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Structuring Restorative Justice in the Integrated Criminal Justice System to Realize Legal Certainty

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Abstract

Indonesia's criminal law is shifting from a retributive toward a corrective, rehabilitative, and restorative paradigm. Restorative justice was previously scattered across sectoral regulations, producing differing standards among criminal justice subsystems. Law Number 20 of 2025 on the Criminal Procedure Code (KUHAP) changed this by placing restorative justice in Articles 79 to 88. This normative legal research, using statutory, conceptual, and analytical approaches, analyzes the regulation and practice of restorative justice in the Integrated Criminal Justice System and formulates an ideal structuring concept to guarantee legal certainty. The findings show that the 2025 KUHAP provides a stronger normative foundation, yet problems remain concerning implementing regulations, harmonization with sectoral rules, oversight at early stages of proceedings, and victim protection. This research proposes an Integrated Restorative Justice Structuring Model that combines a legal framework, eight operational stages, and a branching mechanism. The model moves restorative justice from mere reconciliation toward measurable recovery and places the discretion of law enforcement officials within objective, transparent, and supervisable limits, so that restorative justice becomes a legal mechanism delivering certainty, justice, and expediency.

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1. Introduction

Indonesia's criminal law system is at a crucial stage of reform following the enactment of Law Number 1 of 2023 on the Criminal Code (KUHP) and Law Number 20 of 2025 on the Criminal Procedure Code (KUHAP). Beyond replacing colonial-era instruments, this reform shifts the orientation of the criminal justice system from a predominantly retributive approach toward one that is more corrective, rehabilitative, and restorative. Restorative justice is no longer treated merely as an option for case resolution but has developed into a law-enforcement paradigm that prioritizes victim recovery, offender accountability, community involvement, and social reintegration. This change is significant because a punishment paradigm oriented solely toward retribution has limitations in addressing victims' interests: punishing the offender is not always synonymous with recovering the victim's losses or resolving the social conflict caused by the criminal act.

Before the 2025 KUHAP, restorative justice in Indonesia was regulated through sectoral instruments: Police Regulation Number 8 of 2021 on the Handling of Criminal Offenses Based on Restorative Justice (Perpol 8/2021), Prosecutorial Regulation Number 15 of 2020 on the Termination of Prosecution Based on Restorative Justice (Perja 15/2020), and Supreme Court Regulation Number 1 of 2024 on Guidelines for Adjudicating Criminal Cases Based on Restorative Justice (Perma 1/2024). Although each subsystem accepted the restorative approach, their regulations were not fully integrated. This fragmentation could produce differences in case handling at each stage of the criminal justice process. The problem becomes more acute when linked to legal certainty: in a state governed by law, the public must be able to know clearly the applicable rules, the requirements to be fulfilled, the procedures to be followed, and the legal consequences of an act. If cases with relatively similar characteristics receive different treatment because of differences in the institution or officials handling them, legal certainty becomes difficult to achieve.[1]

The 2025 KUHAP brings a fundamental change. Through Articles 79 to 88, the restorative justice mechanism is explicitly placed within national criminal procedure law. These provisions regulate the mechanism, requirements, stages, rights and obligations of the parties, and the legal consequences of resolution through restorative justice. There has thus been a shift from sectoral restorative justice toward a mechanism with a national legal basis. However, this normative development does not by itself produce legal certainty. From the perspective of Jan Michiel Otto's concept of real legal certainty, legal certainty is not merely a matter of the availability of written rules but also of how those rules are applied consistently by the competent authorities and can be predicted by the public.[2] The existence of the norms in Articles 79–88 of the KUHAP is therefore not sufficient if investigators, public prosecutors, and judges still hold different standards in determining which cases are suitable for resolution through the restorative mechanism.

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[1] Muh Hajoran Pulungan and Mosgan Situmorang, "Restorative Justice Dalam KUHAP Baru: Antara Kepastian Hukum Dan Diskresi Aparat Penegak Hukum," *Jurnal Penelitian Hukum De Jure* 26, no. 1 (2026): 045–060.

[2] Nurushobbach N and Mega Dewi Ambarwati, "Rekonstruksi Pengaturan Restorative Justice Dalam KUHAP 2025 Berbasis Kepastian Hukum," *Media Hukum Indonesia (MHI)* 4, no. 2 (2026), https://doi.org/10.5281/zenodo.21245425.

The presence of the 2025 KUHAP does not mean that all problems have been resolved. New problems require immediate attention, particularly the harmonization of the KUHAP with sectoral regulations that remain in force, the need for implementing regulations, oversight at the investigation stage, and the mechanism of application at the trial examination stage. The main issue in the application of restorative justice after the 2025 KUHAP is therefore no longer simply whether the mechanism can be applied, but how it is structured so that it is applied uniformly throughout the criminal justice system.[3]

This problem becomes more complex because the reform also introduces and strengthens the instrument of judicial pardon. Supreme Court Regulation Number 3 of 2026 on Judicial Pardon Rulings (Perma 3/2026) provides guidelines for judges in applying judicial pardon in a measured and consistent manner. Consequently, the structuring of restorative justice within the integrated criminal justice system must distinguish between restorative resolution under the KUHAP, the termination or resolution of a case through a restorative mechanism, and judicial pardon as a form of court ruling. These three have different characters and legal consequences and cannot be equated. Restorative justice is oriented toward the process and outcome of recovery through the involvement of the victim, the offender, the community, and the facilitator. In contrast, judicial pardon is a judicial instrument that gives judges room to declare a defendant proven guilty but not impose a criminal sentence or measure, based on certain considerations as determined by law.[4] This distinction is important so that reconciliation between the offender and the victim is not automatically equated with judicial pardon, and conversely, so that judicial pardon is not understood merely as a consequence of a restorative agreement.

The structuring of restorative justice must therefore be placed within the framework of an integrated criminal justice system. The criminal justice system does not consist only of legal rules but also includes institutions, law enforcement officials, procedures, legal culture, and coordinative relationships among the Police, the Prosecutor's Office, the Courts, Advocates, victim protection institutions, and the community. From the perspective of Lawrence M. Friedman's legal system theory, the effectiveness of law is determined by the interrelationship between legal substance, legal structure, and legal culture. The regulation of Articles 79–88 of the KUHAP as legal substance must therefore be followed by the strengthening of institutional structure and a change in legal culture so that restorative justice does not remain merely a written norm. Gustav Radbruch's theory of legal certainty further requires that law operate together with justice and expediency.[5] In the context of restorative justice, legal certainty must cover certainty regarding which cases can be resolved through the restorative mechanism, the requirements that must be met, victims'

[3] Dedi Irawan et al., "Disharmony and Transformation of Restorative Justice in the Criminal Justice System: A Comparative Study of Police Regulation No. 8 of 2021 and the 2025 Criminal Procedure Code," *Proceedings of International Conference on Islamic Community Studies*, October 27, 2025, 6515–22.
[4] Prayogo Laksono et al., "Construction of Restorative Justice Regulations in the Integrated Justice System," *Technium Social Sciences Journal* 79 (2026): 84.
[5] Manik Sulistiya and Sodikin Sodikin, "Reconstruction of the Principle of Justice in the Indonesian Criminal Justice System: A Restorative Perspective and Regulatory Reform," *Journal of Lex et Justitia* 1, no. 1 (2025): 69–85, https://doi.org/10.67171/2m8nzf64.

rights, offenders' obligations, the authority of each law enforcement official, the legal consequences of an agreement, and the mechanism for overseeing its implementation.[6]

Thus, the main problem of restorative justice in Indonesia's criminal justice system after the birth of the 2025 KUHAP no longer lies in the absence of a legal basis. The problem has shifted to how to operationalize that norm into a structure capable of producing application that is consistent, measurable, transparent, and predictable. The 2025 KUHAP has provided a foundation through Articles 79–88, but the success of its implementation depends greatly on the state's ability to build the same standard at every stage of the criminal justice system. A model is therefore needed that connects norms, institutions, procedures, victim protection, facilitation, oversight, and evaluation into one integrated construction. Based on this state of the art, research on restorative justice in Indonesia has so far discussed more conceptual aspects, its application to certain types of crime, and problems of sectoral regulation.[7] There remains room for study on how the structuring of restorative justice, after its codification in the 2025 KUHAP, can be built as an integrated mechanism among criminal justice subsystems that simultaneously guarantees legal certainty. This gap is increasingly important because the 2025 KUHAP only came into force on 2 January 2026 and brings a fundamental change to the design of Indonesian criminal procedure law.

Within this scholarly gap, this study proposes an integrated restorative justice structuring model. The model is developed as a normative and institutional framework that connects legal norms, institutional authority, procedural standards, victim protection, facilitation, oversight, and evaluation. It is not confined to reconciliation between the offender and the victim, but directed toward measurable recovery, accountable responsibility, and enforceable legal certainty. The detailed construction of the model is presented in the analytical part of this article.

Based on the above description, this research is directed at answering two main research questions: (1) How is restorative justice regulated and practiced within the Integrated Criminal Justice System under the 2025 KUHAP? (2) What is the ideal structuring concept for restorative justice so that it can be applied consistently in order to realize legal certainty? Both questions are important to ensure that the regulation of restorative justice in the 2025 KUHAP does not stop as a declaratory norm but develops into a legal mechanism capable of presenting restorative justice as well as legal certainty for victims, offenders, law enforcement officials, and the community.

2. Research Method

This research is normative legal research. It employs a statute approach, a conceptual approach, and an analytical approach.[8] The statute approach is used to examine Law Number 1 of 2023 on the Criminal Code (KUHP), Law Number 20 of 2025 on the Criminal Procedure Code (KUHAP), Supreme Court Regulation Number 1 of 2024 on Guidelines for

[6] Ibid.
[7] Mas Putra Zenno Januarsyah et al., "The Application of Restorative Justice with an Integrated System in Handling Minor Crimes: A Legal Certainty Perspective," *Proceeding International Conference on Social Sciences* 1, no. 1 (2026): 383–93.
[8] Zainuddin Ali, *Metode Penelitian Hukum* (Sinar Grafika, 2021).

Adjudicating Criminal Cases Based on Restorative Justice (Perma 1/2024), Supreme Court Regulation Number 3 of 2026 on Judicial Pardon Rulings (Perma 3/2026), Police Regulation Number 8 of 2021 on the Handling of Criminal Offenses Based on Restorative Justice (Perpol 8/2021), and Prosecutorial Regulation Number 15 of 2020 on the Termination of Prosecution Based on Restorative Justice (Perja 15/2020). The conceptual approach is used to analyze the concepts of restorative justice, the integrated criminal justice system, legal certainty, victim protection, and legal structuring. The analytical approach is used to examine the systematic relationship between legal norms, institutional authority, procedures, and the legal consequences of restorative resolution.

The legal materials consist of primary, secondary, and tertiary legal materials. Primary legal materials comprise the statutes and regulations mentioned above. Secondary legal materials comprise books, journal articles, research reports, and legal commentaries on criminal law reform, the 2025 KUHAP, restorative justice, victim protection, and judicial pardon. Tertiary legal materials comprise legal dictionaries and other supporting references used to clarify legal terms. The legal materials were collected through document study and library research. Because this is normative legal research, the study does not rely on empirical data collection.

The analysis was conducted qualitatively and prescriptively. Qualitatively, the analysis interprets and systematizes legal norms, doctrines, and scholarly views. Prescriptively, it formulates legal arguments and recommendations concerning the structuring of restorative justice within the Integrated Criminal Justice System. The analysis was carried out through systematic interpretation, grammatical interpretation, and logical reasoning in order to produce a coherent legal formulation that supports legal certainty.

3. Regulation and Practice of Restorative Justice in the Integrated Criminal Justice System

3.1. The Shift from Retributive Justice to Restorative Justice

The change in the punishment paradigm is one of the main characteristics of Indonesia's criminal law reform. The old paradigm tended to place punishment as an instrument of retaliation against the offender. Under that paradigm, the success of law enforcement was more easily measured through the process of arrest, prosecution, proof of guilt, and sentencing. In contrast, restorative justice views a criminal act as an event that not only harms the state, but also causes harm to the victim and the community. Therefore, the legal response must be directed toward recovery from the consequences of the criminal act. The development of Indonesian criminal law shows a paradigm shift from a retributive approach toward one that is more corrective, rehabilitative, and restorative.[9]

Simbolon (2026) shows that in the development of the National Criminal Code, restorative justice has shifted from merely a case-resolution mechanism into a punishment paradigm that combines victim recovery, offender accountability, community participation, alternatives to imprisonment, and social reintegration. Thus, restorative justice cannot be

[9] Neng Erna Sry Denasty, "Restorative Justice in Criminal Procedure Reform towards a Pro Victima et Societatis System," *KRTHA BHAYANGKARA* 19, no. 3 (2025): 911–22, https://doi.org/10.31599/krtha.v19i3.4612.

narrowed down to a mere "reconciliation" process.[10] Reconciliation is only one instrument. Its main substance is recovery, accountability, participation, and reintegration.

In the Indonesian context, this approach had actually developed before the enactment of the 2025 KUHAP. The Police, the Prosecutor's Office, and the Supreme Court each already had instruments on restorative justice, namely Perpol 8/2021, Perja 15/2020, and Perma 1/2024. However, these sectoral regulations had criteria and mechanisms that were not entirely uniform. The Supreme Court's Legal Documentation and Information Network (JDIH) also notes that before the 2025 KUHAP took effect, the restorative justice mechanism indeed developed through the internal regulations of each law enforcement institution.[11]

This problem then acquired a new dimension with the enactment of the 2025 KUHAP. The new KUHAP formally incorporates the restorative justice mechanism in Chapter IV, specifically Articles 79 to 88. Thus, the problem of restorative justice after the 2025 KUHAP can no longer be viewed merely from the question of whether the mechanism has a legal basis. The problem has shifted to whether this regulation has formed a mechanism that is consistent, measurable, and predictable at every stage of the criminal justice system.

3.2. The Regulation of Articles 79-88 of the 2025 KUHAP as Legal Substance

Before the enactment of the 2025 KUHAP, restorative justice was regulated through sectoral instruments, namely Perpol 8/2021, Perja 15/2020, and Perma 1/2024. This sectoral arrangement provided a legal basis for officials, but each regulation had different characteristics and requirements, causing regulatory disharmony and potentially producing differences in case handling at various stages of the criminal justice process. The main problem was therefore not the absence of a restorative justice policy, but the absence of a genuinely integrated legal structure.[12]

The 2025 KUHAP provides a relatively stronger normative foundation for the restorative justice mechanism. Article 79 regulates the goal of restoring the original condition, while Articles 80 to 87 regulate the criteria, process, stages, and mechanism for applying restorative justice.

3.2.1. Article 79: Recovery as the Main Objective

Article 79 affirms that the restorative justice mechanism is carried out to restore the original condition. Forms of recovery include, among others, forgiveness from the victim and/or their family, the return of property, reimbursement of medical or psychological treatment costs, compensation for losses, repair of damage, and payment of restitution. The agreement must be set

[10] Netty Mewahaty Simbolon, "Pergeseran Paradigma Pemidanaan dalam KUHP Nasional: Systematic Literature Review terhadap Keadilan Restoratif dalam Hukum Pidana Indonesia," *Pagaruyuang Law Journal* 10, no. 1 (2026): 270–82, https://doi.org/10.31869/plj.v10i1.8199.

[11] JDIH Mahkamah Agung Republik Indonesia, "Penerapan Mekanisme Keadilan Restoratif Tahap Penyelidikan," https://jdih.mahkamahagung.go.id/tulisan-hukum-detail/penerapan-mekanisme-keadilan-restoratif-tahap-penyelidikan-0bwg.

[12] Kamila Amelina Rahmi et al., "Formulasi Konsep Keadilan Restoratif Dalam Pembaruan Sistem Hukum Pidana Di Indonesia: The Formulation of the Restorative Justice Concept in the Reform of Indonesia's Criminal Justice System," *Hukum Dan Masyarakat Madani* 16, no. 1 (2026): 157–88, https://doi.org/10.26623/humani.v16i1.14423.

out in writing and implemented within a maximum of seven days. After the entire agreement has been implemented, the case must be terminated and a court determination requested.[13]

This provision shows that the orientation of restorative justice under the 2025 KUHAP does not stop at reconciliation. Reconciliation is only one instrument, while the ultimate goal is recovery. This is important because there is a fundamental difference between reconciliation as an agreement and recovery as an outcome that must be realized. A case should not be considered resolved merely because the victim and the offender have signed a letter of reconciliation. If the victim has not yet received restitution, medical costs have not been paid, damage has not been repaired, or the offender's obligations have not been carried out, then the restorative process has not substantively achieved its purpose. Thus, Article 79 must be interpreted as a norm that places the implementation of the agreement as an integral part of restorative justice, not merely a formality after an agreement is reached.

3.2.2. Article 80: Case Eligibility Criteria

Article 80 is important because it sets limits on which cases may use the restorative justice mechanism. The provisions on the threshold of the criminal penalty, the nature of the offense, and repeat-offender status show that the legislature sought to limit the use of restorative justice so that it does not become a mechanism that can be freely applied to all cases. However, a problem of legal certainty arises when these criteria still leave broad room for interpretation.

Pulungan and Situmorang (2026) identify the relationship between the regulation of restorative justice in the new KUHAP and the problem of legal certainty and the discretion of law enforcement officials. Their research finds that regulation not yet fully accompanied by uniform parameters, procedures, and limits on discretion has the potential to give rise to differing interpretations and applications among law enforcement officials. This condition can cause non-uniformity in determining which cases can be resolved through restorative justice, so that legal certainty has not yet been fully realized. They therefore emphasize the importance of standardizing criteria and procedures, and controlling the discretion of law enforcement officials, so that the application of restorative justice under the new KUHAP proceeds consistently, transparently, and predictably for the public.[14]

This shows that normative criteria need to be translated into operational parameters. Without such parameters, two cases with similar characteristics can be treated differently because officials apply different assessments. Therefore, Article 80 should not stop at eligibility criteria, but should be developed into a case eligibility matrix that covers:

1. the type of offense;
2. the level of loss;
3. the threat of punishment;
4. repetition of the offense;
5. the offender's attitude and sense of responsibility;
6. the victim's position and needs;

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[13] Ghaitsa Zahira Shofa Tsuraya and Yenny Fitri Z, "Analisis Perbandingan Pengaturan Mekanisme Keadilan Restorative Sebelum Dan Setelah Pemberlakuan Undang Undang Nomor 20 Tahun 2025 Tentang Kitab Undang-Undang Hukum Acara Pidana," *EDU RESEARCH* 7, no. 2 (2026): 8753–65, https://doi.org/10.47827/jer.v7i2.3597.

[14] Dheny Wahyudhi et al., "The Transformation of Indonesian Criminal Law: Examining The Integration of Restorative Justice and Customary Institutions In The New Criminal Code.," *Journal of Social Science (2963-1866)* 4, no. 12 (2025): 802.

7. the victim's level of vulnerability;
8. power relations;
9. the possibility of recovery;
10. the risk of repetition; and
11. the interests of the community.

3.2.3. Article 81: Voluntariness of the Parties

Article 81 holds a strategic position because it concerns the legitimacy of the restorative process. An agreement cannot be regarded as just if it is obtained through pressure, coercion, intimidation, threats, or other forms of unfreedom. In practice, this issue is especially important when the victim is in a weaker position than the offender. Economic dependency, family relationships, social status, or power relations can cause the victim's consent to appear formally voluntary while substantively unfree.

Therefore, the structuring of restorative justice must distinguish between formal consent and substantive free consent. A signature on an official report only proves that consent was given administratively. That signature does not by itself prove that the victim understands their rights, understands the legal consequences of the agreement, is free from pressure, and genuinely wishes to resolve the case through the restorative mechanism. Thus, a victim vulnerability assessment and free consent verification need to be carried out to ensure that the consent given by the victim is genuine, conscious, and free from any form of intimidation before the agreement is declared valid.

3.2.4. Article 82: Limits of Application

Article 82 determines certain offenses that are excluded from the restorative justice mechanism, among others terrorism, corruption, sexual violence, offenses against life, offenses carrying special minimum sentences, and certain categories of offense that are "highly dangerous or harmful to the community." This provision is an instrument for limiting the restorative approach so that it is not used excessively. This exclusion also shows that restorative justice is not a mechanism that eliminates the state's function in enforcing criminal law. The victim's interests are indeed important, but there are offenses that carry such significant public interest that they cannot be resolved merely through the will of the offender and the victim. In the context of legal certainty, the categories of exclusion must be formulated clearly so as not to give rise to differing interpretations. Phrases such as "highly dangerous or harmful to the community" require measurable parameters so that they do not become a source of uncontrolled discretion.

3.3. Restorative Justice at Every Stage of the Criminal Justice System

One important change under the 2025 KUHAP is that the restorative justice mechanism is not placed at only one stage of the process, but can take place from the earliest stage, namely inquiry, investigation, prosecution, up to trial. However, the existence of the mechanism at several stages at once gives rise to new problems concerning the standards used by investigators, public prosecutors, and judges.

Perpol 8/2021 provides the legal basis and guidelines for investigators and inquiry officials in applying restorative justice in order to realize the public interest and the community's sense of justice, and to achieve uniformity in the application of the concept within the National Police. The guidelines for handling case resolution through the restorative justice mechanism within the National Police include:

a. Fulfilling material requirements, namely:

a) does not give rise to public unrest and/or rejection;
b) does not result in social conflict;
c) does not have the potential to divide the nation;
d) is not radical or separatist in nature;
e) the offender is not a repeat offender based on a court ruling; and
f) is not an offense of terrorism, an offense against state security, corruption, or an offense against a person's life.

b. Fulfilling formal requirements, namely:

a) reconciliation between both parties, except for narcotics offenses; and
b) fulfillment of the victim's rights and the offender's responsibilities, except for narcotics offenses.

The Attorney General's Office of the Republic of Indonesia also has internal regulations governing the mechanism for applying the concept of restorative justice in resolving criminal cases through Perja 15/2020. Article 3 paragraph (2) letter e states that the Public Prosecutor has the authority to close a case in the interest of the law, where such closure is carried out in the event that a case has been resolved outside of court (*afdoening buiten process*). Resolution of a case outside of court can be carried out on condition that the original condition has been restored using a restorative justice approach.[15]

There are considerations for the Public Prosecutor in terminating prosecution based on restorative justice, namely: 1) the subject, object, category, and threatened punishment of the offense; 2) the background to the occurrence of the offense; 3) the degree of reprehensibility; 4) the loss or consequences arising from the offense; 5) the cost and benefit of handling the case; 6) the restoration of the original condition; and 7) the existence of reconciliation between the Victim and the Suspect.

Perja 15/2020 sets out certain requirements stating that a criminal case may be closed by law and its prosecution terminated based on restorative justice if:

a. the suspect has committed an offense for the first time;
b. the offense is threatened only with a fine or with imprisonment of not more than 5 (five) years; and
c. the offense was committed with a value of evidence or loss arising from the offense of not more than IDR 2,500,000 (two million five hundred thousand rupiah).

The Supreme Court, through Supreme Court Regulation Number 1 of 2024 on Guidelines for Adjudicating Criminal Cases Based on Restorative Justice (Perma 1/2024), also regulates the mechanism for handling criminal cases through the application of the concept of restorative justice.[16] Perma 1/2024 explains that the application of the principle of

[15] Yufiyandini Adiningsih and 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.
[16] Heather Strang et al., "Restorative Justice Conferencing (RJC) Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction. A Systematic Review," *Campbell Systematic Reviews* 9, no. 1 (2013): 1–59, https://doi.org/10.4073/csr.2013.12.

restorative justice aims to: 1) restore the victim of the offense; 2) restore the relationship between the defendant, the victim, and/or the community; 3) encourage the defendant's accountability; and 4) prevent every person, particularly children, from deprivation of liberty. However, the application of the principle of restorative justice is not intended to eliminate criminal accountability. A judge may apply the guidelines for adjudicating a criminal case based on the principle of restorative justice if:

a. the offense committed is a minor offense, or the victim's loss is not more than IDR 2,500,000 (two million five hundred thousand rupiah) or not more than the applicable provincial minimum wage;
b. the offense is a complaint offense;
c. the offense carries a maximum penalty of 5 (five) years' imprisonment in one of the charges, including a *jinayat* offense under qanun;
d. the offense involves a child offender whose diversion was unsuccessful; or
e. the offense is a traffic offense constituting a crime.

The various rules on the application of restorative justice create a lack of harmony between one institution and another. Looking at the requirements for an offense that may be resolved through the restorative justice mechanism, it can be seen that the Police, the Prosecutor's Office, and the Supreme Court each have their own parameters. Perpol 8/2021 emphasizes material and formal requirements, including the absence of public unrest, the offender not being a repeat offender, and reconciliation between the parties. Perja 15/2020 sets a limit of IDR 2,500,000 and a maximum penalty of five years, and requires that the suspect be a first-time offender. Perma 1/2024 allows restorative justice for minor offenses, complaint offenses, offenses carrying a maximum penalty of five years, unsuccessful diversion of child offenders, and traffic offenses, with a loss threshold of IDR 2,500,000 or the applicable provincial minimum wage. These differences can cause confusion for the public regarding the applicable rules, even though those rules are binding on each institution. The effect is detrimental to both offenders and victims of crime, because they will receive subjective treatment from various law enforcement officials due to the lack of integration in the regulation of restorative justice. Restorative justice cannot be interpreted as eliminating imprisonment, but as bringing a case onto a path outside the trial process through reconciliation.[17]

The concept of restorative justice must be applied comprehensively and in an integrated manner at all stages of the criminal justice system, from the Police, the Public Prosecutor, to the Court. In addition, the concept of restorative justice must be applied comprehensively within the Indonesian criminal justice system in order to achieve legal harmony. This is important because the effectiveness of the application of restorative justice depends heavily on the consistency of all elements within the law enforcement system. If one subsystem does not apply the restorative justice approach, then the resulting decision has the potential not to reflect the principles and objectives of restorative justice as a whole. Therefore, the application of restorative justice must be carried out in an integrated and synergistic manner

[17] Irwan Soeharlim et al., "Implementation of Restorative Justice as a Criminal Policy: A Literature Review," *Academica: Journal of Multidisciplinary Studies* 10, no. 1 (2026): 12–26, https://doi.org/10.22515/academica.v10i1.14879.

by all components of the criminal justice system, so that it can realize the legal objectives of justice, legal certainty, and benefit for the community. Without such integration, restorative justice risks becoming merely a normative approach that cannot be implemented consistently and effectively in law enforcement practice.

4. Structuring the Ideal Concept of Restorative Justice

The term "structuring" in this research refers to the process of arranging norms, authority, institutions, procedures, protection of rights, and oversight mechanisms so that restorative justice becomes a single unity within the Integrated Criminal Justice System.[18] Structuring does not merely mean unifying regulations. It must produce a unity of norms, a unity of standards, a division of authority, an oversight mechanism, and victim protection. This concept is important because the problem of restorative justice after the 2025 KUHAP is no longer a lack of legal basis, but how that norm is translated into a consistent mechanism. This research offers a paradigm shift in restorative justice through an integrated structuring model consisting of a legal framework, eight operational stages, and a branching mechanism. The eight operational stages are: (1) case classification or eligibility assessment; (2) assessment of the victim and the offender; (3) verification of voluntariness; (4) restorative facilitation; (5) restoration agreement; (6) verification of implementation; (7) judicial oversight; and (8) monitoring and evaluation.

This model responds to needs that have also emerged in legal practice. In its review of the KUHAP, the Constitutional Court has highlighted the importance of objective assessment and the relationship between the KUHAP and the social inquiry report (*litmas*) in guaranteeing proportional decisions and preventing subjectivity. The model is also designed to position restorative justice and judicial pardon proportionally. Restorative justice is oriented toward recovery from the consequences of a criminal act, while judicial pardon is oriented toward the judge's authority to determine the punitive response after the defendant's guilt has been proven.[19] Restorative justice is therefore restoration-oriented, while judicial pardon is sentencing-oriented. Both fall within the same paradigm of criminal law reform, but they must not be interchanged. Reconciliation between the victim and the offender does not automatically mean that the judge must grant judicial pardon. Conversely, the judge may consider pardon within the context of judicial authority without making the existence of a restorative agreement the sole basis for it. This distinction is important to prevent restorative justice from being reduced to mere "reconciliation to terminate a case."

4.1. Articles 79–88 of the 2025 KUHAP as the Legal Framework

The first element of the model is the position of Articles 79–88 of the 2025 KUHAP as the main legal framework for the implementation of restorative justice. This regulation provides

[18] Eva Nurlaelisa Christianty et al., "Toward a Holistic Paradigm: Integrating Agency and Communion in Indonesia's Victim Justice System," *JURNAL ILMIAH GEMA PERENCANA* 4, no. 3 (2026): 2553–66, https://doi.org/10.61860/jigp.v4i3.344.

[19] Ruping Ragsanjani et al., "Fragmented Constitutional Criminal Enforcement: Judicial Pragmatism and Constitutional Coherence in the Indonesian Constitutional Court: Fragmentasi Penegakan Hukum Pidana Konstitusional: Pragmatisme Yudisial Dan Koherensi Konstitusional Dalam Mahkamah Konstitusi Indonesia," *Jurnal Kajian Konstitusi* 6, no. 1 (2026): 1–21, https://doi.org/10.19184/j.kk.v6i1.53740.

normative legitimacy for the restorative mechanism within the national criminal procedure law system, including the objective of recovery, case criteria, the voluntariness of the parties, the stages of application, and court oversight. Positioning Articles 79–88 as the starting point shows that restorative justice is no longer merely the internal policy of each law enforcement institution. With regulation in the KUHAP, this mechanism becomes part of national criminal procedure law that must be understood systematically by the entire criminal justice subsystem.[20]

However, this norm must be translated into uniform procedures. Article 88, which delegates further regulation through a Government Regulation, is important to ensure that this provision has clear operational parameters. Implementing regulations should not only govern administrative aspects, but should also establish standards for assessment, verification of voluntariness, facilitation, implementation of agreements, and oversight. At this point, Lawrence M. Friedman's theory becomes relevant. Articles 79–88 are part of the legal substance, but their effectiveness still depends on legal structure and legal culture. A good norm is not enough if the institutional structure and legal culture of officials do not yet support the consistent application of restorative justice.

4.2. Case Classification

The second element is case classification. Not every offense can or should be resolved through restorative justice. Before the restorative process begins, an initial assessment of case eligibility must be carried out. Classification cannot be based solely on the threat of punishment as determined in the KUHAP, but must also consider the concrete characteristics of the case. In this model, case classification at minimum considers:

1. the type of offense;
2. the threat of punishment;
3. the level of loss;
4. the nature and consequences of the offense;
5. whether the offender is a first-time or repeat offender;
6. the offender's attitude and level of accountability;
7. the victim's condition;
8. the victim's level of vulnerability;
9. the existence of a power relation;
10. the possibility of recovery;
11. the interests of the community; and
12. the risk of repetition of the offense.

This classification is necessary to prevent the arbitrary application of restorative justice. With objective criteria, law enforcement officials can explain why a case does or does not meet the requirements for restorative resolution. From Jan Michiel Otto's perspective, this stage relates to the element of real legal certainty in the form of the availability of rules that

[20] Aditya Rachman Rosadi et al., "Reconstruction of the Prosecution Service's Prosecutorial Authority in the Indonesian Criminal Justice System: Integration of the Dominus Litis Principle, the Data-Driven Justice Approach, and Indonesian Values," *Al Qodiri : Jurnal Pendidikan, Sosial Dan Keagamaan* 24, no. 3 (2026): 266–75, https://doi.org/10.53515/alqodiri.v24i3.348.

are clear, consistent, and accessible.[21] If the public cannot know the criteria for cases that can use restorative justice, then legal certainty has not been achieved. This research therefore proposes that case classification be set out in a Restorative Justice Eligibility Matrix, a matrix used uniformly by investigators, public prosecutors, and judges.

4.3. Assessment of the Victim and the Offender

After a case is preliminarily declared to meet the criteria, the next stage is the assessment of the victim and the offender. This stage is the main distinguishing factor between a substantive restorative justice model and a model that is merely oriented toward administrative reconciliation. Victim assessment is needed to determine the level of loss, recovery needs, psychological condition, level of vulnerability, and the possibility of pressure or power relations. Offender assessment is directed at determining attitude, level of remorse, willingness to take responsibility, ability to fulfill recovery obligations, and the risk of repeating the offense.[22]

This assessment is important because restorative justice cannot only address the reconciliation of the victim and offender, but must answer something more substantive, namely that restorative resolution genuinely allows for recovery and accountability without harming or pressuring the victim. Assessment becomes an instrument to ensure that the decision to apply restorative justice is based on the concrete conditions of the case, not merely on the will of officials or the existence of an initial agreement.

4.4. Verification of Voluntariness (Free and Informed Consent)

The next stage is verification of voluntariness. This stage is one of the most important elements in the model because the victim's consent is not always synonymous with justice. Consent can lose its legitimacy if given because of threats, family pressure, economic dependency, power relations, intimidation, fear, or ignorance of the victim's rights. Therefore, the victim's signature on an official report cannot be used as the sole indicator of voluntariness. In this model, voluntariness must be verified through several indicators:

1. the victim understands the restorative justice mechanism;
2. the victim knows their legal rights and options;
3. the victim has the opportunity to obtain assistance;
4. there is no pressure or intimidation;
5. the victim has the opportunity to refuse;
6. the victim understands the consequences of the agreement;
7. there is no conflict of interest in the facilitation process; and
8. the agreement reflects the victim's freely given will.

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[21] Dedy Chandra Sihombing et al., "Penguatan Kewenangan Jaksa Selaku Dominus Litis Sebagai Upaya Optimalisasi Penegakan Hukum Pidana Berorientasi Keadilan Restoratif," *Locus: Jurnal Konsep Ilmu Hukum* 3, no. 2 (2023): 63–75, https://doi.org/10.56128/jkih.v3i2.42.

[22] Achyar Zein et al., "From Sectoral Restorative Justice to Statutory Integration: A Maslahah-Based Safeguard Framework for Victims and Offenders in Indonesia," *Jurnal Sahabat ISNU SU* 3, no. 2 (2026): 172–85, https://doi.org/10.70826/jsisnu.v3i2.1950.

The principle established is that voluntariness must be proven substantively, not merely administratively.[23] This also strengthens victim protection as one of the main characteristics of the structuring model.

4.5. Restorative Facilitation

After voluntariness has been verified, the process enters the stage of restorative facilitation. Facilitation is a space for dialogue between the victim, the offender, and other relevant parties to discuss the consequences of the criminal act and the forms of recovery needed. At this stage, law enforcement officials should not act as parties forcing reconciliation to occur. Officials have the function of maintaining legality, while the dialogue process must take place in an atmosphere that is safe, free of pressure, and allows the parties to convey their interests.

This model therefore requires the presence of a competent restorative facilitator. The facilitator must be able to maintain the balance of the process, prevent the domination of one party, and ensure that the victim's needs are not subordinated to the interest of quickly terminating the case.[24] The facilitation process is not about how to make the victim willing to reconcile, but about how to create a process that allows the offender to take responsibility and the victim to obtain recovery. This change of orientation is important to prevent restorative justice from turning into an instrument for resolving cases that benefits only the offender.

4.6. Restoration Agreement

If the facilitation process produces an agreement, that agreement must be formulated as a recovery agreement, not merely a letter of reconciliation. Ideally, the agreement should concretely set out:

1. the form of recovery;
2. the amount or form of restitution;
3. reimbursement of medical costs;
4. repair of damage;
5. an apology, if necessary;
6. certain obligations of the offender;
7. the time period for implementation;
8. the oversight mechanism; and
9. the consequences if the agreement is not implemented.

This is a logical consequence of Article 79 of the 2025 KUHAP, which places recovery as the main orientation.[25] Reconciliation is not the final goal. Reconciliation is merely an

[23] Agung Ardiyansyah, "Implementation of Restorative Justice as an Effort to Resolve Minor Criminal Acts in the Criminal Justice System in Indonesia," *International Journal of Social Science and Human Research* 8, no. 4 (2025).
[24] Dian Ekawaty Ismail et al., "Collocation of Restorative Justice with Human Rights in Indonesia," *Legality : Jurnal Ilmiah Hukum* 32, no. 2 (2024): 394–417, https://doi.org/10.22219/ljih.v32i2.35374.
[25] Dr Arizal Anwar M.H S. H., *Pemaafan Hakim (Rechterlijk Pardon) dalam KUHP Nasional Konstruksi Norma dan Implikasi Bagi Sistem Pemidanaan* (Indonesia Emas Group, 2026).

instrument for achieving recovery. The measure of success is no longer simply whether the victim says "I forgive," but whether the loss and impact of the criminal act have been properly addressed and the offender has taken responsibility.

4.7. Verification of Implementation of the Agreement

The next stage is verification of implementation. This stage distinguishes this research model from restorative justice practices that are oriented only toward reaching an agreement. The agreement must be verified before being used as the basis for terminating the case. Verification includes:

a. whether restitution has been paid;
b. whether damage has been repaired;
c. whether medical costs have been reimbursed;
d. whether other obligations have been carried out;
e. whether the victim has received the agreed recovery; and
f. whether there has been no violation of the agreement.

The process constructed is therefore not merely "agreement and termination," but "agreement, implementation, verification, and termination." This difference has important consequences for legal certainty. The termination of a case must not be based solely on the offender's promise, but must be based on the fulfillment of the agreed obligations.

4.8. Decision Point: Success or Failure

The structuring model then has a decision point that determines whether the restorative process succeeds or fails.

a. If successful: if all obligations have been carried out and the legal requirements have been fulfilled, then the case may be terminated in accordance with the relevant stage of the process, while still following the control mechanism set out in the KUHAP. In this condition, restorative justice produces recovery, accountability, and resolution of the case.[26]

b. If unsuccessful: if the offender does not carry out the agreement, the victim lawfully withdraws consent because of pressure, a procedural violation is found, or it turns out the case does not meet the requirements for restorative justice, then the case must return to, or continue through, the ordinary criminal justice mechanism. Restorative justice is therefore not a mechanism that automatically eliminates the criminal process.[27] This construction provides protection for both the victim and the offender because the restorative process has clear limits and legal consequences.

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[26] Khaoeirun Nissa et al., "Reformulating Rechterlijk Pardon in the Criminal Procedure Code: A Comparative Study with the Dutch Criminal Justice System," *Nusantara: Journal of Law Studies* 5, no. 2 (2026): 1486–506, https://doi.org/10.66325/nusantaralaw.v5i2.351.

[27] Fero Sanjaya and Herlita Eryke, "Reform of Human Trafficking Victim Protection Policy in Indonesia: A Human Rights and Restorative Justice Perspective," *PALAR | PAKUAN LAW REVIEW* 12, no. 1 (2026): 273–80, https://doi.org/10.33751/palar.v12i1.39.

4.9. Judicial Oversight

Judicial oversight is an important element to prevent case resolution from depending solely on the discretion of the investigator or the public prosecutor. The presence of the court provides a dimension of accountability for the process that has been carried out.[28] The judge does not merely function as the party ratifying a document, but must ensure that the restorative mechanism meets the legal requirements. Judicial oversight includes examination of:

1. the eligibility of the case;
2. the voluntariness of the parties;
3. the protection of the victim;
4. the substance of the agreement;
5. the implementation of the agreement;
6. the absence of pressure or intimidation; and
7. conformity with the interests of the law and the community.

Judicial oversight is a bridge between the flexibility of restorative justice and the demand for legal certainty.[29]

4.10. Monitoring and Evaluation

The final stage is monitoring and evaluation. This stage is often neglected in restorative justice practice, even though the success of recovery cannot always be measured at the moment a case is terminated. Monitoring is needed to determine:

a. whether the victim has genuinely obtained recovery;
b. whether the offender does not repeat the offense;
c. whether the agreed obligations continue to be carried out;
d. whether no further conflict arises; and
e. whether the restorative process has a positive impact on social relations.

Evaluation is also important for building a national database on restorative justice. This data can be used to determine the rate of success, the rate of failure, the types of cases most effectively resolved restoratively, and the factors that cause repetition of offenses.[30] In the long term, monitoring and evaluation will form evidence-based restorative justice, namely a restorative justice policy developed based on data and evaluation, not merely assumptions.

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[28] Cantika Qori Nirmalasari and Muhammad Azil Maskur, "Penerapan Judicial Pardon Di Belanda Dan Indonesia: Analisis Komparatif Terhadap Rechtelijk Pardon Pada KUHP Baru Di Indonesia," *Legalite : Jurnal Perundang Undangan Dan Hukum Pidana Islam* 11, no. 1 (2026): 116–36, https://doi.org/10.32505/legalite.v11i1.13592.

[29] Gregorius Widiartana and Sajjad Hussain, "Judicial Pardon in Contemporary Criminal Verdicts: Balancing Justice, Legal Certainty, and the Utility of Law," *Nusantara: Journal of Law Studies* 4, no. 01 (2025): 1–11, https://doi.org/10.5281/zenodo.17346796.

[30] Ida Keumala Jeumpa et al., "The Qualitative Socio-Legal Case Study Using a Restorative Justice Framework to Explore Child Sexual Abuse Case Settlements in Aceh, Indonesia," *Juvenile & Family Court Journal* n/a, no. n/a (n.d.), https://doi.org/10.1111/jfcj.70028.

4.11. Restorative Justice and Judicial Pardon

The structuring model must also position restorative justice and judicial pardon proportionally. Restorative justice is oriented toward recovery from the consequences of a criminal act, while judicial pardon is oriented toward the judge's authority to determine the punitive response after the defendant's guilt has been proven. Restorative justice is therefore restoration-oriented, while judicial pardon is sentencing-oriented. Both fall within the same paradigm of criminal law reform, but they must not be interchanged. Reconciliation between the victim and the offender does not automatically mean that the judge must grant judicial pardon. Conversely, the judge may consider pardon within the context of judicial authority without making the existence of a restorative agreement the sole basis for it.[31] This distinction is important to prevent restorative justice from being reduced to mere "reconciliation to terminate a case."

The model offered can be mapped onto Lawrence M. Friedman's legal system theory, as shown in Table 1.

Table 1. Structuring within Lawrence M. Friedman's Legal System Theory

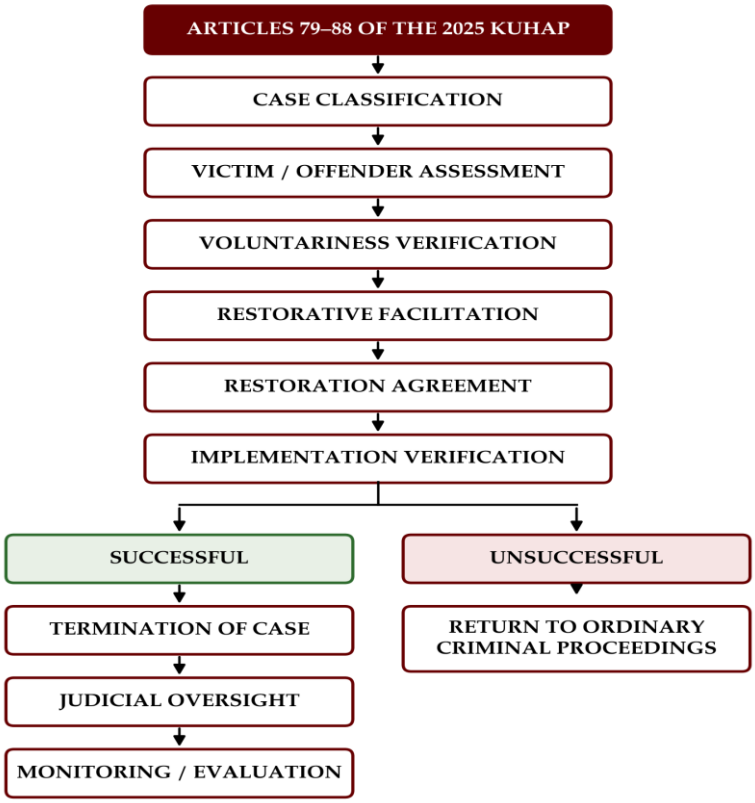
Friedman's Element	Implementation in the Model
Legal Substance	Articles 79–88 of the 2025 KUHAP, criteria, procedures, rights and obligations
Legal Structure	Investigators, public prosecutors, judges, facilitators, and victim protection institutions
Legal Culture	Paradigm shift from punishment toward recovery
Output	Victim recovery, offender accountability, and legal certainty

Source: Authors' analysis, 2026.

The model does not merely reconstruct norms, but also the structure and legal culture. This is important because the problem of restorative justice will not be resolved simply by making new rules. If officials still have differing understandings of case criteria, the same norm will produce different practices.

[31] Anang Riyan Ramadianto et al., "Giving Voice to Child Victims: Victim Impact Statements as a Path toward Victim-Centered Justice," *Jurnal Hukum Dan Peradilan* 15, no. 1 (2026): 171–96, https://doi.org/10.25216/jhp.15.1.2026.171-196.

Figure 1. Integrated Restorative Justice Structuring Model



Source: Authors' construction, 2026.

The model offered in this research is called the Integrated Restorative Justice Structuring Model. This model is built on the idea that restorative justice must not be understood merely as a process of bringing the offender and victim together to produce a reconciliation agreement, but as a recovery system that has stages of selection, assessment, verification, facilitation, implementation, control, and evaluation.[32] The structure of restorative justice moves from the paradigm of "reconciliation" toward the paradigm of "recovery with legal certainty." The model consists of several interrelated and inseparable stages.

This restorative justice structuring model affirms that the success of restorative justice can no longer be measured solely by the achievement of reconciliation between the offender and the victim, but by the extent to which the process is able to produce genuine recovery, protect the rights and interests of the victim, ensure the accountability of the offender, and be carried out through a uniform and accountable procedure.[33] The series of case classification, assessment of the victim and offender, verification of voluntariness, restorative facilitation, recovery agreement, verification of implementation, judicial oversight, and monitoring and evaluation form an inseparable unity in building a

[32] Gregorius Widiartana et al., "Exploring Restorative Justice in Domestic Violence Cases," *Journal of Sustainable Development and Regulatory Issues (JSDERI)* 3, no. 3 (2025): 641–66, https://doi.org/10.53955/jsderi.v3i3.87.
[33] Fauziah Lubis, "Implementation of Restorative Justice, the Intent of Punishment, and Legal Clarity in Indonesia," *Russian Law Journal* (Россия, Москва) 11, no. 3 (2023): 813–23.

structured restorative justice. The structuring offered in this research is not intended to eliminate the discretion of law enforcement officials, but to place that discretion within objective, measurable, transparent, and supervisable limits. Ultimately, the Integrated Restorative Justice Structuring Model is directed at bridging the gap between law in the books and law in action, so that the existence of Articles 79–88 of the 2025 KUHAP does not stop as normative recognition, but can be realized in practice that is consistent, just, beneficial, and predictable for the public. With this construction, restorative justice can be positioned as an integral part of the Integrated Criminal Justice System while also becoming an instrument for realizing substantive and just legal certainty.

5. Conclusion

The regulation and practice of restorative justice within the Integrated Criminal Justice System has received a normative foundation through Articles 79–88 of the 2025 KUHAP, but its application still requires uniform standards and coordination among investigators, public prosecutors, and judges to avoid differing interpretations and practices. The 2025 KUHAP has shifted restorative justice from sectoral arrangements toward a national legal basis, yet its implementation continues to face problems concerning implementing regulations, harmonization with sectoral rules, oversight at the early stages of proceedings, and victim protection. These problems show that the main issue is no longer the absence of a legal basis, but how the existing norms are operationalized consistently across the criminal justice system.

The ideal structuring of restorative justice therefore needs to be built through a legal framework, eight operational stages, and a branching mechanism. The legal framework is provided by Articles 79–88 of the 2025 KUHAP. The eight operational stages consist of case classification, assessment of the victim and the offender, verification of voluntariness, restorative facilitation, restoration agreement, verification of implementation, judicial oversight, and monitoring and evaluation. The branching mechanism determines whether a case proceeds to termination or returns to the ordinary criminal justice process. This structure changes the orientation of restorative justice from mere reconciliation into recovery that is measurable and legally protected, and places the discretion of law enforcement officials within objective, measurable, transparent, and supervisable limits. With this construction, restorative justice can be applied consistently, transparently, and predictably, and can ultimately realize legal certainty within the Integrated Criminal Justice System.

References

Adiningsih, Yufiyandini, and 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.

Ali, Zainuddin. *Metode Penelitian Hukum*. Sinar Grafika, 2021.

Ardiyansyah, Agung. "Implementation of Restorative Justice as an Effort to Resolve Minor Criminal Acts in the Criminal Justice System in Indonesia." *International Journal of Social Science and Human Research* 8, no. 4 (2025).

Christianty, Eva Nurlaelisa, Izhar Zahri Nasution, Robertus Hadi Susanto, Agung Fernando, and Faisal Santiago. "Toward a Holistic Paradigm: Integrating Agency and Communion in Indonesia's Victim Justice System." *JURNAL ILMIAH GEMA PERENCANA* 4, no. 3 (2026): 2553–66. https://doi.org/10.61860/jigp.v4i3.344.

Denasty, Neng Erna Sry. "Restorative Justice in Criminal Procedure Reform towards a Pro Victima et Societatis System." *KRTHA BHAYANGKARA* 19, no. 3 (2025): 911–22. https://doi.org/10.31599/krtha.v19i3.4612.

Irawan, Dedi, Mhd Azhali Siregar, and Fitria Rafianti. "Disharmony and Transformation of Restorative Justice in the Criminal Justice System: A Comparative Study of Police Regulation No. 8 of 2021 and the 2025 Criminal Procedure Code." *Proceedings of International Conference on Islamic Community Studies*, October 27, 2025, 6515–22.

Ismail, Dian Ekawaty, Yusna Arsyad, Ahmad Ahmad, Novendri M. Nggilu, and Yassine Chami. "Collocation of Restorative Justice with Human Rights in Indonesia." *Legality : Jurnal Ilmiah Hukum* 32, no. 2 (2024): 394–417. https://doi.org/10.22219/ljih.v32i2.35374.

Januarsyah, Mas Putra Zenno, Aji Mulyana, Grace E. Tambun, Salsabila Hadi Aulia, and Nizar Taufik Setiawan. "The Application of Restorative Justice with an Integrated System in Handling Minor Crimes: A Legal Certainty Perspective." *Proceeding International Conference on Social Sciences* 1, no. 1 (2026): 383–93.

Jeumpa, Ida Keumala, Mukhlis, Naqia Annisa Faradiz, Rizki Aulia Fitri, and Muhammad Farid. "The Qualitative Socio-Legal Case Study Using a Restorative Justice Framework to Explore Child Sexual Abuse Case Settlements in Aceh, Indonesia." *Juvenile & Family Court Journal* n/a, no. n/a (n.d.). https://doi.org/10.1111/jfcj.70028.

Laksono, Prayogo, Made Warka, and Frans Simangungsong. "Construction of Restorative Justice Regulations in the Integrated Justice System." *Technium Social Sciences Journal* 79 (2026): 84.

Lubis, Fauziah. "Implementation of Restorative Justice, the Intent of Punishment, and Legal Clarity in Indonesia." *Russian Law Journal* (Россия, Москва) 11, no. 3 (2023): 813–23.

M.H, Dr Arizal Anwar, S. H. *Pemaafan Hakim (Rechterlijk Pardon) dalam KUHP Nasional Konstruksi Norma dan Implikasi Bagi Sistem Pemidanaan*. Indonesia Emas Group, 2026.

N, Nurushobbach, and Mega Dewi Ambarwati. "Rekonstruksi Pengaturan Restorative Justice Dalam KUHAP 2025 Berbasis Kepastian Hukum." *Media Hukum Indonesia (MHI)* 4, no. 2 (2026). https://doi.org/10.5281/zenodo.21245425.

Nirmalasari, Cantika Qori, and Muhammad Azil Maskur. "Penerapan Judicial Pardon Di Belanda Dan Indonesia: Analisis Komparatif Terhadap Rechtelijk Pardon Pada KUHP Baru Di Indonesia." *Legalite : Jurnal Perundang Undangan Dan Hukum Pidana Islam* 11, no. 1 (2026): 116–36. https://doi.org/10.32505/legalite.v11i1.13592.

Nissa, Khaoeirun, Heni Siswanto, Ahmad Irzal Fardiansyah, Erna Dewi, Zulkarnain Ridlwan, and Denys Illiashchuk. "Reformulating Rechterlijk Pardon in the Criminal Procedure Code: A Comparative Study with the Dutch Criminal Justice System." *Nusantara: Journal of Law Studies* 5, no. 2 (2026): 1486–506. https://doi.org/10.66325/nusantaralaw.v5i2.351.

Pulungan, Muh Hajoran, and Mosgan Situmorang. "Restorative Justice Dalam KUHAP Baru: Antara Kepastian Hukum Dan Diskresi Aparat Penegak Hukum." *Jurnal Penelitian Hukum De Jure* 26, no. 1 (2026): 045–060.

Ragsanjani, Ruping, Anisa Deny Setiawati, and Febrian Indar Surya Kusuma. "Fragmented Constitutional Criminal Enforcement: Judicial Pragmatism and Constitutional Coherence in the Indonesian Constitutional Court: Fragmentasi Penegakan Hukum Pidana Konstitusional: Pragmatisme Yudisial Dan Koherensi Konstitusional Dalam Mahkamah Konstitusi Indonesia." *Jurnal Kajian Konstitusi* 6, no. 1 (2026): 1–21. https://doi.org/10.19184/j.kk.v6i1.53740.

Rahmi, Kamila Amelina, R. B. Sularto, and Rahmi Dwi Sutanti Sutanti. "Formulasi Konsep Keadilan Restoratif Dalam Pembaruan Sistem Hukum Pidana Di Indonesia: The Formulation of the Restorative Justice Concept in the Reform of Indonesia's Criminal Justice System." *Hukum Dan Masyarakat Madani* 16, no. 1 (2026): 157–88. https://doi.org/10.26623/humani.v16i1.14423.

Ramadianto, Anang Riyan, Suhadi, Indah Sri Utari, and Eva Syahidah. "Giving Voice to Child Victims: Victim Impact Statements as a Path toward Victim-Centered Justice." *Jurnal Hukum Dan Peradilan* 15, no. 1 (2026): 171–96. https://doi.org/10.25216/jhp.15.1.2026.171-196.

Rosadi, Aditya Rachman, Azkiya Pamungkas Rosadi, and Rofi Zaidan Mubarok Rosadi. "Reconstruction of the Prosecution Service's Prosecutorial Authority in the Indonesian Criminal Justice System: Integration of the Dominus Litis Principle, the Data-Driven Justice Approach, and Indonesian Values." *Al Qodiri : Jurnal Pendidikan, Sosial Dan Keagamaan* 24, no. 3 (2026): 266–75. https://doi.org/10.53515/alqodiri.v24i3.348.

Sanjaya, Fero, and Herlita Eryke. "Reform of Human Trafficking Victim Protection Policy in Indonesia: A Human Rights and Restorative Justice Perspective." *PALAR | PAKUAN LAW REVIEW* 12, no. 1 (2026): 273–80. https://doi.org/10.33751/palar.v12i1.39.

Sihombing, Dedy Chandra, Alvi Syahrin, Madiasa Ablisar, and Mahmud Mulyadi. "Penguatan Kewenangan Jaksa Selaku Dominus Litis Sebagai Upaya Optimalisasi

Penegakan Hukum Pidana Berorientasi Keadilan Restoratif." *Locus: Jurnal Konsep Ilmu Hukum* 3, no. 2 (2023): 63–75. https://doi.org/10.56128/jkih.v3i2.42.

Simbolon, Netty Mewahaty. "Pergeseran Paradigma Pemidanaan dalam KUHP Nasional: Systematic Literature Review terhadap Keadilan Restoratif dalam Hukum Pidana Indonesia." *Pagaruyuang Law Journal* 10, no. 1 (2026): 270–82. https://doi.org/10.31869/plj.v10i1.8199.

Soeharlim, Irwan, Regina Yura Fitriah Sari, Ani Wahyuni, Oky Rona Wijaya, Ahmad Fahrul Rozi, and Mustofa Kamil. "Implementation of Restorative Justice as a Criminal Policy: A Literature Review." *Academica: Journal of Multidisciplinary Studies* 10, no. 1 (2026): 12–26. https://doi.org/10.22515/academica.v10i1.14879.

Strang, Heather, Lawrence W. Sherman, Evan Mayo-Wilson, Daniel Woods, and Barak Ariel. "Restorative Justice Conferencing (RJC) Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction. A Systematic Review." *Campbell Systematic Reviews* 9, no. 1 (2013): 1–59. https://doi.org/10.4073/csr.2013.12.

Sulistiya, Manik, and Sodikin Sodikin. "Reconstruction of the Principle of Justice in the Indonesian Criminal Justice System: A Restorative Perspective and Regulatory Reform." *Journal of Lex et Justitia* 1, no. 1 (2025): 69–85. https://doi.org/10.67171/2m8nzf64.

Tsuraya, Ghaitsa Zahira Shofa, and Yenny Fitri Z. "Analisis Perbandingan Pengaturan Mekanisme Keadilan Restorative Sebelum Dan Setelah Pemberlakuan Undang Undang Nomor 20 Tahun 2025 Tentang Kitab Undang-Undang Hukum Acara Pidana." *EDU RESEARCH* 7, no. 2 (2026): 8753–65. https://doi.org/10.47827/jer.v7i2.3597.

Wahyudhi, Dheny, Herlambang Herlambang, and Elly Sudarti. "The Transformation of Indonesian Criminal Law: Examining The Integration of Restorative Justice and Customary Institutions In The New Criminal Code." *Journal of Social Science (2963-1866)* 4, no. 12 (2025): 802.

Widiartana, Gregorius, and Sajjad Hussain. "Judicial Pardon in Contemporary Criminal Verdicts: Balancing Justice, Legal Certainty, and the Utility of Law." *Nusantara: Journal of Law Studies* 4, no. 01 (2025): 1–11. https://doi.org/10.5281/zenodo.17346796.

Widiartana, Gregorius, Vincentius Patria Setyawan, and Ariesta Wibisono Anditya. "Exploring Restorative Justice in Domestic Violence Cases." *Journal of Sustainable Development and Regulatory Issues (JSDERI)* 3, no. 3 (2025): 641–66. https://doi.org/10.53955/jsderi.v3i3.87.

Zein, Achyar, Afwan Al Habib, and Clara Amanda Putri. "From Sectoral Restorative Justice to Statutory Integration: A Maslahah-Based Safeguard Framework for Victims and

Offenders in Indonesia." *Jurnal Sahabat ISNU SU* 3, no. 2 (2026): 172–85. https://doi.org/10.70826/jsisnu.v3i2.1950.