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Reforming Legal Policy on the Out-of-Court Resolution of Criminal Cases through a Justice-Based Approach

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ABSTRACT

This article examines the reform of legal policies governing the out-of-court resolution of criminal cases in Indonesia from the perspectives of restorative justice and Islamic law. It assesses the extent to which existing policies embody substantive justice and proposes future directions for legal reform. Using normative legal research with statutory, conceptual, and selected comparative approaches, the study analyzes regulations governing the police, prosecution service, judiciary, and national criminal law codification, and evaluates their relationship with restorative justice, maqāṣid al-sharīʿah, and ṣulḥ. Comparative analysis is conducted through selected legal models in Japan, the Netherlands and France. The study finds that although restorative justice has been formally institutionalized, its implementation remains fragmented due to regulatory inconsistencies, limited interinstitutional coordination, and the persistence of a retributive legal culture. Consequently, restorative justice has not yet functioned effectively as an integrated mechanism for victim recovery, offender accountability, and social reconciliation. Comparative findings indicate that effective out-of-court criminal case resolution requires harmonized legal standards, coordinated institutional authority, and enforceable mechanisms for victim protection. The enactment of Indonesia's new Criminal Code and Criminal Procedure Code provides an important foundation for strengthening restorative justice through clearer coordination, supervision, and accountability mechanisms. These developments are also consistent with the Islamic legal principles of ṣulḥ (reconciliation), proportionality, and maṣlaḥah (public welfare), thereby reinforcing the normative legitimacy of restorative justice reform within Indonesia's criminal justice system.

1. Introduction

Criminal law serves to regulate social conduct through coercive sanctions, including imprisonment, fines, and other corrective measures. The Indonesian criminal law system historically derives from the *Wetboek van Strafrecht (WvS)*, a Dutch colonial legacy that was later incorporated into the national Criminal Code. For a long period, this system was shaped by a retributive paradigm, in which punishment was primarily understood as state-imposed retribution administered through formal judicial proceedings.[1]

However, a strictly retributive and formalistic approach is increasingly considered insufficient to reflect substantive justice, particularly in cases involving social inequality and minor harm. The case of "Nenek Minah" in Banyumas in 2009 illustrates this concern, as the criminal process was pursued despite the minimal value of the loss involved.[2] Such cases show that excessive formalism in criminal punishment may neglect humanity, proportionality, and social context. Accordingly, criminal law reform requires a shift toward a more corrective, restorative, and rehabilitative paradigm that is consistent with social justice, human dignity, and the philosophical values of Pancasila.[3]

In contemporary criminal law discourse, there is growing recognition that not all criminal cases should be resolved exclusively through formal judicial mechanisms.[4] Many legal systems have developed more flexible approaches by allowing certain criminal cases to be resolved outside the courts.[5] This development rests on the understanding that crime is not merely a violation against the state, but also a social conflict that causes harm to victims, offenders, and the wider community.[6]

The out-of-court resolution of criminal cases has developed through the concept of restorative justice. According to John Braithwaite, restorative justice constitutes an alternative approach to legal dispute resolution rooted in traditional concepts of justice. Its primary focus is the repair of harm caused by crime through the involvement of victims, offenders, and the community in a dialogical process aimed at reconciliation, healing, and

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[1] Nanang Nurcahyo et al., "Reform of the Criminal Law System in Indonesia Which Prioritizes Substantive Justice," *Journal of Law, Environmental and Justice* 2, no. 1 (2024): 89–108, https://doi.org/10.62264/jlej.v2i1.91.

[2] Andi Yaprizal, Ebith Theopilus, dan Mutia Evi Kristhy, "The Matter of Grandma Minah in the Perspective of Positivism," *Journal of Political and Legal Sovereignty* 1, no. 4 (2024): 142–47, https://doi.org/10.38142/jpls.v1i4.142.

[3] Vincentius Patria dan Itok Dwi Kurniawan, "Correlation and implementation of philosophy of pancasila in indonesian criminal system," *Jurnal Global Citizen: Jurnal Ilmiah Kajian Pendidikan Kewarganegaraan* 11, no. 2 (2022): 75–81, https://doi.org/10.33061/jgz.v11i2.7676.

[4] Lisma Lisma, "Kebijakan Diversi Dalam Penyelesaian Tindak Pidana Pencurian Ringan," *Al-Adalah: Jurnal Hukum dan Politik Islam* 6, no. 1 (2021): 74–87, https://doi.org/10.35673/ajmpi.v6i1.1330.

[5] Suci Dini Lubis dan Syaddan Dintara Lubis, "Regulations on Diversion in the Settlement of Children in Conflict with the Law: A Comparative Analysis of Positive Law and Islamic Criminal Law," *Al adalah: Jurnal Hukum dan Politik Islam* 9, no. 2 (2024): 208–23, https://doi.org/https://doi.org/10.30863/ajmpi.v9i2.7021.

[6] Syauqi Askolani, "Restorative Justice: A Modern Approach to Criminal Law and Conflict Resolution," *LAWYER: Jurnal Hukum* 2, no. 2 (2024): 62–69, https://doi.org/10.58738/lawyer.v2i2.653.

the restoration of just social relationships.[7] This approach also reflects the view that criminal conflict should not be entirely monopolized by the state, since victims and society possess legitimate interests in participating in the resolution of criminal cases.[8]

From the perspective of Islamic law, criminal case resolution is not directed solely toward the punishment of offenders, but also toward the realization of public welfare, restoration, and social harmony.[9] Restorative justice is therefore normatively relevant to Islamic criminal law, which emphasizes balance among justice, public benefit, and social peace.[10] The values of restorative justice are consistent with *maqāṣid al-sharīʿah*, particularly the protection of life, dignity and honor, property, social order, and public welfare.[11] They are also aligned with the principle of *ṣulḥ*, which promotes peaceful dispute settlement through reconciliation, deliberation, forgiveness, and the restoration of social relationships. Within *fiqh jināyah*, criminal accountability is not merely punitive, but also concerns victim recovery, the offender's moral responsibility, and the realization of social peace. Accordingly, out-of-court criminal case settlement may possess normative legitimacy within Islamic law, provided that it is conducted fairly, does not contradict sharia principles, and advances substantive justice for all parties involved.

In Indonesia, the legal framework for restorative justice has been recognized through several sectoral regulations, including Regulation of the Indonesian National Police No. 8 of 2021 on the Handling of Crimes Based on Restorative Justice, Regulation of the Attorney General's Office No. 15 of 2020 on the Termination of Prosecution Based on Restorative Justice, and Regulation of the Supreme Court No. 1 of 2024 on Guidelines for Adjudicating Criminal Cases Based on Restorative Justice. These instruments demonstrate the formal institutionalization of restorative justice within different stages of the criminal justice process.[12] Nevertheless, their sectoral character has produced fragmented standards, uneven

[7] John Braithwaite, "Restorative Justice and Reintegrative Shaming," in *Criminal Justice Theory* (Routledge, 2020), 281–308, https://doi.org/10.4324/9781003016762-12.

[8] Steve Kirkwood, "A practice framework for restorative justice," *Aggression and Violent Behavior* 63 (2022): 101688, https://doi.org/10.1016/j.avb.2021.101688.

[9] Tomi Adi, Syahputra Nasution, dan Zulpahmi Lubis, "Between Reconciliation and Justice : Reactualizing As-Sulḥ in Resolving Juvenile Violence within Indonesia ' s Legal Pluralism," *Al adalah: Jurnal Hukum dan Politik Islam* 11, no. 2 (2026): 281–99, https://doi.org/https://doi.org/10.30863/ajmpi.v11i2.11560.

[10] Andrew Fallon, "Restoration as the Spirit of Islamic Justice," *Contemporary Justice Review* 23, no. 4 (2020): 430–43, https://doi.org/10.1080/10282580.2019.1700370.

[11] Toha Andiko, Zurifah Nurdin, dan Efrinaldi, "Implementation of Restorative Justice in a Customary Court in Rejang Lebong District, Bengkulu, Indonesia: A Maqāṣid Al-Sharī'ah Review," *Juris: Jurnal Hukum dan Ekonomi Islam* 23, no. 1 (2024): 93–106, https://doi.org/10.31958/juris.v23i1.12008.

[12] Rina Izharti, Elly Magdalena, dan Rika Hidayati Ramadhani, "The Urgency of Codifying and Unifying Restorative Justice Regulations in Criminal Procedure Code Reform," *Trunojoyo Law Review* 7, no. 2 (2025): 223–52, https://doi.org/10.21107/tlr.v7i2.30601.

implementation, and limited interinstitutional coordination among law enforcement institutions.[13]

The enactment of the new Indonesian Criminal Code and the new Indonesian Criminal Procedure Code provides an important legal foundation for strengthening restorative justice within the national criminal justice system. However, codification alone does not automatically resolve the practical problems of coordination, supervision, case selection, victim protection, and accountability. The main challenge therefore lies not merely in the absence of legal recognition, but in the need to harmonize sectoral regulations and ensure that restorative justice operates as an integrated mechanism within the national criminal law system.[14]

The lack of operational integration among the police, prosecution service, and judiciary may create legal uncertainty in determining which cases are eligible for out-of-court settlement and how such settlements should be supervised. Without clear standards and enforceable safeguards, restorative justice risks being reduced to a procedural settlement mechanism rather than a substantive process aimed at victim restoration, offender accountability, and social reconciliation.[15] This condition demonstrates the need for criminal law policy reform that places restorative justice within a coherent, accountable, and justice-oriented legal framework.

Previous studies have examined various aspects of out-of-court criminal case settlement. Teguh Hariyono, in "Mediasi Penal sebagai Alternatif Upaya Penyelesaian Perkara Pidana di Luar Pengadilan," discusses penal mediation as an alternative mechanism for resolving criminal cases outside the courts, focusing primarily on its implementation and legal basis in Indonesia.[16] Teguh Eko Putra, in "Analisis Penyelesaian Perkara Pidana Melalui Alternative Dispute Resolution terhadap Kasus Penipuan dan atau Penggelapan pada Tingkat Penyidikan," analyzes the use of Alternative Dispute Resolution at the investigation stage through investigators' discretion following amicable settlements between victims and offenders.[17] Although these studies provide important insights into practical

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[13] Totok Yanuarto et al., "Pengintegrasian Mediasi Penal sebagai Penyelesaian Perkara Pidana Ditinjau dari Perspektif Pembaharuan Hukum di Indonesia," *Jurnal Rechtens* 13, no. 1 (2024): 149–65, https://doi.org/10.56013/rechtens.v13i1.2845.

[14] I Amarini et al., "Social Reintegration after the Implementation of Restorative Justice in the Indonesian Criminal Code," *Jurnal Media Hukum* 31, no. 1 (2024): 115–33, https://doi.org/10.18196/jmh.v31i1.20655.

[15] Ian D Marder, "Mapping restorative justice and restorative practices in criminal justice in the Republic of Ireland," *International Journal of Law, Crime and Justice* 70 (2022): 100544, https://doi.org/10.1016/j.ijlcj.2022.100544.

[16] Teguh Hariyono, "Mediasi Penal sebagai Alternatif Upaya Penyelesaian Perkara Pidana di Luar Pengadilan," *Jurnal Penegakan Hukum dan Keadilan* 2, no. 1 (2021): 1–18, https://doi.org/10.18196/jphk.v2i1.8731.

[17] Teguh Eko Putra, "Analisis Penyelesaian Perkara Pidana Melalui Alternative Dispute Resolution Terhadap Kasus Penipuan Dan Atau Penggelapan Pada Tingkat Penyidikan," *Jurnal Hukum Media Justitia Nusantara* 12, no. 1 (2022): 1–25, https://doi.org/10.30999/mjn.v12i1.2057.

mechanisms of out-of-court settlement, they do not comprehensively examine the broader framework of criminal law policy reform governing such mechanisms within the national legal system.

Other studies have addressed restorative justice and penal mediation from reformist and comparative perspectives. Totok Yanuarto et al., in "Pengintegrasian Mediasi Penal Sebagai Penyelesaian Perkara Pidana Ditinjau Dari Perspektif Pembaharuan Hukum Di Indonesia," examine the integration of penal mediation into the Indonesian criminal justice system as part of legal reform.[18] However, their analysis remains limited to penal mediation as a specific mechanism and does not address the broader reconstruction of criminal law policy on out-of-court criminal case settlement. Meanwhile, Ian D. Mader's "Mapping Restorative Justice and Restorative Practices in Criminal Justice in the Republic of Ireland" highlights institutional challenges in restorative justice implementation,[19] while Giuseppe Maglione's "Imaging Victims, Offenders and Communities" focuses on the sociological and conceptual representation of restorative justice stakeholders.[20] Although these international studies enrich the theoretical and comparative understanding of restorative justice, they do not specifically formulate a policy reconstruction model for Indonesia's out-of-court criminal case settlement within the framework of national criminal law reform and Islamic legal principles.

Based on this literature review, existing research remains fragmented and has not sufficiently integrated out-of-court criminal case settlement into a comprehensive criminal law policy framework. A research gap therefore exists concerning how restorative justice should be reformulated within Indonesia's criminal law system to ensure substantive justice, institutional coordination, victim protection, and normative legitimacy from the perspective of Islamic law. This article addresses that gap by analyzing whether current policies on out-of-court criminal case settlement reflect the principle of justice and by formulating future directions for legal reform. In particular, this study emphasizes the balance between social defence and social welfare within the framework of national criminal law reform. Accordingly, this article addresses two research questions: first, to what extent do current policies on out-of-court criminal case settlement in Indonesia reflect the principle of justice; and second, how should such policies be reformulated to ensure justice in the future?

[18] Yanuarto et al., "Pengintegrasian Mediasi Penal sebagai Penyelesaian Perkara Pidana Ditinjau dari Perspektif Pembaharuan Hukum di Indonesia."

[19] Marder, "Mapping restorative justice and restorative practices in criminal justice in the Republic of Ireland."

[20] Giuseppe Maglione, "Imaging victims, offenders and communities. An investigation into the representations of the crime stakeholders within restorative justice and their cultural context," *International Journal of Law, Crime and Justice* 50 (2017): 22–33, https://doi.org/10.1016/J.IJLCJ.2017.02.004.

2. Legal Materials and Methods

This study employs normative legal research because its primary object of analysis consists of legal norms governing the out-of-court resolution of criminal cases. The research relies on legal materials obtained through library research. Primary legal materials include statutory regulations and institutional regulations relevant to restorative justice and criminal case settlement. Secondary legal materials consist of books, journal articles, and comparative legal studies, while tertiary legal materials are used to clarify legal concepts and terminology.[21]

This study applies three approaches: the statutory approach, the conceptual approach, and the selected comparative approach. The statutory approach is used to examine the normative position of restorative justice and out-of-court settlement mechanisms within the new Indonesian Criminal Code (KUHP), the new Indonesian Criminal Procedure Code (KUHAP), Regulation of the Indonesian National Police No. 8 of 2021, Regulation of the Attorney General's Office No. 15 of 2020, and Regulation of the Supreme Court No. 1 of 2024. The conceptual approach is used to interpret restorative justice, penal mediation, prosecutorial discretion, *maqāṣid al-sharīʿah, ṣulḥ,* and *fiqh jināyah* as analytical concepts for assessing justice-oriented legal reform. Meanwhile, the selected comparative approach is employed to examine legal models in Japan, the Netherlands, and France, as these jurisdictions provide distinct mechanisms for resolving criminal cases outside formal court proceedings, including termination of prosecution, prosecutor-led settlement transactions, and penal mediation.

The legal materials are analyzed descriptively and analytically. First, the study identifies the existing legal framework and its institutional implications. Second, the framework is evaluated through the dimensions of legal substance, legal structure, and legal culture. Third, selected foreign legal models are compared to identify elements that may be adapted to the Indonesian legal context. Finally, the study formulates directions for legal reform that are consistent with the development of Indonesian criminal law, restorative justice principles, and Islamic legal principles, particularly reconciliation, proportionality, and public welfare *(maṣlaḥah)*.

3. Results and Discussion

3.1. The Policy Framework for Out-of-Court Criminal Case Resolution in Indonesia

The development of policies concerning the out-of-court resolution of criminal cases in Indonesia reflects a shift in the orientation of the criminal justice system, from an approach that primarily emphasizes formal proceedings and punishment toward one that gives greater

[21] Sidi Ahyar Wiraguna, "Metode Normatif dan Empiris dalam Penelitian Hukum: Studi Eksploratif di Indonesia," *Public Sphere: Jurnal Sosial Politik, Pemerintahan dan Hukum* 3, no. 3 (2024): 57–65, https://doi.org/10.59818/jps.v3i3.1390.

attention to restoration, reconciliation, and the repair of social relationships.[22] This shift cannot be separated from criticism of the conventional criminal justice system, which is often regarded as overly legalistic and formalistic, and insufficiently capable of accommodating the interests of victims, offenders, and the wider community.[23] In this context, restorative justice has developed as an alternative framework that understands crime not merely as a violation against the state, but also as a social conflict that causes concrete harm to victims and society.[24]

Normatively, policies on the out-of-court resolution of criminal cases in Indonesia have been accommodated through several institutional regulations.[25] At the investigation stage, restorative justice is regulated under Regulation of the Indonesian National Police Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice. At the prosecution stage, it is regulated under Regulation of the Attorney General's Office of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice. Meanwhile, at the adjudication stage, restorative justice is regulated under Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2024 concerning Guidelines for Adjudicating Criminal Cases Based on Restorative Justice. The existence of these three regulations indicates that restorative justice has obtained formal recognition at various stages of Indonesia's criminal justice system.

In addition to sectoral regulations, the enactment of the new Indonesian Criminal Code and the new Indonesian Criminal Procedure Code also provides an important foundation for strengthening the orientation of national criminal law reform. These codifications indicate that Indonesia's criminal law system is moving toward a model that is more responsive to the demands of substantive justice. However, normative recognition in various legal instruments does not automatically ensure the establishment of an integrated, consistent, and justice-oriented mechanism for resolving criminal cases outside the court system. The main issue lies in how these various regulations can be harmonized within a clear, coordinated, and uniformly applicable policy framework for all law enforcement institutions.

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[22] Cecilia Rudolf Valentino, "Restorative Justice as an Alternative in the Indonesian Criminal Justice System," *Journal of Progressive Law and Legal Studies* 3, no. 03 (2025): 348–61, https://doi.org/10.59653/jplls.v3i03.1864.

[23] O T Cao dan T V Vu, "Proposing Restorative Justice Models As Alternative Approaches To Addressing Criminal Matters: A Case Study Of Judicial Systems In Civil And Common Law Countries," *Access to Justice in Eastern Europe* 7, no. 4 (2024): 93–119, https://doi.org/10.33327/AJEE-18-7.4-a000108; Suud Sarim Karimullah, "From Punishment to Healing: The Transformative Power of Restorative Justice," *SASI* 29, no. 4 (2023): 678–90, https://doi.org/10.47268/sasi.v29i4.1688.

[24] E Symeonidou-Kastanidou, "Restorative justice as an alternative to penal sanctions," in *The Oxford Handbook of Criminal Process*, 2019, 911–34, https://doi.org/10.1093/oxfordhb/9780190659837.013.46.

[25] Zulfikar Zubedi dan Achmad Aji Prasetyo, "The Evolution of Restorative Justice in the National Criminal Justice System," *Estudiante Law Journal* 7, no. 2 (2025): 545–61, https://doi.org/10.33756/eslaj.v7i2.31632.

At the police level, restorative justice is implemented through the discretionary authority of investigators. Article 16 and Article 18 of Law Number 2 of 2002 concerning the Indonesian National Police provide a legal basis for the exercise of police authority and discretion in carrying out police functions in the public interest. In this framework, Regulation of the Indonesian National Police Number 8 of 2021 permits the termination of an inquiry or investigation when a restorative settlement has been reached and both material and formal requirements have been fulfilled. These requirements include reconciliation between the offender and the victim, restoration of the victim's rights, and the absence of public objection. However, this regulation also limits the application of restorative justice to certain categories of cases and excludes several criminal offences, such as terrorism, corruption, crimes against state security, and crimes against life.

Although the police regulation provides a formal basis for resolving cases through a restorative approach at the investigation stage, its implementation still faces several limitations. First, the criteria for cases eligible for restorative justice remain selective and have not been fully integrated with the standards applied at the prosecution and adjudication stages. Second, the broad discretionary authority granted to investigators has not been adequately balanced by an interinstitutional coordination mechanism.[26] As a result, the restorative resolution of a case at the police level does not always guarantee that the case will not proceed to prosecution or trial. This condition may weaken legal certainty for victims, offenders, and society.[27]

At the prosecution level, restorative justice is recognized under Regulation of the Attorney General's Office of the Republic of Indonesia Number 15 of 2020. This regulation grants public prosecutors the authority to terminate prosecution based on restorative justice by relying on the principle of *dominus litis*.[28] In general, its application is limited to first-time offenders, criminal offences punishable by imprisonment of not more than five years, and cases involving a certain value of loss. In addition, the offender is required to restore the victim's loss through the return of property, compensation, restitution, or other forms of reparation, accompanied by reconciliation between the victim and the offender.[29]

Compared with the regulation at the investigation stage, the prosecutorial regulation demonstrates a stronger orientation toward victim restoration and procedural accountability.

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[26] Satriadi, "Restorative Justice the Limitations of Authority of Police and Prosecutors in the Criminal Justice System," *Al-Bayyinah* 6, no. 1 (2022): 11–21, https://doi.org/10.35673/al-bayyinah.v6i1.2594.

[27] Yufiyandini Adiningsih dan Gialdah Tapiansari Batubara, "The Paradox of Implementing Restorative Justice at the Investigation Stage: A Systematic Weakening of Sentence Enhancement for Repeat Offenders," *SIGn Jurnal Hukum* 7, no. 2 (2025): 627–46, https://doi.org/10.37276/sjh.v7i2.496.

[28] Bintang Sekar Ayu dan Kayus Kayowuan Lewoleba, "Reframing Prosecutorial Legitimacy: Embracing Restorative Justice in Criminal Case Discontinuation," *DiH: Jurnal Ilmu Hukum* 20, no. 2 (2024): 91–103, https://doi.org/10.30996/dih.v20i2.10803.

[29] Andy Sasongko, "Roles of Public Prosecutor's Office in Restorative Justice: A Focus on Prosecution Discontinuation Regulations," *Ajudikasi : Jurnal Ilmu Hukum* 7, no. 2 (2023): 175–90, https://doi.org/10.30656/ajudikasi.v7i2.7377.

Nevertheless, differences in thresholds, requirements, and procedures between the police and prosecutorial regulations still indicate the absence of uniform standards in the application of restorative justice. A case considered eligible for restorative settlement at the investigation stage may not necessarily receive the same treatment at the prosecution stage. Conversely, a case that is not resolved restoratively at the investigation stage may still obtain restorative settlement at the prosecution stage. These differences create legal uncertainty and may weaken the principle of equality before the law.[30]

At the judicial level, Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2024 provides guidelines for judges in adjudicating criminal cases based on restorative justice principles. Unlike the police and prosecutorial regulations, which focus on the termination of inquiries, investigations, or prosecutions, the regulation at the judicial level places restorative justice as an approach to be considered in the examination and sentencing process. This regulation allows judges to consider reconciliation, restoration of loss, the offender's remorse, and the victim's acceptance as relevant factors in rendering a judgment.

However, restorative justice at the judicial stage has not yet fully functioned as an independent alternative to formal punishment. This can be seen from the provision that the application of restorative justice does not necessarily eliminate criminal liability.[31] Thus, within the adjudication framework, restorative justice tends to function as a mitigating or complementary consideration in sentencing rather than as a mechanism that fully replaces punishment.[32] This condition indicates that the retributive paradigm continues to exert a strong influence on Indonesia's criminal justice system, even though restorative justice has been normatively recognized.

The existence of these various institutional regulations reflects an important development in the institutionalization of restorative justice in Indonesia. At the same time, however, it also reveals significant regulatory fragmentation. The police, prosecution service, and courts apply different standards, requirements, limitations, and legal consequences in implementing restorative justice.[33] This fragmentation has prevented the

[30] Eka Rahma Nur, Zainuddin Hasan, dan Hidayat Muhammad Dahri, "Restorative Justice in Settling Criminal Case: A Normative-Empirical Study of the Law," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 8, no. 2 (2025): 539–52, https://doi.org/10.24090/volksgeist.v8i2.13017.

[31] Nanda Novia Putri dan Muhammad Erwin Hasbaj, "Legal Policy On The Implementation Of Restorative Justice Principle In The Criminal Justice System Pursuant To Supreme Court Regulation Number 1 Of 2024," *Jurnal Rechten: Riset Hukum dan Hak Asasi Manusia* 6, no. 1 (2024): 1–17, https://doi.org/10.52005/rechten.v6i1.143.

[32] H K R B S Suryoningrat dan Muhammad Rustamaji, "Reconstruction of the Concept of Restorative Justice of the Criminal Justice System in Indonesia," *Indonesian Journal of Social Research* 1, no. 4 (2023): 286–98, https://doi.org/10.59890/ijsr.v1i4.768.

[33] Andika Sikumbang dan Rahayu Sara, "Harmonization of Restorative Justice Regulations within the Indonesian Criminal Justice System," *Greenation International Journal of Law and Social Sciences* 3, no. 2 (2025): 318–28, https://doi.org/10.38035/gijlss.v3i2.426.

out-of-court resolution of criminal cases from operating as an integrated system. Consequently, the effectiveness of restorative justice depends heavily on the interpretation and discretion of each institution, rather than on uniform and binding national standards.

This issue can be analyzed through Lawrence M. Friedman's theory of the legal system, which explains that the operation of law is determined by three main elements: legal substance, legal structure, and legal culture.[34] From the perspective of legal substance, the main problem lies in the absence of uniform criteria for the application of restorative justice. Differences concerning the types of criminal offences eligible for restorative settlement, the value of loss, the status of the offender, reconciliation requirements, and the legal consequences of restorative agreements indicate normative disharmony.[35] Such disharmony may lead to different treatment of cases with similar characteristics.

From the perspective of legal structure, the main problem lies in the absence of a binding coordination mechanism among the police, the prosecution service, and the courts. Each institution operates on the basis of its own internal regulation, while there is no interinstitutional guideline that clearly governs the continuity of case handling when a restorative process has been initiated or has resulted in an agreement. As a result, a settlement reached at one stage is not necessarily recognized or continued consistently at the next stage. [36]This condition makes restorative justice vulnerable to procedural discontinuity and weakens legal certainty. The problem is reflected in the case of Tegar Wicaksana in Yogyakarta in 2025, where a proposal for restorative justice was rejected at the police investigation stage but subsequently accepted and facilitated by the prosecution service.[37] This inconsistency demonstrates how different institutions may apply restorative justice standards differently in the absence of an integrated case-handling framework, creating uncertainty for victims, offenders, and the broader community seeking resolution through restorative mechanisms.

From the perspective of legal culture, the greatest obstacle lies in the continued dominance of retributive and formalistic ways of thinking among law enforcement officials and society.[38] Justice is still frequently understood as synonymous with prosecution, trial, and punishment. In such a situation, restorative justice is often perceived as an informal

[34] Henny Flora, "The Orientation and Implications of New Criminal Code: An Analysis of Lawrence Friedman's Legal System," *Jurnal IUS: Kajian Hukum dan Keadilan* 11, no. 1 (2023): 113–25, https://doi.org/10.29303/ius.v11i1.1169.

[35] Anak Agung Ngurah Anom Wibisana et al., "Legal Reform on the Concept of Restorative Justice in the Criminal Justice System," *Jurnal Pembaharuan Hukum* 11, no. 2 (2024): 264–76, https://doi.org/10.26532/jph.v11i2.32082.

[36] Izharti, Magdalena, dan Ramadhani, "The Urgency of Codifying and Unifying Restorative Justice Regulations in Criminal Procedure Code Reform."

[37] Ahmad Kiflan Lakik, "Cerita Tegar, Restorative Justice Ditolak Kepolisian Dikabulkan Kejaksaan," *RMOL.id*, 2025.

[38] Umi Rozah Aditya, *Filsafat Pemidanaan Dalam Sistem Pemidanaan KUHP 2023 (Aplikasi Dalam Kebijakan Hukum Pidana)* (Semarang: Yoga Pratama, 2023).

compromise, a form of leniency, or even a deviation from the criminal process, rather than as a legitimate and structured accountability mechanism. This cultural barrier demonstrates that legal reform cannot be achieved solely through the enactment of regulations, but must also be accompanied by changes in institutional orientation, professional ethics, and public understanding of the meaning of justice.

From the perspective of Islamic law, such retributive cultural barriers may be addressed through the strengthening of the concepts of *ṣulḥ, maqāṣid al-sharīʿah* and *fiqh jināyah*. Islamic law does not view criminal case resolution merely as a means of punishment, but also as an instrument for restoring social relationships, protecting victims, reforming offenders, and realizing public welfare.[39] The principle of *ṣulḥ* emphasizes the importance of peaceful dispute resolution through deliberation, reconciliation, forgiveness, and restoration. This principle is substantially compatible with restorative justice, provided that it does not eliminate the offender's accountability and does not disregard the rights of victims.

Maqāṣid al-sharīʿah also provides a normative basis for the out-of-court resolution of criminal cases, particularly through the protection of life ((*ḥifẓ al-nafs*), property (*ḥifẓ al-māl*), dignity (*ḥifẓ al-ʿird*), social order, and public welfare.[40] In *fiqh jināyah*, criminal accountability is not directed solely toward retribution, but also toward prevention, education, offender reform, and victim restoration. In cases involving individual rights, the space for forgiveness, reconciliation, and compensation indicates that Islamic law recognizes mechanisms of dispute resolution that are not purely repressive. Therefore, the out-of-court resolution of criminal cases has normative legitimacy under Islamic law when it is carried out fairly, proportionally, transparently, and genuinely oriented toward victim restoration and social welfare.

Based on the foregoing analysis, the policy framework for the out-of-court resolution of criminal cases in Indonesia has, in principle, shown progress through the formal recognition of restorative justice in various regulations. However, this policy has not yet fully reflected substantive justice because it continues to face normative fragmentation, institutional inconsistency, weak interinstitutional coordination, and the dominance of a retributive legal culture. Therefore, criminal law policy reform should be directed toward the establishment of a more integrated, consistent, accountable, and restorative-oriented framework. In this context, restorative justice should not be understood merely as a mechanism for terminating cases, but as a model of criminal case resolution that balances social protection, victim restoration, offender accountability, and social reconciliation.

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[39] Ali Sodiqin, "Legal, Moral, and Spiritual Dialectics in the Islamic Restorative Justice System," *Ahkam: Jurnal Ilmu Syariah* 21, no. 2 (2021): 357–78, https://doi.org/10.15408/ajis.v21i2.22675.

[40] M A Najib dan H A M Ezbeyda, "Restorative Justice in the Indonesian Legal System: Perspective of Maqāṣid al-Sharī'ah," *Ma'mal: Jurnal Laboratorium Syariah dan Hukum* 6, no. 4 (2025): 433–54, https://doi.org/10.15642/mal.v5i4.434.

3.2 Future Reform of Out-of-Court Criminal Case Settlement Policy in Indonesia Based on Justice

The future direction of reform for out-of-court criminal case settlement in Indonesia should focus on addressing the persistent weaknesses within the current legal system. From the perspective of legal substance, the primary issue lies in regulatory fragmentation and the absence of uniform standards for the implementation of restorative justice across law enforcement institutions. From the structural aspect of the legal system, inter-agency coordination remains weak and frequently leads to inconsistencies in case handling. Meanwhile, from the perspective of legal culture, retributive paradigms continue to dominate, resulting in restorative justice not yet being fully understood as a mechanism oriented toward victim recovery, offender accountability, and social reconciliation. Therefore, legal reform should be directed toward regulatory harmonization, strengthening institutional coordination, and transforming legal culture toward a more restorative approach that reflects substantive justice.

From a comparative law perspective, the experience of several countries demonstrates that the effectiveness of out-of-court criminal case resolution is largely determined by the level of institutional integration and the clarity of its legal consequences. In Japan, the mechanism of *kiso yūyo* or suspension of prosecution, under Article 248 of the Japanese Code of Criminal Procedure grants public prosecutors discretionary authority to refrain from prosecution even when sufficient evidence has been established, by taking into account the offender's character, the seriousness of the offence, and the circumstances following the commission of the crime.[41] This model highlights the important role of prosecutors as gatekeepers in filtering cases that do not necessarily need to proceed to trial.[42] In the Indonesian context, such a model is relevant for strengthening prosecutorial discretion in resolving cases through a restorative justice approach. Nevertheless, its implementation must be accompanied by clear standards of transparency and accountability to ensure that prosecutorial discretion does not develop into arbitrary practices or create disparities in the treatment of similar cases.

In the Netherlands, the *transactie* mechanism under Article 74 of the Dutch Criminal Code reflects a model of case resolution that emphasizes legal certainty and the standardization of legal consequences. Through the fulfillment of certain obligations, such as the payment of fines, compensation, or community service, prosecution may be lawfully discontinued without proceeding to trial. The primary strength of this model lies in the existence of clear, measurable, and enforceable legal requirements.[43] In the Indonesian

[41] Shigemitsu Dando, "System of Discretionary Prosecution in Japan," *The American Journal of Comparative Law* 18, no. 3 (1970): 518–31.

[42] I Made Wahyu Chandra Satriana dan Ni Made Liana Dewi, *Sistem Peradilan Pidana Perspektif Restorative Justice* (Denpasar: Udayana University Press, 2021).

[43] Koen Vriend, *Avoiding a Full Criminal Trial: Fair Trial Rights, Diversion and Shortcuts in Dutch and International Criminal Proceedings* (Amsterdam: Asser Press, 2016), 60.

context, this approach is significant for reducing differences in interpretation among law enforcement institutions regarding the requirements and legal consequences of resolving criminal cases through a restorative justice approach. Nevertheless, this model cannot be adopted entirely, as there is a risk that restorative justice may be reduced to a merely transactional mechanism focused on administrative settlement rather than on victim recovery and the offender's moral accountability.

Meanwhile, France, through the *médiation pénale* mechanism under Article 41-1 of the French Code of Criminal Procedure, offers a model that is more oriented toward dialogue and the restoration of social relationships. This mechanism places mediation between the offender and the victim under prosecutorial supervision before the case proceeds to court. The primary strength of this model lies in the active involvement of the victim in the case resolution process, while still maintaining the state's institutional control over the outcome of the mediation.[44] This model is relevant to the needs of legal reform in Indonesia because it aligns with the principles of restorative justice, which emphasize reconciliation, the recovery of victims' losses, and the social reintegration of offenders. Nevertheless, the effectiveness of the mediation mechanism largely depends on guarantees of voluntariness for all parties involved, protection of victims from pressure or intimidation, and adequate oversight of the settlement process.

The comparison among these three countries demonstrates that the primary challenge in developing out-of-court criminal case resolution lies not merely in the existence of restorative justice mechanisms themselves, but also in how such mechanisms are regulated and integrated within the distribution of authority among law enforcement institutions. Japan emphasizes the central role of prosecutors in filtering cases through prosecutorial discretion. The Netherlands places greater emphasis on legal certainty through the standardization of procedures and legal consequences, while France prioritizes institutional oversight of the mediation process between offenders and victims. Based on this comparison, the most appropriate reform model for Indonesia is not simply to expand the application of restorative justice, but to develop a hybrid model that combines measured discretion, consistent legal standards, and victim-oriented mediation mechanisms within an integrated and well-coordinated criminal case management system.

This direction of reform is consistent with Law Number 1 of 2023 concerning the new Indonesian Criminal Code, which has begun to shift the orientation of punishment from a retributive approach toward one that places greater emphasis on restoration, conflict resolution, and social balance, as reflected in Articles 51 and 52.[45] In addition, Article 132

[44] Véronique Martin, "La Justice Restaurative en France : Définition et Implantation Territoriale," *La Revue du Centre Michel de L'Hospital*, no. 29 (2025): 1–12, https://doi.org/10.52497/revue-cmh.4232.

[45] Padlah Riyadi, "Reconstruction of Restorative Justice Regulations Within the Indonesian Penal System Post-Law No. 1 of 2023," *Peradaban Journal of Law and Society* 3, no. 2 (2024): 154–67, https://doi.org/10.59001/pjls.v3i2.241.

paragraph (1) letter (g) affirms that prosecutorial authority is extinguished when a case has been resolved outside the formal judicial process in accordance with legal provisions. This provision reflects recognition that the resolution of criminal cases does not always have to proceed through formal court mechanisms.[46] Nevertheless, the effective implementation of these norms largely depends on the consistency of their application by law enforcement authorities, as well as the existence of uniform operational guidelines to prevent disparities in implementation across regions and institutions.

The strengthening of restorative justice mechanisms is further reinforced in Law Number 20 of 2025 concerning the new Indonesian Criminal Procedure Code, particularly through Articles 79 to 88. These provisions regulate the objectives, requirements, procedures, and supervisory mechanisms for the implementation of restorative justice at every stage of the criminal justice process, ranging from preliminary inquiry and investigation to prosecution and court proceedings. Unlike previous regulations, which were sectoral in nature and dispersed across the institutions of the police, the prosecution service, and the Supreme Court, the new Indonesian Criminal Procedure Code positions restorative justice as an integral part of the national criminal procedural system, designed in a more systematic and integrated manner.

In addition to expanding the normative framework of restorative justice, the new Indonesian Criminal Procedure Code has also begun to establish a foundation for interinstitutional coordination within the criminal justice system. This is reflected in Article 2 paragraph (2), which affirms that the criminal justice system is implemented based on the principle of functional differentiation within an integrated criminal justice framework. The strengthening of this principle is further reflected in Article 360 paragraphs (1) to (4), which regulate the joint use of information technology-based criminal justice systems by investigators, public prosecutors, judges, advocates, and community advisors, including in the implementation of restorative justice mechanisms. These provisions demonstrate an effort to address the problem of fragmented coordination, which has long been one of the principal obstacles to the effective implementation of restorative justice in Indonesia.

The regulation of coordination between investigators and public prosecutors is also formulated more comprehensively in Articles 58 to 63 of the new Indonesian Criminal Procedure Code. Article 58 affirms that the handling of every criminal offense by investigators must involve public prosecutors within the framework of an integrated criminal justice system. Furthermore, Article 59 paragraphs (1) to (6) provide that coordination must be carried out on an equal, complementary, and mutually supportive basis from the initial stage of investigation through the submission of the Notice of Commencement of Investigation (Surat Pemberitahuan Dimulainya Penyidikan or SPDP), and that such

[46] Jefferson Hakim dan Azeem Marhendra Amedi, "Prosecutorial Application of Restorative Justice: Overview, Mechanism, Commentary on Prosecution Cessation," *Jurnal Hukum dan Peradilan* 12, no. 2 (2023): 319–46, https://doi.org/10.25216/jhp.12.2.2023.319-346.

coordination must be formally documented in coordination reports. These provisions are further clarified in Articles 60 to 62, which regulate the procedures for returning case files, providing prosecutorial instructions, determining coordination deadlines, and conducting joint case conferences. In addition, Article 63 explicitly mandates the enactment of further regulations concerning these coordination procedures through a Government Regulation.

In the implementation of restorative justice, coordination across different stages of the criminal justice process is also clearly emphasized. Article 79 paragraph (8) states that restorative justice mechanisms may be applied at the stages of preliminary inquiry, investigation, prosecution, and court examination. At the preliminary inquiry and investigation stages, Article 83 paragraphs (1) to (4) regulate agreements for case settlement and the termination of proceedings based on restorative approaches, while Article 84 requires notification of the termination of investigation to the public prosecutor and the submission of a request for judicial approval to the district court. At the prosecution stage, Articles 85 and 86 regulate the termination of prosecution based on restorative agreements, which must obtain judicial approval and be communicated back to investigators. Furthermore, Articles 87 and 88 ensure that if restorative settlement is not achieved at the earlier stages, the mechanism may still continue during court proceedings. Accordingly, the new Indonesian Criminal Procedure Code has essentially established a formal chain of coordination across all stages in the implementation of restorative justice.

In addition to strengthening coordination among law enforcement institutions, the new Indonesian Criminal Procedure Code also places greater emphasis on victim protection. This is reflected in Article 53 paragraphs (4) and (5), which require investigators, public prosecutors, and judges to coordinate with witness and victim protection agencies. These provisions demonstrate that restorative justice reform is directed not only toward improving the efficiency of case resolution, but also toward strengthening the protection of victims' rights throughout every stage of the criminal justice process.[47]

Nevertheless, significant challenges remain in its implementation. The bureaucratic culture of law enforcement institutions, which has not yet become fully adaptive, as well as varying understandings of the concept of restorative justice, continue to create the potential for inconsistent application across different regions.[48] In addition, there is a risk that restorative justice may be used merely as an instrument to expedite case resolution without giving sufficient attention to the interests and recovery of victims.[49] Therefore, this reform

[47] Agus Wibowo, Pembaruan KUHP Dan KUHAP Sebagai Rekonstruksi Sistem Hukum Di Indonesia (Semarang: Yayasan Prima Agus Teknik, 2025), 281.

[48] Mimi dan Muhamad Adystia Sunggara, "The Challenges and Potential of Implementing Restorative Justice for Minor Criminal Offenses in Indonesia," *Journal of Law, Politic and Humanities* 5, no. 2 (2025): 1349–55, https://doi.org/10.38035/jlph.v5i2.1155.

[49] Deasy Mariana Ma'aruf, "Reformulation Of Restorative Justice Arragements That Oriented Towards Victim Protection," *Jurnal Pacta Sunt Servanda* 6, no. 2 (2025): 142–53, https://doi.org/10.23887/jpss.v6i2.6055.

requires effective oversight mechanisms and strong victim protection to ensure that restorative settlement processes are genuinely voluntary, fair, and recovery-oriented.

Changes in legal culture also play a crucial role in determining the success of this reform. For a long time, punishment and imprisonment have continued to be viewed as the primary symbols of justice enforcement, causing restorative settlement mechanisms to be frequently perceived as a form of leniency toward offenders. Consequently, reform efforts must be directed toward transforming the perspectives of both law enforcement authorities and society toward an approach that emphasizes victim recovery, offender accountability, and the achievement of social reconciliation.[50] Such transformation requires continuous education and training, the development of ethical guidelines, and changes in institutional orientation so that the success of law enforcement is measured not only by the number of convictions imposed, but also by the ability of the legal system to promote recovery and social balance.

In addition to being grounded in Indonesia's positive law, this direction of reform is also consistent with the values of Islamic law through the concepts of *ṣulḥ*, *maqāṣid al-sharīʿah*, and *fiqh jināyah*, which emphasize peaceful settlement, victim protection, and social welfare.[51] Accordingly, the strengthening of restorative justice in Indonesia represents not only a form of modern legal reform, but also possesses strong philosophical and sociological legitimacy within the Indonesian legal tradition.

Overall, the reform of out-of-court criminal case resolution in Indonesia should be understood as an effort to build an integrated restorative justice system within the criminal legal framework, rather than merely establishing normative foundations or expanding discretionary authority within the existing criminal justice system. The effectiveness of this reform largely depends on the ability to address various implementation challenges by improving the preparedness of law enforcement officials, strengthening supporting infrastructure, and enhancing the understanding and application of restorative justice principles at all levels of implementation. With such a foundation, Indonesia has the opportunity to develop a model of out-of-court criminal case resolution that is not only procedurally efficient, but also capable of delivering substantive justice and securing strong social legitimacy.

4. Conclusion

The policy of out-of-court criminal case resolution in Indonesia has developed significantly through the institutionalization of restorative justice within police,

[50] Rebecca Banwell-Moore, "Restorative justice: Adopting a whole system approach to address cultural barriers in criminal justice," *Criminology & Criminal Justice* 24, no. 5 (2024): 1028–46, https://doi.org/10.1177/17488958241268005.

[51] Absar Aftab Absar, "Restorative Justice in Islam with Special Reference to the Concept of Diyya," *Journal of Victimology and Victim Justice* 3, no. 1 (2020): 38–56, https://doi.org/10.1177/2516606920927277.

prosecutorial, and judicial institutions. Nevertheless, its implementation remains insufficiently integrated due to inconsistencies in legal substance, fragmented institutional coordination, and the continuing dominance of a retributive legal culture. These conditions have prevented restorative justice from functioning as a consistent, effective, and recovery-oriented mechanism within Indonesia's criminal justice system.

Accordingly, future reform should be directed toward developing an integrated restorative justice system supported by harmonized regulations, effective interinstitutional coordination, stronger victim protection, and transparent oversight mechanisms. Comparative experiences from Japan, the Netherlands, and France, together with the enactment of the new Indonesian Criminal Code and the new Indonesian Criminal Procedure Code, demonstrate the importance of balancing legal certainty, restorative objectives, and institutional accountability in ensuring the consistent application of restorative justice principles. Although challenges remain, particularly regarding bureaucratic culture and differing understandings of restorative justice among law enforcement institutions, this reform has a strong foundation in Indonesia's national legal development and Islamic legal principles, especially *ṣulḥ, maqāṣid al-sharīʿah*, and *fiqh jināyah*. Therefore, Indonesia has the opportunity to develop a model of out-of-court criminal case resolution that is procedurally efficient, substantively just, socially restorative, and normatively legitimate.

5. References

Absar, Absar Aftab. "Restorative Justice in Islam with Special Reference to the Concept of Diyya." *Journal of Victimology and Victim Justice* 3, no. 1 (2020): 38–56. https://doi.org/10.1177/2516606920927277.

Adi, Tomi, Syahputra Nasution, dan Zulpahmi Lubis. "Between Reconciliation and Justice : Reactualizing As-Sulḥ in Resolving Juvenile Violence within Indonesia ' s Legal Pluralism." *Al adalah: Jurnal Hukum dan Politik Islam* 11, no. 2 (2026): 281–99. https://doi.org/https://doi.org/10.30863/ajmpi.v11i2.11560.

Adiningsih, Yufiyandini, dan Gialdah Tapiansari Batubara. "The Paradox of Implementing Restorative Justice at the Investigation Stage: A Systematic Weakening of Sentence Enhancement for Repeat Offenders." *SIGn Jurnal Hukum* 7, no. 2 (2025): 627–46. https://doi.org/10.37276/sjh.v7i2.496.

Aditya, Umi Rozah. *Filsafat Pemidanaan Dalam Sistem Pemidanaan KUHP 2023 (Aplikasi Dalam Kebijakan Hukum Pidana)*. Semarang: Yoga Pratama, 2023.

Amarini, I, G R Samhudi, S Mukarromah, N Ismail, dan Y Saefudin. "Social Reintegration after the Implementation of Restorative Justice in the Indonesian Criminal Code." *Jurnal Media Hukum* 31, no. 1 (2024): 115–33. https://doi.org/10.18196/jmh.v31i1.20655.

Andiko, Toha, Zurifah Nurdin, dan Efrinaldi. "Implementation of Restorative Justice in a Customary Court in Rejang Lebong District, Bengkulu, Indonesia: A Maqāṣid Al-Sharī'ah Review." *Juris: Jurnal Hukum dan Ekonomi Islam* 23, no. 1 (2024): 93–106. https://doi.org/10.31958/juris.v23i1.12008.

Askolani, Syauqi. "Restorative Justice: A Modern Approach to Criminal Law and Conflict Resolution." *LAWYER: Jurnal Hukum* 2, no. 2 (2024): 62–69. https://doi.org/10.58738/lawyer.v2i2.653.

Ayu, Bintang Sekar, dan Kayus Kayowuan Lewoleba. "Reframing Prosecutorial Legitimacy: Embracing Restorative Justice in Criminal Case Discontinuation." *DiH: Jurnal Ilmu Hukum* 20, no. 2 (2024): 91–103. https://doi.org/10.30996/dih.v20i2.10803.

Banwell-Moore, Rebecca. "Restorative justice: Adopting a whole system approach to address cultural barriers in criminal justice." *Criminology & Criminal Justice* 24, no. 5 (2024): 1028–46. https://doi.org/10.1177/17488958241268005.

Braithwaite, John. "Restorative Justice and Reintegrative Shaming." In *Criminal Justice Theory*, 281–308. Routledge, 2020. https://doi.org/10.4324/9781003016762-12.

Cao, O T, dan T V Vu. "Proposing Restorative Justice Models As Alternative Approaches To Addressing Criminal Matters: A Case Study Of Judicial Systems In Civil And Common Law Countries." *Access to Justice in Eastern Europe* 7, no. 4 (2024): 93–119. https://doi.org/10.33327/AJEE-18-7.4-a000108.

Dando, Shigemitsu. "System of Discretionary Prosecution in Japan." *The American Journal of Comparative Law* 18, no. 3 (1970): 518–31.

Fallon, Andrew. "Restoration as the Spirit of Islamic Justice." *Contemporary Justice Review* 23, no. 4 (2020): 430–43. https://doi.org/10.1080/10282580.2019.1700370.

Flora, Henny. "The Orientation and Implications of New Criminal Code: An Analysis of Lawrence Friedman's Legal System." *Jurnal IUS: Kajian Hukum dan Keadilan* 11, no. 1 (2023): 113–25. https://doi.org/10.29303/ius.v11i1.1169.

Hakim, Jefferson, dan Azeem Marhendra Amedi. "Prosecutorial Application of Restorative Justice: Overview, Mechanism, Commentary on Prosecution Cessation." *Jurnal Hukum dan Peradilan* 12, no. 2 (2023): 319–46. https://doi.org/10.25216/jhp.12.2.2023.319-346.

Hariyono, Teguh. "Mediasi Penal sebagai Alternatif Upaya Penyelesaian Perkara Pidana di Luar Pengadilan." *Jurnal Penegakan Hukum dan Keadilan* 2, no. 1 (2021): 1–18. https://doi.org/10.18196/jphk.v2i1.8731.

Izharti, Rina, Elly Magdalena, dan Rika Hidayati Ramadhani. "The Urgency of Codifying and Unifying Restorative Justice Regulations in Criminal Procedure Code Reform." *Trunojoyo Law Review* 7, no. 2 (2025): 223–52. https://doi.org/10.21107/tlr.v7i2.30601.

Karimullah, Suud Sarim. "From Punishment to Healing: The Transformative Power of Restorative Justice." *SASI* 29, no. 4 (2023): 678–90. https://doi.org/10.47268/sasi.v29i4.1688.

Kirkwood, Steve. "A practice framework for restorative justice." *Aggression and Violent Behavior* 63 (2022): 101688. https://doi.org/10.1016/j.avb.2021.101688.

Lakik, Ahmad Kiflan. "Cerita Tegar, Restorative Justice Ditolak Kepolisian Dikabulkan Kejaksaan." *RMOL.id*, 2025.

Lisma, Lisma. "Kebijakan Diversi Dalam Penyelesaian Tindak Pidana Pencurian Ringan." *Al-Adalah: Jurnal Hukum dan Politik Islam* 6, no. 1 (2021): 74–87. https://doi.org/10.35673/ajmpi.v6i1.1330.

Lubis, Suci Dini, dan Syaddan Dintara Lubis. "Regulations on Diversion in the Settlement of Children in Conflict with the Law: A Comparative Analysis of Positive Law and Islamic Criminal Law." *Al adalah: Jurnal Hukum dan Politik Islam* 9, no. 2 (2024): 208–23. https://doi.org/https://doi.org/10.30863/ajmpi.v9i2.7021.

Ma'aruf, Deasy Mariana. "Reformulation Of Restorative Justice Arragements That Oriented Towards Victim Protection." *Jurnal Pacta Sunt Servanda* 6, no. 2 (2025): 142–53. https://doi.org/10.23887/jpss.v6i2.6055.

Maglione, Giuseppe. "Imaging victims, offenders and communities. An investigation into

the representations of the crime stakeholders within restorative justice and their cultural context." *International Journal of Law, Crime and Justice* 50 (2017): 22–33. https://doi.org/10.1016/J.IJLCJ.2017.02.004.

Marder, Ian D. "Mapping restorative justice and restorative practices in criminal justice in the Republic of Ireland." *International Journal of Law, Crime and Justice* 70 (2022): 100544. https://doi.org/10.1016/j.ijlcj.2022.100544.

Martin, Véronique. "La Justice Restaurative en France : Définition et Implantation Territoriale." *La Revue du Centre Michel de L'Hospital*, no. 29 (2025): 1–12. https://doi.org/10.52497/revue-cmh.4232.

Mimi, dan Muhamad Adystia Sunggara. "The Challenges and Potential of Implementing Restorative Justice for Minor Criminal Offenses in Indonesia." *Journal of Law, Politic and Humanities* 5, no. 2 (2025): 1349–55. https://doi.org/10.38035/jlph.v5i2.1155.

Najib, M A, dan H A M Ezbeyda. "Restorative Justice in the Indonesian Legal System: Perspective of Maqāṣid al-Sharī'ah." *Ma'mal: Jurnal Laboratorium Syariah dan Hukum* 6, no. 4 (2025): 433–54. https://doi.org/10.15642/mal.v5i4.434.

Nur, Eka Rahma, Zainuddin Hasan, dan Hidayat Muhammad Dahri. "Restorative Justice in Settling Criminal Case: A Normative-Empirical Study of the Law." *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 8, no. 2 (2025): 539–52. https://doi.org/10.24090/volksgeist.v8i2.13017.

Nurcahyo, Nanang, Ricky Ricky, F X Hastowo Broto Laksito, dan Ramalina Ranaivo Mikea Manitra. "Reform of the Criminal Law System in Indonesia Which Prioritizes Substantive Justice." *Journal of Law, Environmental and Justice* 2, no. 1 (2024): 89–108. https://doi.org/10.62264/jlej.v2i1.91.

Patria, Vincentius, dan Itok Dwi Kurniawan. "Correlation and implementation of philosophy of pancasila in indonesian criminal system." *Jurnal Global Citizen: Jurnal Ilmiah Kajian Pendidikan Kewarganegaraan* 11, no. 2 (2022): 75–81. https://doi.org/10.33061/jgz.v11i2.7676.

Putra, Teguh Eko. "Analisis Penyelesaian Perkara Pidana Melalui Alternative Dispute Resolution Terhadap Kasus Penipuan Dan Atau Penggelapan Pada Tingkat Penyidikan." *Jurnal Hukum Media Justitia Nusantara* 12, no. 1 (2022): 1–25. https://doi.org/10.30999/mjn.v12i1.2057.

Putri, Nanda Novia, dan Muhammad Erwin Hasbaj. "Legal Policy On The Implementation Of Restorative Justice Principle In The Criminal Justice System Pursuant To Supreme Court Regulation Number 1 Of 2024." *Jurnal Rechten: Riset Hukum dan Hak Asasi Manusia* 6, no. 1 (2024): 1–17. https://doi.org/10.52005/rechten.v6i1.143.

Riyadi, Padlah. "Reconstruction of Restorative Justice Regulations Within the Indonesian Penal System Post-Law No. 1 of 2023." *Peradaban Journal of Law and Society* 3, no. 2 (2024): 154–67. https://doi.org/10.59001/pjls.v3i2.241.

Sasongko, Andy. "Roles of Public Prosecutor's Office in Restorative Justice: A Focus on Prosecution Discontinuation Regulations." *Ajudikasi : Jurnal Ilmu Hukum* 7, no. 2 (2023): 175–90. https://doi.org/10.30656/ajudikasi.v7i2.7377.

Satriadi. "Restorative Justice the Limitations of Authority of Police and Prosecutors in the Criminal Justice System." *Al-Bayyinah* 6, no. 1 (2022): 11–21. https://doi.org/10.35673/al-bayyinah.v6i1.2594.

Satriana, I Made Wahyu Chandra, dan Ni Made Liana Dewi. *Sistem Peradilan Pidana Perspektif Restorative Justice*. Denpasar: Udayana University Press, 2021.

Sikumbang, Andika, dan Rahayu Sara. "Harmonization of Restorative Justice Regulations

within the Indonesian Criminal Justice System." *Greenation International Journal of Law and Social Sciences* 3, no. 2 (2025): 318–28. https://doi.org/10.38035/gijlss.v3i2.426.

Sodiqin, Ali. "Legal, Moral, and Spiritual Dialectics in the Islamic Restorative Justice System." *Ahkam: Jurnal Ilmu Syariah* 21, no. 2 (2021): 357–78. https://doi.org/10.15408/ajis.v21i2.22675.

Suryoningrat, H K R B S, dan Muhammad Rustamaji. "Reconstruction of the Concept of Restorative Justice of the Criminal Justice System in Indonesia." *Indonesian Journal of Social Research* 1, no. 4 (2023): 286–98. https://doi.org/10.59890/ijsr.v1i4.768.

Symeonidou-Kastanidou, E. "Restorative justice as an alternative to penal sanctions." In *The Oxford Handbook of Criminal Process*, 911–34, 2019. https://doi.org/10.1093/oxfordhb/9780190659837.013.46.

Valentino, Cecilia Rudolf. "Restorative Justice as an Alternative in the Indonesian Criminal Justice System." *Journal of Progressive Law and Legal Studies* 3, no. 03 (2025): 348–61. https://doi.org/10.59653/jplls.v3i03.1864.

Vriend, Koen. *Avoiding a Full Criminal Trial: Fair Trial Rights, Diversion and Shortcuts in Dutch and International Criminal Proceedings*. Amsterdam: Asser Press, 2016.

Wibisana, Anak Agung Ngurah Anom, Anak Agung Gede Oka Wisnumurti, I Nyoman Putu Budiartha, dan Anak Agung Sagung Laksmi Dewi. "Legal Reform on the Concept of Restorative Justice in the Criminal Justice System." *Jurnal Pembaharuan Hukum* 11, no. 2 (2024): 264–76. https://doi.org/10.26532/jph.v11i2.32082.

Wibowo, Agus. *Pembaruan KUHP dan KUHAP Sebagai Rekonstruksi Sistem Hukum di Indonesia*. Semarang: Yayasan Prima Agus Teknik, 2025.

Wiraguna, Sidi Ahyar. "Metode Normatif dan Empiris dalam Penelitian Hukum: Studi Eksploratif di Indonesia." *Public Sphere: Jurnal Sosial Politik, Pemerintahan dan Hukum* 3, no. 3 (2024): 57–65. https://doi.org/10.59818/jps.v3i3.1390.

Yanuarto, Totok, Pika Sari, I Gede Widihiana Suarda, dan Ainul Azizah. "Pengintegrasian Mediasi Penal sebagai Penyelesaian Perkara Pidana Ditinjau dari Perspektif Pembaharuan Hukum di Indonesia." *Jurnal Rechtens* 13, no. 1 (2024): 149–65. https://doi.org/10.56013/rechtens.v13i1.2845.

Yaprizal, Andi, Ebith Theopilus, dan Mutia Evi Kristhy. "The Matter of Grandma Minah in the Perspective of Positivism." *Journal of Political and Legal Sovereignty* 1, no. 4 (2024): 142–47. https://doi.org/10.38142/jpls.v1i4.142.

Zubedi, Zulfikar, dan Achmad Aji Prasetyo. "The Evolution of Restorative Justice in the National Criminal Justice System." *Estudiante Law Journal* 7, no. 2 (2025): 545–61. https://doi.org/10.33756/eslaj.v7i2.31632.