecutors to use discretion in terminating cases that are deemed appropriate to be resolved through non-formal channels, emphasizing peace and reconciliation between perpetrators, victims, and their families. Restorative justice, as an alternative to the traditional punishment approach, aims to restore relationships, ensure victim recovery, and promote the rehabilitation of perpetrators, especially in minor criminal cases. This Regulation of the Attorney General Number 15 of 2020 also provides guidelines on how the restorative justice process should be implemented, including:

1. Mediation Process

The mediation procedure must be carried out involving the perpetrator, victim, and other related parties. These guidelines ensure that all parties have the opportunity to speak and participate in the resolution process. Mediation procedures play a vital role in engaging perpetrators, victims, and other relevant parties to ensure a comprehensive and inclusive resolution process. By bringing together all stakeholders, such as victims and offenders, mediation can address the emotional and practical consequences of the crime, facilitate apologies, and create healing relationships between the parties. With clear guidelines and criteria, Attorney General Regulation Number 15 of 2020 provides legal certainty in the application of restorative justice. This reduces the risk of uncertainty and subjectivity in legal decisions, ensuring that every case handled through restorative justice follows the same procedures and principles. This consistency is important to build public trust in the legal system and ensure that restorative justice is applied fairly.

Effectiveness of Restorative Justice Implementation in Indonesia in the Restorative Justice Law.

Restorative justice has emerged as an alternative approach that is increasingly gaining recognition in various countries, including Indonesia. This concept offers a more humane approach in handling criminal cases, with a focus on restoring relationships between perpetrators, victims, and the community, as well as reconciliation that aims to restore the damage caused by the crime. Amid efforts to reform the Indonesian criminal law system which tends to be retributive, the regulation of restorative justice in a separate law is an urgent need and cannot be ignored.

In recent decades, there has been a significant shift in criminal law systems around the world from retributive punishment to restorative justice, which emphasizes restoration of relationships and reconciliation. This approach focuses on repairing the damage caused by criminal acts through the active participation of victims, offenders, and the community, in stark contrast to traditional punishment methods that prioritize punishment over

restoration. Research highlights that restorative justice not only facilitates reconciliation but also promotes social reintegration and reduces recidivism rates, thereby encouraging safer communities. Successful implementations, such as in New Zealand, demonstrate the effectiveness of restorative practices in achieving fair justice outcomes. However, challenges remain, including the need for adequate resources and stakeholder collaboration to fully realize the potential of restorative justice systems. Overall, the transition to restorative justice is a more humane and effective alternative to conventional punitive approaches, aligning legal practices with social realities and human rights.

In Indonesia, the application of the concept of restorative justice has been recognized and has begun to be implemented through various regulations, such as Attorney General Regulation Number 15 of 2020, which sets out guidelines for the application of restorative justice in certain cases. However, the application of restorative justice is currently still limited and fragmented in various sectoral regulations that have not been fully integrated into the Indonesian criminal law system.

This situation poses challenges in terms of consistency and legal certainty, as well as the effectiveness of the application of restorative justice in the field. Law enforcement officers, including prosecutors, judges, and police, often face obstacles in understanding and consistently applying the principles of restorative justice, which can ultimately affect the successful implementation of this approach. The implementation of restorative justice in Indonesia faces significant challenges related to legal consistency and effective implementation of its principles by law enforcement officials. Research shows that current practices, especially in the prosecutor's office, often prioritize achieving reconciliation between victims and perpetrators without adequately addressing the legal responsibilities of the parties involved, leading to a lack of legal certainty. Furthermore, differences in regulations between the Police and the Prosecutor's Office create ambiguity, complicating the implementation of restorative justice principles. Furthermore, there is a need for increased understanding and skills among law enforcement agencies to implement restorative justice effectively, as highlighted by the potential role of the Attorney General's Office in fostering a more humane justice system. The Medan District Court's efforts to implement restorative justice also reveal that despite the aim of creating legal certainty, the process remains hampered by administrative complexity. Overall, these findings underscore the need for clearer regulations and better training for law enforcement to ensure the successful implementation of restorative justice principles.

Conclusion

To ensure that the objectives of Restorative Justice implemented in Indonesia through the Restorative Justice Law can be achieved, several strategic steps need to be taken:

1. Intensive Training and Certification of Law Enforcement Officers

Law enforcement officers need a mandatory and ongoing intensive training program that focuses on the concrete application of restorative justice. Participants must be certified to ensure that only those who truly understand and master the principles of restorative justice can handle related cases. Thus, the consistency and quality of implementation in the field will be improved.

2. Measurable Public Education Campaign

A planned and ongoing public education campaign is needed to raise awareness of restorative justice. This campaign must be appropriate for various levels of society, use effective media, and involve trusted community leaders and influencers. The goal is to change the public's view of the retributive approach, so that they can fully accept and support the concept of restorative justice.

3. Data-Based Evaluation and Responsive Policy Adjustment

Data-based methods must be used periodically to evaluate the implementation of the Restorative Justice Act. This method involves collecting and analyzing comprehensive data on the impact of the implementation of this law on various aspects, such as victim satisfaction, the level of perpetrator rehabilitation, and the impact on reducing recidivism. The results of this evaluation indicate that policy weaknesses must be addressed quickly.

4. Development of Inclusive Infrastructure and Support Services

To support the implementation of restorative justice, inclusive infrastructure and services must be developed comprehensively. This includes building easily accessible mediation centers, providing free counseling services for perpetrators and victims, and building a digital monitoring system that shows transparency in the implementation of restorative justice at every stage.

5. Strengthening Collaboration between Institutions and Stakeholders

To ensure the success of restorative justice, law enforcement agencies, government agencies, civil society organizations, and academics must work together more. This collaboration must be formed through clear agreements on roles and responsibilities, as well as adequate budget support to run restorative justice programs.

6. Expanding the Application of Restorative Justice to a Wider Range of Cases

It is important to consider expanding the scope of restorative justice not only to minor cases but also to other crimes, such as economic or environmental crimes, where healing and reconciliation can produce better outcomes than imprisonment..

References

- (2022). Law Enforcement in The Eradication of Narcotics Crimes Against Drug Addicts and Abusers. *Journal of Dinamika Hukum*, doi: 10.20884/1.jdh.2022.22.1.3244
- (2022). Restorative Justice in Youth and Adult Criminal Justice. *Oxford Research Encyclopedia of Criminology and Criminal Justice*, doi: 10.1093/acrefore/9780190264079.013.658
- (2023). Challenges And Obstacles To The Application Of Restorative Justice On The Criminal Justice System In Indonesia. doi: 10.54099/ijlpg.v2i1.203
- (2023). Role and Task of Public Defender of Crime Victim: Focused on sex crimes and child abuse crimes. *Pihajahag yeon'gu*, doi: 10.36220/kjv.2023.31.2.265
- Abdil, Mughis, Mudhoffir., Abdil, Mughis, Mudhoffir., Rafiq, Qurrata, A'yun., Rafiq, Qurrata, A'yun. (2021). Doing business under the framework of disorder: illiberal legalism in Indonesia. *Third World Quarterly*, doi: 10.1080/01436597.2021.1967738
- Abdul, Fattaah., Sutrisno, Sutrisno., Jaka, Susila. (2024). Implementation of Restorative Justice in Surakarta District Court. *Legitimasi: Jurnal Hukum Pidana dan Politik Hukum*, doi: 10.22373/legitimasi.v13i1.23451
- Agbessi, Amouzou., Jennifer, Bryce., Neff, Walker. (2022). Strengthening effectiveness evaluations to improve programs for women, children and adolescents. *Global Health Action*, doi: 10.1080/16549716.2021.2006423
- Ahmad, Syahird., Amir, Ilyas., &, Naswar. (2024). Restorative Justice Approach as Ultimum Remedium of Corruption Crimes. *Deleted Journal*, doi: 10.62271/pjc.16.3.949.962
- Ahmed, Ali, Alnuaimi., Mohammad, Amin, Alkrisheh. (2024). Advancing criminal justice through mediation: analyzing the integration of mediation in Emirati criminal legislation. *Humanities & social sciences communications*, doi: 10.1057/s41599-024-03458-8
- Amanda, Holt. (2022). Book review: A Victim Community: Stigma and the Media Legacy of High-Profile Crime. *International Review of Victimology*, doi: 10.1177/02697580221132569
- Ana, Márcia, Nascimento., Joana, Andrade., Andreia, de, Castro, Rodrigues. (2022). The Psychological Impact of Restorative Justice Practices on Victims of Crimes—a Systematic Review. *Trauma, Violence, & Abuse*, doi: 10.1177/15248380221082085

- Andy, Sasongko. (2023). (2) Roles of Public Prosecutor's Office in Restorative Justice: A Focus on Prosecution Discontinuation Regulations. doi: 10.30656/ajudikasi.v7i2.7377
- Arizon, Mega, Jaya., Aristama, Mega, Jaya. (2024). Criminal Law Settlement Through Restorative Justice in Indonesia in Terms of Justice and Legal Certainty. International Asia of Law and Money Laundering, doi: 10.59712/iaml.v3i2.90
- Athif, Hasan, Al-Banna., Yusuf, Saefudin., Syahrul, Adam., Salleh, Ibrahim., Universitas, Majalengka., Kata, Kunci., Keadilan, Restoratif., Pelanggaran, Ringan., Implementasi, Keadilan, Restoratif., Perbaikan, Sosial., Sektor, Kepolisian. (2024). Restorative justice as an alternative to settlement of misdemeanor crimes: a case study. Journal Presumption of Law, doi: 10.31949/jpl.v6i1.6955
- Azam, Akhmad, Akhsya., Slamet, Tri, Wahyudi. (2023). Implementation of Restorative Justice Policy against Perpetrators of Criminal Negligence that Causes Death. International journal of social science and human research, doi: 10.47191/ijsshr/v6-i11-80
- Cailey, Strauss., Jorden, A., Cummings., Kendall, Deleurme. (2024). (1) "We've Got History Now": Victim and Justice-Involved Youth Experiences During Mediation Sessions. Criminal Justice and Behavior, doi: 10.1177/00938548241237183
- Candra, Wijayanto., Hasuri. (2024). Implementation of principles of restorative justice in criminal procedural legal proceedings. Bengkoelen Justice: Jurnal Ilmu Hukum, doi: 10.33369/jbengkoelenjust.v14i1.33497
- Carl, Tollef, Solberg., Mathias, Barra., Lars, Sandman., Björn, Hoffmann. (2023). Severity as a moral qualifier of malady. BMC Medical Ethics, doi: 10.1186/s12910-023-00903-2
- Carlos, Martínez-Ávila., Stefan, Olander. (2024). Stakeholder participation in the implementation of urban property development projects. Construction Management and Economics, doi: 10.1080/01446193.2024.2361789
- Caroline, Harmon-Darrow. (2024). Mediation for Misdemeanor Assault. Victims & Offenders, doi: 10.1080/15564886.2024.2333303
- Claessen. et al, 2015 dikutip dari Wolthuis. et al, 2019, Dutch Developments : Restorative Justice in Legislation and In Practice, The International Journal of Restorative Justice, April 2019, hlm. 118.
- Cleven. et al., 2016, dikutip dalam Wolthuis. et al, 2019, Op.cit, hlm. 122.
- Daniel, M., Blonigen., Paige, M., Shaffer., Jennifer, S., Smith., Michael, A., Cucciare., Christine, Timko., Christine, Timko., David, A., Smelson., David, A., Smelson., Jessica, Blue-Howells., Sean, Clark., Joel, Rosenthal. (2021). Recidivism Treatment for Justice-Involved

- Danielle, Maude, Littman., Miriam, Valdovinos., Shannon, Sliva. (2023). "He went from being a monster to a person:" Using narrative analysis to explore how victim-offender dialogue (VOD) participants transform through the VOD process. *Qualitative Social Work*, doi: 10.1177/14733250231202050
- Daye, Gang., Maggie, Kirkman., Bebe, Loff. (2023). "Obviously It's for the Victim to Decide": Restorative Justice for Sexual and Family Violence From the Perspective of Second-Wave Anti-Rape Activists.. *Violence Against Women*, doi: 10.1177/10778012231174353
- Desrine, Putri, Niken., Andry, Syafrizal, Tanjung., Yasmirah, Mandasari, Saragih. (2024). The Role of the Indonesian National Police in Implementing Restorative Justice in Cases of Traffic Accidents Resulting in Injuries (A Study in the North Sumatra Regional Police). *International journal of research and review*, doi: 10.52403/ijrr.20240347
- Dominikus, Jawa., Parningotan, Malau., Ciptono, Ciptono. (2024). Tantangan Dalam Penegakan Hukum Tindak Pidana Korupsi Di Indonesia. *Jurnal USM law review*, doi: 10.26623/julr.v7i2.9507
- Doris, Rahmat., Santoso, Budi, Nursal, Umar. (2023). (4) Law Enforcement in Criminal Cases Based on Restorative Justice by the Prosecutor's Office. doi: 10.55927/eajmr.v2i8.5761
- Dwiki, Oktobrian., Rani, Hendriana., Dwi, Hapsari, Retnaningrum. (2023). Pengawasan pelaksanaan kesepakatan mediasi penal dalam penerapan restorative justice pada tahapan penyidikan. *Jurnal Litigasi*, doi: 10.23969/litigasi.v24i1.6208
- Elang, Prasetyo., Taufik, Makarao., Fauziah, Fauziah. (2023). Application of restorative justice to drugs cases of potent drug list g class 2. *Jurnal Hukum Jurisdictie*, doi: 10.34005/jhj.v5i1.107
- Erika, Fountain., Craig, R., Ducat., Allison, E., Lloyd. (2023). (2) Alternatives to Traditional Court Processing. doi: 10.1093/oxfordhb/9780197549513.013.15
- F.A., Souverein., Sanne, Oostermeijer., Diana, Johns., Stuart, Ross., Lieke, van, Domburgh., Arne, Popma., Eva, Mulder. (2023). Small-scale, Community-Embedded Youth Justice Facilities: Lessons from Dutch Reforms and Recommendations for Cross-Jurisdictional Implementation. *The Prison Journal*, doi: 10.1177/00328855231200638
- Faisal, Santiago., Herman, Bakir. (2023). Application Of Restorative Justice System As An Effort To Settle Criminal Acts Of Violence In Household (Case Study At Polresta City Of Surakarta). *Journal Research of Social Science, Economics, and Management*, doi: 10.59141/jrssem.v2i10.459

- Fauziah, Khairani, Lubis. (2023). Implementation of restorative justice, the intent of punishment, and legal clarity in indonesia. *Russian Law Journal*, doi: 10.52783/rlj.v11i3.1275
- Gigih, Juang, Dhita., Lidia, Br., Karo., Herlambang, Herlambang. (2024). Renewal of attorney general regulation number 15 of 2020 concerning termination of prosecution based on restorative justice in corruption cases that prioritize saving state losses. *Bengkoelen Justice: Jurnal Ilmu Hukum*, doi: 10.33369/jbengkoelenjust.v14i1.33736
- Gordon Bazemore dan Mark Umbreit, 2001, A Comparison of Four Restorative Conferencing Models, *Juvenile Justice Bulletin*, hlm. 5.
- Grace, Ndruru., Mardian, Putra, Frans. (2024). (1) Analisis keadilan restoratif kejaksaan ditinjau dari asas kepastian hukum. *Jurnal ilmu hukum the juris/Jurnal Ilmu Hukum The Juris*, doi: 10.56301/juris.v8i1.1230
- Gustavo, Henrique, Holanda, Dias, Kershaw. (2024). (3) Can the Potential of Restorative Justice Ever Be Fully Realised Within the Criminal Justice System?. doi: 10.31219/osf.io/6uky5
- Hafiz, Prasetia, Akbar. (2024). Comparative Study of Restorative Justice Application: Evaluation of the Practise in Indonesia and Scotland. *Jurnal Litbang POLRI*, doi: 10.46976/litbangpolri.v27i1.227
- Hairul, Hadi., Suprpto, Suprpto., Warni, Djuita., Fathur, Rahman, Muhtar. (2024). (4) Mengintegrasikan Pendidikan Multikultural dalam Upaya Resolusi Konflik Etnis. *Jurnal ilmiah profesi pendidikan*, doi: 10.29303/jipp.v9i1.1937
- Hariyanto, Hariyanto., Oksep, Adhayanto. (2023). The Purpose of Crimination Against Perpetrators and Victims in the Perspective of Restorative Justice. *Corruptio*, doi: 10.25041/corruptio.v4i1.2922
- Hendu, Juartono, Purba., Dr., Indra, Yudha, Koswara. (2023). The application of restorative justice in handling domestic violence cases according to the criminal justice system. *Jurnal ilmiah advokasi*, doi: 10.36987/jiad.v11i2.3358
- Indriati, Amarini., Gamalel, Rifqi, Samhudi., Safitri, Mukarromah., Noorfajri, Ismail., Yusuf, Saefudin. (2024). (3) Social Reintegration after the Implementation of Restorative Justice in the Indonesian Criminal Code. *Jurnal Media Hukum*, doi: 10.18196/jmh.v31i1.20655
- Itok, Dwi, Kurniawan., Vincentius, Patria, Setyawan. (2024). Analysis of the Realization of Justice in the Discretion to Terminate Prosecution. *Aurelia*, doi: 10.57235/aurelia.v3i2.2744

- Jacqueline Joudo Larsen, 2014, Restorative Justice in the Australian Criminal Justice System, (Australia : Australian Institute of Criminology), hlm. 5.
- Jacqueline Joudo Larsen, Restorative Justice in the Australian Criminal Justice System, AIC Reports Research and Public Policy Series, hlm. 24.
- Jaka, Prima. (2024). Penerapan Restorative Justice Dalam Sistem Peradilan Pidana Anak. JOSH: Journal of Sharia, doi: 10.55352/josh.v3i01.702
- James, Geller., Angela, Garretsen., Soon, Ae, Chun. (2024). Continuous Evaluation for a Multi-Dimensional Violent Crime Prevention and Recovery Policy. doi: 10.1145/3657054.3659121
- Janine, Wendt., Daniel, A., Scheller., Anna, Banik., Aleksandra, Luszczynska., Sarah, Forberger., Hajo, Zeeb., M., Scheidmeir., Thomas, Kubiak., Nanna, Lien., Biljana, Meshkovska., Karolina, Lobczowska., Piotr, Romaniuk., Agnieszka, Neumann-Podczaska., Katarzyna, Wieczorowska-Tobis., Jürgen, M., Steinacker., Annabel, Sandra, Mueller-Stierlin. (2023). Good practice recommendations on implementation evaluation for policies targeting diet, physical activity, and sedentary behaviour. BMC Public Health, doi: 10.1186/s12889-023-15775-9
- Jennifer, J, Llewellyn., Bruce, P., Archibald., Donald, Clairmont., Diane, Crocker. (2014). Imagining Success for a Restorative Approach to Justice: Implications for Measurement and Evaluation. Social Science Research Network,
- Jennifer, L., Lanterman. (2022). Critical deficiencies in restorative conference facilitator trainings: a multiple-case study. Contemporary Justice Review, doi: 10.1080/10282580.2022.2090349
- Jo-Anne, Wemmers., Isabelle, Parent., Marika, Lachance, Quirion. (2022). Restoring victims' confidence: Victim-centred restorative practices. International Review of Victimology, doi: 10.1177/02697580221128830
- Karla, Sapp. (2024). Restorative Justice: Healing Communities. doi: 10.1007/978-3-031-50678-9_5
- Kefelegn, Tesfaye, Abate. (2024). (5) The quest for sustainable peace building in Guji-Burji protracted inter-ethnic conflict. Cogent Social Sciences, doi: 10.1080/23311886.2024.2327136
- Kuntadi. (2023). Restorative justice house as a vehicle of national culture actualization in criminal cases settlement. Russian Law Journal, doi: 10.52783/rlj.v11i12s.2113
- Laura, Schmidt. (2021). Helyénvaló-e a helyreállító igazságszolgáltatás alkalmazása a szexuális jellegű bűncselekmények esetében?. doi: 10.38146/BSZ.2021.7.2

- Lode, Walgrave., Ivo, Aertsen. (1996). Reintegrative shaming and restorative justice. *European Journal on Criminal Policy and Research*, doi: 10.1007/BF02736714
- Lynda, Rey., Alexandre, Fortin. (2023). Participatory evaluation, deliberation and democracy. doi: 10.4337/9781800884892.00017
- Maidin, Gultom., Henny, Flora. (2022). Application of Restorative Justice in the Crime of Theft. *International journal of humanities & social studies*, doi: 10.24940/theijhss/2022/v10/i12/hs2212-012
- Marta, Lamanuzzi. (2023). Restorative justice in cases of gender-based violence against women: perspectives on shame, symbolic interactionism and agency. *The international journal of restorative justice*, doi: 10.5553/tijrj.000157
- Masahiro, Suzuki., William, R., Wood. (2018). Is restorative justice conferencing appropriate for youth offenders. *Criminology & Criminal Justice*, doi: 10.1177/1748895817722188
- Miriam, Northcutt, Bohmert., Grant, Duwe., Natalie, Kroovand, Hipple. (2018). Evaluating Restorative Justice Circles of Support and Accountability Can Social Support Overcome Structural Barriers. *International Journal of Offender Therapy and Comparative Criminology*, doi: 10.1177/0306624X16652627
- Muhammad, Al, Husaini. (2024). (3) The Role of the Prosecutor's Office of the Republic of Indonesia in Optimizing Restorative Justice Policy in Indonesia. *KnE Social Sciences*, doi: 10.18502/kss.v9i18.16330
- Muhammad, Ihsan., Maroni, Maroni., Ruben, Achmad. (2022). Restorative Justice for Users of Narcotics Through Implementation of Depenalization. *Fiat Justisia*, doi: 10.25041/fiatjustisia.v16no2.2649
- Muhammad, Iqbal., Muksalmina, Muksalmina., Anhar, Nasution., Jummaidi, Saputra., Wiratmadinata, Wiratmadinata. (2023). Application of restorative justice in traffic accidents cases. doi: 10.29103/micolls.v3i-.344
- Nanda, Thalia, Prayogi., Edi, Setiadi. (2024). Restorative Justice dalam Tindak Pidana Penipuan pada Kasus Investasi Bodong Dihubungkan dengan Peraturan Polri Nomor 8 Tahun 2021 Tentang Tindak Pidana Berdasarkan Keadilan Restoratif. *Bandung Conference Series Law Studies*, doi: 10.29313/bcsls.v4i1.9756
- Nayah, Ahidjo. (2024). The Efficacy of Restorative Justice Programs in Reducing Recidivism Rates. *International journal of humanities and social science*, doi: 10.47941/ijhss.1882
- Noenik, Soekorini., Hartoyo, .. (2022). (4) Restorative Justice in the Application of Criminal Law. *KnE Social Sciences*, doi: 10.18502/kss.v7i15.12135.