



The Effectiveness of Restorative Justice in Resolving Cases of Mistreatment in the Police Environment

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Abstract: This study aims to evaluate the effectiveness of restorative justice implementation in resolving cases of criminal assault. Using empirical legal research methods, this study collects data through interviews with related parties, mediation process observations, and case document analysis. The results of the study indicate that the restorative justice approach can provide space for victims and perpetrators to communicate, so that a mutually beneficial agreement is reached. However, there are significant challenges, such as differences in expectations between victims and perpetrators and the lack of adequate psychological support. The novelty of this study lies in the identification of factors that influence the success of restorative justice, as well as recommendations to improve its effectiveness through training for mediators and regulatory support from the government. This study concludes that with an inclusive approach and shared commitment, restorative justice can be a valid alternative in conflict resolution, as well as supporting the process of individual recovery and social reconciliation.

Keywords : Restorative Justice; Abuse; Mediation.

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How to cite (Chicago Style) :

Apriyansa Pranata Ayuba. "The Effectiveness of Restorative Justice in Resolving Cases of Mistreatment in the Police Environment". *Estudiante Law Journal* 6, no. 2 (June, 2024): 419 - 430. <http://dx.doi.org/10.33756/eslaj.v6i2.28307>.

1. Introduction

Criminal law enforcement efforts are carried out within the framework of the criminal justice system, which is a system in society to control and handle crime problems. Handling is an effort to control crime so that it is within the limits of community tolerance. There are four institutional components involved, namely the police, prosecutors, courts, and correctional institutions, with the aim of preventing the community from becoming victims of crime, resolving criminal cases that occur, and ensuring that perpetrators do not repeat their actions.¹

One of the crimes that often occurs in society is assault. In the laws and regulations in Indonesia, assault is regulated and regulated in Article 351 of the Criminal Code (KUHP), which consists of five verses as follows:

1. Abuse is punishable by a maximum prison sentence of 2 years and 8 months or a maximum fine of four thousand five hundred rupiah.
2. If the act results in serious injury, the perpetrator is threatened with a maximum prison sentence of five years.
3. If it results in death, the penalty is a maximum of seven years in prison.
4. With abuse is equated with intentionally damaging health.
5. Attempt to commit a crime is not punishable.

The crime of assault is regulated in Articles 351 to 358 of the Criminal Code (KUHP), which includes various categories of assault, such as ordinary assault, minor assault, premeditated assault, and serious assault.²

The elements of abuse according to Article 351 of the Criminal Code are as follows:

1. Intention: The perpetrator committed the act of abuse with the intention of causing harm or pain to another person.
2. Existence of Act: An act committed by the perpetrator that can result in abuse of the victim. This can be a physical act, such as hitting, kicking, or other forms of violence.
3. There must be consequences of the act: The act of abuse must have certain consequences, namely:
 - a. Pain: The victim feels pain or discomfort as a result of the perpetrator's actions.
 - b. Injury to the Body: The act may result in physical injury to the victim's body.

If the above elements are met, then the act can be categorized as a criminal act of assault in accordance with the provisions of Article 351 of the Criminal Code. This is

¹ Yusi Amdani, "Konsep Restorative Justice Dalam Penyelesaian Perkara Tindak Pidana Pencurian Oleh Anak Berbasis Hukum Islam Dan Adat Aceh," *Al-'Adalah* 13, no. 1 (2016): 81-76.

² Eka Fitri Andriyanti, "Urgensitas Implementasi Restorative Justice Dalam Hukum Pidana Indonesia," *Jurnal Education and Development* 8, no. 4 (2020): 326-31.

also the basis for determining the type of sanctions that will be imposed on the perpetrator, depending on the severity of the crime committed.³

Things that make someone unable to be punished under the article on Assault are:

1. Unintentional;
2. There is no action;
3. There is no pain resulting from the action.

Abuse is an unlawful act, which originates from an intention. Intention means that the result of an act is intended and causes someone pain, injury, resulting in death, but not all acts of hitting or other things that cause pain.

Restorative justice is a concept based on a restorative approach to achieving justice. This is different from the conventional criminal justice system which is more based on the principle of retribution. Restorative justice aims to restore the damage caused by the crime, take responsibility for the actions taken, and take steps to prevent the same incident from happening again.⁴

In the context of criminal acts of abuse, restorative justice can be an effective approach in achieving justice and restoring the relationship between the victim and the perpetrator. This can be achieved through several steps, namely:

1. Investigation: The police will conduct a responsible and thorough investigation into the alleged criminal act of assault.
2. Justice: In this case, a restorative approach can be implemented through a mediation or conference process between the victim and the perpetrator. This aims to understand the impact of the crime and reach an agreement on the steps to be taken to repair the damage.
3. Remedy: Once an agreement is reached, the victim and the perpetrator will work together to implement the agreed steps. This may include restitution or payment of damages, restoration of damages, or forgiveness.⁵

In implementing restorative justice, there are several principles that need to be considered, namely:

1. Free and voluntary participation: The victim and the perpetrator must be free and voluntary in the restorative justice process.
2. Justice: A restorative approach must take into account justice and the rights of all parties involved.

³ Hanafi Arief and Ningrum Ambarsari, "Penerapan Prinsip Restorative Justice Dalam Sistem Peradilan Pidana Di Indonesia," *Al-Adl: Jurnal Hukum* 10, no. 2 (2018): 173–90.

⁴ Septa Candra, "Restorative Justice: Suatu Tinjauan Terhadap Pembaharuan Hukum Pidana Di Indonesia," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 2, no. 2 (2013): 263–77.

⁵ Ibid.

3. Restoration: Restorative justice aims to repair the damage caused by a crime.
4. Granting of rights: The victim must be given the right to determine the steps to be taken in the restorative justice process.
5. Taking responsibility: The perpetrator must take responsibility for the actions taken.

Restorative justice can be an effective approach to achieving justice and restoring the relationship between the victim and the perpetrator. However, in order to achieve optimal results, there needs to be good cooperation between all parties involved, and its implementation must be in accordance with established regulations and principles.

In order to implement restorative justice, there needs to be clear and responsible regulations regarding its implementation. Regulation of the National Police of the Republic of Indonesia Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice is the right step in providing a legal framework that supports the implementation of restorative justice in Indonesia.⁶ This regulation provides guidance on how the restorative justice process can be implemented, as well as the requirements that must be met by all parties involved.

TABLE 1.1

List of Criminal Cases of Assault by North Gorontalo Police from 2020 to August 2023

NO	YEAR	POLICE REPORT		ARREARS	RESTORATIVE JUSTICE
		ENTER	FINISHED		
1	2020	45	27	18	19
2	2021	82	37	45	34
3	2022	98	43	55	31
4	2023	73	29	44	16
AMOUNT		298	136	162	100

From the data analysis presented, we can draw several important conclusions regarding the handling of criminal cases of assault at the North Gorontalo Police from 2020 to August 2023. The case resolution rate is relatively low, with only 136 cases successfully resolved out of a total of 298 reports received, or around 45.6%. This may indicate challenges in the law enforcement system, both in terms of resources, time, and existing procedures.

The implementation of restorative justice has become a significant alternative in resolving abuse cases, with 100 cases resolved through this approach, or around 73.5%

⁶ I. Made Tambir, "Pendekatan Restorative Justice Dalam Penyelesaian Tindak Pidana Di Tingkat Penyidikan," *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 8, no. 4 (2019): 549-74.

of the total cases completed. However, the number of unresolved cases increased from 18 cases in 2020 to 55 cases in 2022, and decreased slightly to 44 cases in 2023. This indicates an accumulation of cases that need to be addressed.

The high number of unresolved cases and dissatisfaction with law enforcement can contribute to a lack of public trust in the legal system. The public may feel that justice is not being achieved, which can lead to dissatisfaction and skepticism of the legal process. Therefore, there is a need for increased resources, training for law enforcement on restorative justice, and outreach to the public about the legal process and their rights. In addition, it is important to strengthen collaboration between law enforcement agencies, communities, and non-governmental organizations to create a more responsive and fair justice system.

2. Method

The research method used in this research is an empirical research method with a qualitative approach.⁷

3. The Effectiveness of Restorative Justice Implementation in Resolving Criminal Cases of Assault at the North Gorontalo Police Resort

The implementation of restorative justice at the North Gorontalo Police Resort shows significant potential in resolving cases of criminal acts of abuse. This approach seeks to shift the focus from punishment alone to restoring the relationship between the perpetrator, victim, and community. In the context of abuse cases, restorative justice allows victims to be directly involved in the resolution process, giving them space to convey the emotional and social impact of the perpetrator's actions.⁸ This is different from conventional justice approaches that often ignore the voice of the victim, which has the potential to worsen the trauma they experience. By providing an opportunity for victims to speak, restorative justice not only helps them in the healing process but also provides a deeper sense of justice. In the period from 2020 to August 2023, out of 298 reports of abuse cases received, 100 cases were successfully resolved through the restorative justice approach. This shows that almost 73.5% of cases were successfully resolved using this method, reflecting its effectiveness.

One important aspect of the effectiveness of restorative justice is its impact on the offender. The mediation process used in this approach allows the offender to understand the consequences of their actions in greater depth. In many cases, offenders are unaware of the emotional impact their actions have had on the victim. Through facilitated dialogue, offenders can hear directly from the victim about how their actions have affected the lives of others. This creates greater awareness and can encourage offenders to take responsibility for their actions. Thus, restorative justice

⁷ Budi Juliardi et al., *Metode Penelitian Hukum* (CV. Gita Lentera, 2023), https://books.google.com/books?hl=id&lr=&id=vyXbEAAAQBAJ&oi=fnd&pg=PA107&dq=metode+penelitian+hukum+2023&ots=URsVKN1YD1&sig=QzJh2fORIs3Ga8_DExUkt_YWOYY.

⁸ Asit Defi Indriyani, "Pendekatan Restorative Justice Dalam Melindungi Korban Kekerasan Seksual," *IJouGS: Indonesian Journal of Gender Studies* 2, no. 2 (2021): 44-56.

has the potential to reduce recidivism rates, as offenders who go through this process are more likely to understand the importance of not repeating the same mistakes in the future. In addition, offenders are given the opportunity to correct their mistakes, either through a sincere apology or by taking reparation measures, such as providing compensation to the victim. This not only benefits the victim but also helps the offender in their rehabilitation process.⁹

However, despite the positive results of restorative justice, there are still challenges that need to be addressed to improve its effectiveness. One of the main challenges is the lack of resources and training for law enforcement in implementing this approach. Many police officers may not have sufficient understanding of the principles of restorative justice and how to implement it. Without adequate training, they may have difficulty facilitating mediation between victims and perpetrators, which can hinder the case resolution process.¹⁰ Therefore, it is important for the police to provide comprehensive training on restorative justice to their officers, so that they can be more effective in implementing this approach. This training should include an understanding of mediation techniques, effective communication, and how to handle emotions that may arise during the mediation process. By increasing the capacity of law enforcement, it is hoped that the implementation of restorative justice can run more smoothly and effectively.

In addition, social stigma against perpetrators of criminal acts is also an obstacle in the implementation of restorative justice. Many people still view perpetrators as individuals who must be punished, thus hindering the reconciliation process. This stigma can make victims reluctant to participate in the restorative justice process, because they are worried about negative reactions from the community. Therefore, it is important to conduct a campaign that emphasizes the importance of recovery and reconciliation in resolving conflicts.¹¹ The community needs to be invited to understand that restorative justice does not mean ignoring justice, but rather providing an opportunity for all parties to be involved in a more constructive resolution process. Education about restorative justice needs to be carried out comprehensively, both through seminars, workshops, and social media. By increasing public understanding of the benefits and processes of restorative justice, it is hoped that there will be a more positive change in attitudes towards this approach.

Community participation in the restorative justice process is also an important factor that supports its effectiveness. By involving the community in resolving cases, restorative justice can create a sense of collective responsibility for security and justice.

⁹ Irabiah Irabiah, Beni Suswanto, and Muhammad Ali Alala Mafing, "Penerapan Restorative Justice Pada Tingkat Penuntutan (Studi Kasus Di Kejaksaan Negeri Kotamobagu)," *Perspektif* 27, no. 2 (2022): 131–38.

¹⁰ Herry Liyus and Dheny Wahyudi, "Pendekatan Restorative Justice Dalam Penyelesaian Tindak Pidana Kekerasan Dalam Rumah Tangga," *Jurnal Sains Sosio Humaniora LPPM Universitas Jambi* 4, no. 2 (2020): 495–509.

¹¹ Ilham Saputra Machmud, Dian Ekawaty Ismail, and Jufryanto Puluhulawa, "Efektivitas Konsep Restorative Justice Dalam Penanganan Kasus Penganiayaan Oleh Kejaksaan Negeri Bone Bolango," *Hakim: Jurnal Ilmu Hukum Dan Sosial* 2, no. 1 (2024): 157–85.

Communities involved in this process can act as mediators or witnesses, helping to create an environment that supports dialogue and reconciliation. In addition, the community can also provide emotional support to victims, which can help them in the healing process. However, to increase community participation, there needs to be a greater effort to build trust between the community and law enforcement.¹² Many people are skeptical of the justice system and may be hesitant to get involved in the restorative justice process. Therefore, the North Gorontalo Police need to actively approach the community, explain the benefits of restorative justice, and demonstrate their commitment to implementing this approach fairly and transparently.

One successful example of restorative justice implementation in North Gorontalo is when a case of abuse between neighbors was resolved through mediation. In this case, both parties, namely the victim and the perpetrator, were invited to meet in a safe and conducive atmosphere. Through open dialogue, the victim was able to express his feelings and the impact of the perpetrator's actions, while the perpetrator was also given the opportunity to apologize and explain the background of his actions. The result of this mediation was a mutually beneficial agreement, in which the perpetrator promised not to repeat his actions and to provide compensation to the victim. This case shows how restorative justice can create more humane solutions and restore relationships between individuals, as well as strengthen social ties in society.

In addition, it is important to note that the success of restorative justice depends not only on the mediation process itself, but also on the support provided after mediation. Once an agreement is reached, it is important for the police and the community to continue to monitor the implementation of the agreement. This includes ensuring that the perpetrators fulfill their promises not to repeat the violence and provide compensation to the victim. This ongoing support can help strengthen trust between the victim, the perpetrator, and the community, and create a safer environment for all parties.

On the other hand, another challenge faced in implementing restorative justice is the cultural differences and values that exist in society. In some cases, local norms and values may not be in line with the principles of restorative justice. For example, in certain cultures, there is an assumption that the perpetrator must be punished as a form of justice, and the restoration approach may be considered a form of neglect of justice itself. Therefore, it is important to take a sensitive approach to local culture when implementing restorative justice. This can be done by involving community leaders or traditional leaders in the mediation process, so that they can help bridge the understanding between the principles of restorative justice and existing local values.¹³

Furthermore, periodic evaluation of the implementation of restorative justice is also very important to improve its effectiveness. The North Gorontalo Police need to collect data and analyze cases resolved through this approach. By having clear data, the

¹² Ibid.

¹³ Edy Pane, "Peranan Kejaksaan Negeri Labuhanbatu Dalam Penyelesaian Tindak Pidana Kekerasan Dalam Rumah Tangga Dengan Pendekatan Restorative Justice," *Indonesia Berdaya* 4, no. 4 (2023): 1419-30.

police can identify certain patterns, challenges that are often faced, and successes that have been achieved. This evaluation is not only useful for improving existing processes, but also for providing feedback to the community about the positive impacts of restorative justice. With transparency in evaluation, the community will have more trust in the system and be more open to being involved in the restorative justice process in the future.¹⁴

In the legal context, restorative justice also needs to be supported by clear regulations. Although there are already several regulations governing the implementation of restorative justice, such as the Regulation of the Chief of Police No. 6 of 2019, there is still room for further development. More comprehensive and clear regulations can provide guidance for law enforcers in implementing restorative justice, as well as provide legal certainty for all parties involved. In addition, there needs to be an affirmation of the rights of victims in the restorative justice process, so that they feel protected and respected during the process.

It is important to remember that restorative justice is not a one-size-fits-all solution. Some criminal cases, particularly those involving serious violence or other serious offenses, may require a different approach. Therefore, law enforcement needs to have the expertise to assess each case individually, and determine whether restorative justice is the right approach. In this case, training and experience in handling cases becomes very important.

Overall, the implementation of restorative justice in resolving cases of criminal acts of abuse at the North Gorontalo Police Resort shows enormous potential. With the right approach, restorative justice can be an effective alternative to resolving conflicts, restoring relationships, and creating more humane justice. However, to achieve maximum effectiveness, good cooperation is needed between various parties, including law enforcement, victims, perpetrators, the community, and other stakeholders. This synergy is very important to create an environment that supports the implementation of restorative justice, so that all parties feel involved and have responsibility in the conflict resolution process.

One aspect that needs to be considered is the importance of good communication during the restorative justice process. Open and honest communication between all parties involved can help reduce tension and create an atmosphere conducive to dialogue. Law enforcers, as facilitators, must be able to create a safe space for victims and perpetrators to speak, and ensure that every voice is heard and respected. In many cases, a lack of understanding or clarity about the process can lead to dissatisfaction, both from the victim and the perpetrator. Therefore, a clear explanation of the stages that will be passed through in the restorative justice process is very important to reduce anxiety and increase trust for all parties.¹⁵

¹⁴ Anwar Rabbani, "Penyelesaian Tindak Pidana Kekerasan Dalam Rumah Tangga Dalam Perspektif Restorative Justice," *Al-Adl: Jurnal Hukum* 12, no. 2 (2021): 358–72.

¹⁵ Elista Simanjuntak, "Restorative Justice Dalam Penyelesaian Kasus Kekerasan Seksual Anak: Suatu Kajian Pengambilan Keputusan Etis," *Integritas: Jurnal Teologi* 4, no. 2 (2022): 116–26.

In addition, psychological support is also an important component of the restorative justice process. In many cases of abuse, both the victim and the perpetrator may have experienced trauma that needs to be addressed. Therefore, involving a mental health professional in this process can provide additional benefits. A psychologist or counselor can help the victim in their emotional healing process, as well as provide support to the perpetrator to understand and overcome their behavior. Thus, restorative justice focuses not only on resolving the conflict, but also on the recovery of the individuals involved.

Communities also have an important role in the success of restorative justice. By building awareness and understanding of the importance of this approach, communities can contribute to creating an environment that supports healing and reconciliation. For example, communities can hold forums or discussions to discuss their experiences and views on restorative justice. Through this dialogue, communities can learn from each other and understand how this approach can be applied in their local context. In addition, communities can also play an active role in supporting victims, both emotionally and materially, so that victims feel supported in their recovery process.

One of the challenges often faced in the implementation of restorative justice is the difference in expectations between the victim and the perpetrator. Sometimes, the victim may expect the perpetrator to be punished severely, while the perpetrator may hope to gain understanding and the opportunity to improve themselves. In situations like this, the role of law enforcement as a facilitator becomes very important. They must be able to bridge these differences in expectations and help both parties reach a mutually beneficial agreement. The mediation process must be carried out carefully, paying attention to the emotions and needs of each party, and trying to find common ground that is acceptable to all.

Furthermore, it is important to acknowledge that restorative justice is not a silver bullet for all the problems faced by the justice system. While this approach offers an attractive alternative, improvements are still needed in the justice system as a whole. This includes improving access to justice, protecting victims' rights, and fair law enforcement. Restorative justice can be part of a broader reform of the justice system, where it complements and strengthens existing legal mechanisms.

In this context, collaboration between various institutions and organizations is also very important. For example, government institutions, non-governmental organizations, and local communities can work together to support the implementation of restorative justice. By sharing resources, knowledge, and experiences, they can create more effective and sustainable programs. In addition, this collaboration can help create wider awareness of the importance of restorative justice, so that more parties are involved in this process.

On the other hand, the challenges faced in implementing restorative justice can also be opportunities for innovation. For example, the use of technology can help facilitate the restorative justice process, especially in situations where face-to-face meetings are

not possible. Online platforms can be used to hold mediation sessions, providing flexibility for all parties involved. However, the use of technology must also be done carefully, ensuring that all parties feel safe and comfortable during the process.¹⁶

Finally, to ensure the sustainability of restorative justice implementation, it is important to establish an effective feedback mechanism. After each restorative justice process, it is important to gather input from all parties involved, including victims, perpetrators, and law enforcement. This feedback can be used to evaluate the effectiveness of the process that has been carried out, as well as identify areas that need improvement. By conducting systematic evaluations, the North Gorontalo Police can continue to improve restorative justice practices and ensure that this approach truly meets the needs of all parties involved.

In addition, it is important to document every case resolved through restorative justice. This documentation not only serves as an archive, but also as a tool for further analysis and research. By having comprehensive data, the police and researchers can identify trends, challenges, and successes that occur in the implementation of restorative justice. This can be the basis for developing better policies in the future, as well as promoting restorative justice as a valid alternative in conflict resolution.

In the legal context, government support is also very important to strengthen the implementation of restorative justice. Regulations that support and facilitate the implementation of restorative justice can provide a clear legal basis for law enforcers and the community. This includes regulations regarding the mediation process, victims' rights, and perpetrators' responsibilities. In addition, the government can also play a role in providing the necessary resources for training and capacity building of law enforcers in implementing restorative justice.

It is also important to recognise that restorative justice is not just focused on resolving individual cases, but can also contribute to wider social change. By promoting values such as empathy, understanding and reconciliation, restorative justice can help build more cohesive and harmonious communities. Communities involved in restorative justice processes tend to be more aware of the impact of their actions on others, and this can create a more positive culture of conflict resolution.

In order to improve the effectiveness of restorative justice, there also needs to be an effort to involve various groups, including academics, practitioners, and civil society. Discussions and research involving various perspectives can provide deeper insights into how restorative justice can be better implemented in local contexts. In addition, collaboration with universities or research institutions can help in the development of more effective and evidence-based training programs.

Ultimately, the success of the implementation of restorative justice in the North Gorontalo Police will depend greatly on the commitment of all parties involved. Law enforcers, the community, and perpetrators must be willing to collaborate and

¹⁶ Cahya Wulandari, "Dinamika Restorative Justice Dalam Sistem Peradilan Pidana Di Indonesia," *Jurnal Jurisprudence* 10, no. 2 (2020): 233–49.

communicate openly, and respect each other in the conflict resolution process. By creating a supportive and inclusive environment, restorative justice can be an effective tool in creating justice, healing, and reconciliation in the community.

4. Conclusion

The effectiveness of restorative justice implementation in resolving cases of criminal acts of abuse at the North Gorontalo Police Resort shows that this approach has the potential to provide a more humane and sustainable solution. Although there are still challenges that need to be overcome, with a shared commitment, adequate training, community support, and clear regulations, restorative justice can be an effective alternative in the justice system. Through this process, it is hoped that more comprehensive justice can be created, where all parties feel valued and have the opportunity to improve themselves and rebuild damaged relationships. Thus, restorative justice is not only a solution to cases of abuse, but also contributes to the creation of a more harmonious and just society.

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