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## Restorative Justice in the Indonesian Criminal Justice System

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### Abstract

This study evaluates the implementation of restorative justice in the criminal justice system in Indonesia, especially in terms of its effectiveness in reducing recidivism as well as the perception and acceptance by the community and legal stakeholders. Restorative justice, which emphasizes reconciliation, mediation between perpetrators and victims, and social reintegration, offers a more humanistic approach compared to the traditional justice system that focuses on punishment. The results of the study indicate that restorative justice can significantly reduce the rate of recidivism, especially if supported by effective mediation and good reintegration programs. In addition, victims involved in this process feel more satisfied because they have the opportunity to be heard and understand the results achieved.

However, the implementation of restorative justice in Indonesia still faces various challenges, including diverse perceptions and varying acceptance among the community and legal professionals. In some areas, especially those with local traditions of conflict resolution, restorative justice is more easily accepted. However, in urban areas, this approach is often considered too soft and does not provide sufficient deterrent effects. Other inhibiting factors are the lack of understanding, education, and training among law enforcement, as well as structural barriers that exist in the Indonesian criminal justice system.

The conclusion of this study suggests that to ensure the success of restorative justice in Indonesia, greater efforts are needed to address these barriers. This includes improving supportive regulations, public education, and ongoing training for legal professionals. In this way, restorative justice can be more effectively integrated into the Indonesian criminal justice system.

**Keywords:** *Restorative Justice, Recidivism, Criminal Justice System*

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## INTRODUCTION

Restorative justice is a relatively new approach in the criminal justice system in Indonesia, which focuses on restoration and reconciliation between the perpetrator, victim, and community, different from the traditional punitive approach. This approach is rooted in the philosophy that true justice can be achieved through a process that allows the parties involved in the crime to actively participate in resolving the consequences of the act. In Indonesia, this idea is starting to gain attention as the public's view of the effectiveness and fairness of the conventional criminal justice system becomes increasingly critical.

In the Indonesian context, the implementation of restorative justice has been integrated into several aspects of law and justice through regulations and pilot initiatives, although still on a limited scale. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System is a concrete example, where restorative justice is applied to deal with violations committed by children, prioritizing the rehabilitation and reintegration of children into society rather than criminalization (Supreme Court of the Republic of Indonesia, 2012).

However, there are still many challenges in implementing restorative justice in Indonesia, including resistance from legal practitioners who are more accustomed to the punitive approach, lack of resources, and the need for adequate training for legal professionals and law enforcement. In addition, there is still a need to increase public awareness and understanding of the benefits and practices of restorative justice.

This study will examine the extent to which restorative justice has been implemented in the criminal justice system in Indonesia, focusing on policy analysis, implementation barriers, and stakeholder perceptions. The main objective is to evaluate the effectiveness of this approach in the context of Indonesian law and culture and to propose recommendations for strengthening restorative justice practices in the future.

Restorative justice in Indonesia, although recognized in several regulations and practices, is still in the development stage and requires in-depth evaluation to ensure its effectiveness. To further understand how restorative justice can function effectively in the criminal justice system in Indonesia, this study will examine two main discussions: first, the effectiveness of restorative justice in reducing recidivism rates; second, the perception and acceptance of restorative justice by the community and legal stakeholders in Indonesia.

One of the main claims of restorative justice advocates is its ability to reduce recidivism rates compared to more punitive traditional criminal justice systems. Previous research has shown that restorative justice can result in higher levels of satisfaction and healing for victims, as well as reducing the likelihood of offenders reoffending. In Indonesia, the application of restorative justice, especially in cases involving children and adolescents, has received attention, but further research is needed to measure its long-term impact on post-conflict offender behavior (Harkrisnowo, 2012).

According to Harkrisnowo (2012), restorative justice has the potential to be an effective tool in the rehabilitation and reintegration of criminals into society. This study will explore how this practice has been implemented and its impact on perpetrators and victims, by comparing recidivism data before and after the implementation of restorative justice.

The perception and acceptance of restorative justice by the public and legal professionals is key to its successful implementation. A study conducted by Widyawati (2018) showed that although there is a positive trend towards the use of restorative justice, there is still a lack of understanding of the concept and its application by some legal practitioners and the general public in Indonesia. This study will evaluate the level of awareness, understanding, and support for restorative justice, and identify barriers that may hinder its acceptance and effective practice in the criminal justice system (Widyawati, 2018).

Through this study, it will be explained how restorative justice is viewed and accepted in the context of Indonesian legal culture, as well as how education and training for legal stakeholders can improve the effectiveness of restorative justice. The study will use survey methods and in-depth interviews with various stakeholders, including judges, prosecutors, lawyers, victims, perpetrators, and community members to obtain comprehensive data.

## METHOD

This study will use empirical legal methods to understand and analyze the impact of restorative justice in the criminal justice system in Indonesia. This approach involves qualitative and quantitative

data analysis to gather in-depth information about the implementation and effectiveness of restorative justice. Qualitative data will be collected through in-depth interviews with various stakeholders including judges, prosecutors, lawyers, victims, perpetrators, and community members. In addition, focus group discussions will be conducted to obtain community perspectives on their acceptance and experiences with restorative justice. Quantitative data will involve surveys designed to measure perceptions, satisfaction, and success rates of cases that have been handled using restorative justice principles (Sulistyo-Basuki, 2015).

Data analysis will be conducted using content analysis methods for qualitative data and statistical techniques for quantitative data. This will allow the study to evaluate the effectiveness of restorative justice in reducing recidivism rates as well as understanding the dynamics behind the acceptance and perception of restorative justice by the community and legal professionals. By combining both types of data and methods, this study aims to provide comprehensive and evidence-based recommendations that can be used to improve and enhance restorative justice practices in Indonesia (Harkrisnowo, 2012).

## RESULTS AND DISCUSSION

### **The Effectiveness of Restorative Justice in Reducing Recidivism Rates in Indonesia**

Restorative justice, with its unique victim-centered and offender-centered approach, has attracted attention as an alternative method in the criminal justice system to address the problem of recidivism. In the Indonesian context, where the traditional criminal justice system is often considered ineffective in preventing re-offending, restorative justice offers a new perspective that emphasizes the restoration of social relationships and the reintegration of offenders into society.

Restorative justice in Indonesia seeks to address the root causes of criminal behavior by involving perpetrators, victims, and the community in a process of dialogue and mediation aimed at understanding the impact of the crime and reaching a resolution that is satisfactory to all parties. This approach focuses not only on the recovery of victims but also on the rehabilitation of perpetrators, with the hope of reducing their chances of re-offending in the future. In practice, restorative justice has been applied in various cases ranging from minor crimes to some more serious crimes, especially among teenagers and children (Sulistyo-Basuki, 2015).

A study conducted by Toharudin and Harsono (2016) in Indonesia showed that restorative justice can contribute significantly to reducing recidivism rates. Their study, involving more than 300 cases handled through the restorative justice process, found that only about 10% of perpetrators re-offended within one year of the process. This figure is much lower compared to data obtained from perpetrators who underwent traditional criminal justice processes, where the recidivism rate can reach 50% (Toharudin & Harsono, 2016).

A deep understanding of the experiences of victims and perpetrators also plays a vital role in the restorative justice process. Through mediation meetings facilitated by trained mediators, victims have the opportunity to express the impact of the crime on their lives, while perpetrators are given the opportunity to understand the consequences of their actions and take responsibility. This process often paves the way for greater empathy and understanding, which has the potential to change the attitudes and behaviors of perpetrators in a more positive direction. A follow-up study by Fitriani (2018) showed that victims who felt heard and understood in the restorative justice process tended to be more

satisfied with the outcome and had a more positive perception of the criminal justice system (Fitriani, 2018).

In addition, restorative justice offers the benefit of social reintegration for offenders, which is an important factor in preventing recidivism. Programs designed within the framework of restorative justice often include elements of education, job training, and psychosocial support that help offenders reintegrate into society. Research by Rahardjo (2019) shows that offenders who participate in restorative justice programs have a higher rate of successful reintegration and are better able to adopt constructive social behaviors than those who only serve prison sentences (Rahardjo, 2019).

### **Perception and Acceptance of Restorative Justice by Society and Legal Stakeholders in Indonesia**

Restorative justice has been recognized as an effective alternative approach to dealing with crime, emphasizing recovery, reconciliation, and social reintegration rather than retributive punishment alone. However, the success of implementing restorative justice is highly dependent on the perception and acceptance of the community and legal stakeholders, such as judges, prosecutors, police, and lawyers. In Indonesia, although this concept has been adopted in several cases, the acceptance and perception of restorative justice are still diverse and often colored by a lack of in-depth understanding as well as cultural and structural barriers.

In general, public perception of restorative justice in Indonesia is still uneven. In some areas, especially those with a tradition of peaceful conflict resolution such as Yogyakarta and Bali, the concept of restorative justice tends to be more easily accepted. This is due to the alignment of restorative justice values with local customary practices that have long practiced conflict resolution through deliberation and mediation. For example, in Bali, the concept of “customary mediation” which is often used to resolve disputes at the community level reflects the basic principles of restorative justice (Wulandari, 2017).

However, in other areas, especially in big cities, acceptance of restorative justice is often hampered by the perception that this approach is not firm enough and does not provide a strong enough deterrent effect on perpetrators of crime. Communities accustomed to a harsh legal approach may view restorative justice as a form of leniency that is not appropriate for perpetrators of crime, especially in cases of serious crimes. This view is often exacerbated by a lack of information and understanding about the long-term benefits of restorative justice, both for victims, perpetrators, and the wider community (Suryani, 2018).

Research by Suryani (2018) shows that communities that have been involved in the restorative justice process, whether as victims, perpetrators, or affected community members, tend to have a more positive perception of this approach. They generally feel that restorative justice provides more space for adequate and fair conflict resolution compared to the traditional criminal justice system. However, this success is highly dependent on skilled facilitators in mediation and support from the local community.

Among legal stakeholders, acceptance of restorative justice also varies. Judges and prosecutors, for example, are often still hesitant to apply this approach, especially in cases involving serious crimes. This is largely due to the legal framework that still tends to be more retributive, as well as concerns that restorative justice may not provide proportional justice for victims (Rahardjo, 2016). In a highly formal and bureaucratic system such as in Indonesia, the implementation of restorative justice is often considered a complicated and time-consuming process, making it less popular with most law enforcers.

One of the main obstacles to the acceptance of restorative justice among legal stakeholders is the lack of adequate training and education on the principles and practices of restorative justice. Many judges, prosecutors, and lawyers do not fully understand this concept, so they tend to prefer conventional legal paths that they are already familiar with. Rahardjo (2016) noted that without comprehensive and ongoing training, it is difficult to change the legal paradigm that has long been rooted in the Indonesian criminal justice system.

In addition, the police as the spearhead of law enforcement also play an important role in the acceptance of restorative justice. In some areas, the police have begun to adopt a restorative justice approach in handling certain cases, especially those involving children and adolescents. However, there are still challenges in terms of consistency of implementation, because many police do not have clear guidelines or internal policies that support the widespread implementation of restorative justice (Kusuma, 2017).

In addition to perception factors, there are also cultural and structural barriers that influence the acceptance of restorative justice in Indonesia. Culturally, Indonesia's heterogeneous society has diverse views on justice and conflict resolution. On the one hand, people who still hold fast to customary and traditional values tend to be more accepting of restorative justice, because this concept is in line with traditional dispute resolution practices. On the other hand, urban communities who are more exposed to the media and harsh legal narratives often view restorative justice as a form of compromise to strict law enforcement (Susanto, 2019).

The structure of the criminal justice system in Indonesia, which is very formal and bureaucratic, is also a challenge in itself. In this system, restorative justice is often considered an approach that is too flexible and not in line with strict legal procedures. In many cases, perpetrators who should benefit from restorative justice are trapped in a system that prioritizes legal formalities rather than recovery-oriented solutions (Suryani, 2018).

Research by Susanto (2019) shows that the success of implementing restorative justice is highly dependent on adequate policy and regulatory support. Without a supportive legal framework, the implementation of restorative justice tends to be sporadic and relies on individual initiatives rather than being an integral part of the criminal justice system. Therefore, it is important for policymakers to develop clearer regulations and support the implementation of restorative justice throughout Indonesia.

## CONCLUSION

Restorative justice offers a different and more humanistic approach to the criminal justice system in Indonesia, focusing on recovery and reconciliation rather than just punishment. Through this study, it was found that the implementation of restorative justice can significantly reduce the rate of recidivism, especially if carried out with adequate support from all parties involved. The inclusive mediation and dialogue process allows perpetrators to realize the impact of their actions and commit not to repeat them, while victims gain a more personal and profound sense of justice.

However, the implementation of restorative justice in Indonesia still faces major challenges, especially in terms of perception and acceptance by the community and legal stakeholders. Lack of in-depth understanding, cultural barriers, and formal and bureaucratic legal structures are obstacles that must be overcome so that restorative justice can be implemented effectively and consistently.

Joint efforts are needed from the government, law enforcement agencies, and the community to develop regulations that support and expand education and training on restorative justice, so that this approach can provide maximum benefits for all parties involved in the criminal justice system in Indonesia.

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