



The Harmonization of Restorative Justice Regulation in Investigation and Prosecution

Dwiki Oktobrian¹, Kuat Puji Prayitno¹, Okky Iman Ikbaar¹, Setiawan Ramadhani¹

¹ Universitas Jenderal Soedirman, Purwokerto, Indonesia
dwiki.oktobrian@unsoed.ac.id

Abstract. Over the past three years, restorative justice has become an essential issue in investigation and prosecution, in line with increasing awareness of victims' rights. Restorative justice provides space for diversion, allowing criminal cases to be resolved outside court. This not only alleviates the workload of the judiciary but also that of the police and prosecutors. This research aims to disclose two significant objectives: first, to identify the patterns of harmonization in comparing restorative justice regulations during the investigation and prosecution steps, and second, to identify patterns of harmonization with the concept of "restoring social harmony. This study adopts a socio-legal method, obtaining primary data through interviews with investigators and public prosecutors, supported by secondary data through a literature review. This research reveals a disharmony between police regulations and the Attorney General's regulations concerning restorative justice and its application to the object of criminal offense. From a normative standpoint, both of these technical regulations are focused on "restoring the victim's condition," yet in practice, the concept of "restoring social harmony" is only implemented during the prosecution stage.

Keywords: investigation, prosecution, dan restorative justice.

1. Introduction

The criminal justice system bears a relatively high burden when prison overcrowding occurs. The absence of alternative criminal sanctions, ease of detention for offenders, and restrictions on remission cause this phenomenon.[1] Restorative Justice responds to this phenomenon by offering alternative approaches to imprisonment through community service, house arrest, and monetary penalties (fines).[2] In the Annual Report of the Directorate General of Corrections 2022, overcrowding in 2019 reached 107%, with 269,846 individuals occupying 528 correctional facilities and detention centers, with a total capacity of 130,512 people.[3] The Police are observed to respond to this phenomenon; in the Year-End Release of 2022, there were 15,809 (out of 200,147) or 8% of case populations successfully subjected to restorative justice.[4] The Prosecutor's Office's response appears to be similar; in the 2022 Performance Report, 1,519 cases were submitted for Restorative Justice approval to the Attorney General, resulting in 1,454 (95%) cases being approved.[5] In this context, the Police

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A. A. Nassihudin et al. (eds.), *Proceedings of the 3rd International Conference on Law, Governance, and Social Justice (ICoL GaS 2023)*, Advances in Social Science, Education and Humanities Research 805,
https://doi.org/10.2991/978-2-38476-164-7_55

and the Prosecutor's Office recognize the role of anticipating overcrowding through Restorative Justice policies.

Since 2020, or the inception of Restorative Justice regulations in the Prosecutor's Office, studies on Restorative Justice have developed in prosecution and are also included in the investigation. Some studies and articles related to this matter have shown several tendencies. First, it explains that Restorative Justice has not yet become a part of the national criminal law policy [6]–[8]. The primary foundation of Restorative Justice lies in the cultural values of Indonesian society, which aim to fulfill a sense of justice.[6] Second, Restorative Justice at the investigation level emerges in response to social needs.[9]–[11] These needs are evident from the desires of the parties involved, namely the victim and offender, to expedite case proceedings through a peace agreement.[10] Third, Restorative Justice at the prosecution level is dominant in cases that are not significant.[12]–[14] This significance does not arise because the parties have reconciled, but the case files have been declared complete (P21).[12] In this context, research comparing existing models of Restorative Justice in investigation and prosecution has not yet been conducted.

This study compares Restorative Justice's regulations and practices in the stages of investigation and prosecution. The objective of this study was twofold. First, to identify patterns of harmonization in the comparison of Restorative Justice arrangements during the stages of investigation and prosecution. Secondly, to uncover alignment patterns with "restoring social harmony." The underlying peace within Restorative Justice agreements arises from the willingness of victims to forgive; this is not a coerced gift from the victim.[15] Furthermore, the implications of Restorative Justice extend beyond restoring individual harmony to include social harmony.[16] From China's experiences, Restorative Justice is linked to a robust criminal justice apparatus circumscribed by legal mechanisms.[17] This research will reveal how the existing legal framework attempts to set boundaries in the practice of Restorative Justice in Indonesia, particularly within the investigation and prosecution stages.

This study was based on two fundamental assumptions for defining the research objectives. First, the Regulations of Restorative Justice in the Republic of Indonesia Police Regulation Number 8 of 2021 and Attorney General Regulation Number 15 of 2020 are not synchronized in several respects, particularly in the procedural aspect of Restorative Justice utilization. Second, these discrepancies give rise to a new model of Restorative Justice regulation that primarily focuses on restoring the condition of the victim, unintentionally neglecting efforts to restore social harmony. In other words, the unsynchronized practice of Restorative Justice between the Police and the Public Prosecutor can shift the interpretation of crime from a social issue, as was previously seen, to a personal matter.

2. Problems

This study was designed to address the following problems:

- a. What is the pattern of harmonization in comparing restorative justice arrangements at the investigation and prosecution stages?
- b. What is the pattern of harmonizing restorative justice arrangements at the investigation and prosecution stages with restoring social harmonization?

3. Method

The Criminal Justice System in Indonesia is operated by four branches: investigation, prosecution, court, and execution. Among these four branches, investigation and prosecution share relatively similar characteristics, as investigators examine cases, whether police investigators or public prosecutors rather than judges. As previously outlined, the focus of this study is to compare how the regulation and practice of restorative justice are implemented in these two stages.

This socio-legal study utilizes primary data through interviews with Investigators or Supervisors at the Criminal Investigation Department of the Central Java Regional Police and Senior Prosecutors in the General Crimes Section of the Central Java High Prosecutor's Office. In police interviews, direct observation is conducted by attending special case proceedings involving all investigators from various sub-directorates. These interviews were conducted through focus group discussions on July 25-26, 2022, followed by observations on August 15, 2022. The secondary data in this study consisted of crime statistics, case files, and literature discussing restorative justice. The gathered data are presented in the form of tables accompanied by descriptive explanations. These data were analyzed using content analysis methodology to uncover interpretations of two crucial issues: the harmonization between restorative justice regulations in investigation and prosecution and the endeavor to pursue social harmony in the practice of restorative justice.

4. Discussion

4.1. Harmonization in the Comparison of Restorative Justice Arrangements at the Investigation and Prosecution Stages

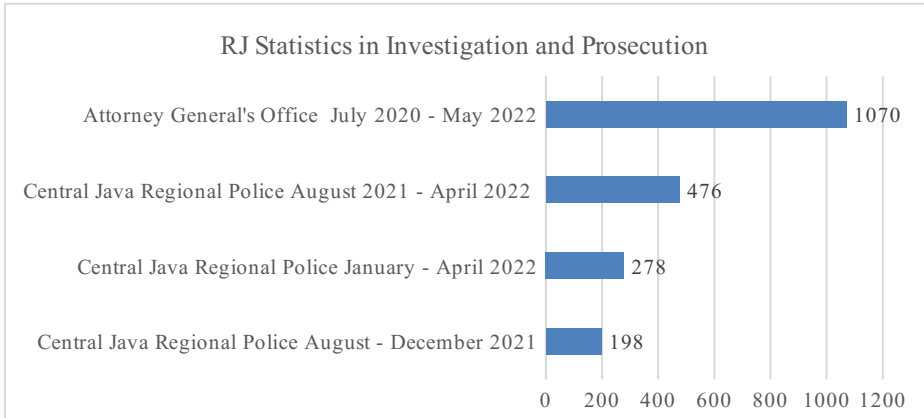
Throughout 2020-2021, the Prosecution General's Regulation and Police Regulation on Restorative Justice have been passed to catch up with the deadlock in ratifying the "New Criminal Code" or "New Criminal Procedure Code." The full titles of the two regulations are Prosecutor General Regulation Number 15 of 2020, concerning Termination of Prosecution Based on Restorative Justice, and Police Regulation Number 8 of 2021, concerning Handling of Criminal Acts Based on Restorative Justice. From the perspective of Indonesia's criminal justice system, both regulations

are in the pre-adjudication stage, meaning there has been no court involvement in examining criminal cases.

Table 1 Comparison of Regulations Related to Restorative Justice

Aspect	Police Regulation	Prosecution Regulation
Definition	Settlement of criminal cases involving perpetrators, victims, and their families and related parties to achieve justice for all parties.	Settlement of criminal cases involving perpetrators, victims, families of perpetrators/victims, and other related parties to jointly seek a fair solution by emphasizing restoration to the original situation, not retribution.
Political Law	Reinstatement and balance of protection of non-custodial parties	Reinstatement and balance of protection of non-retaliation-oriented parties
Terms	It does not cause societal rejection; has no impact on social conflict; It has no potential to divide the nation; excluding separatism and radicalism; Not recidive	Not recidive; Only threatened with a fine or a maximum of 5 years imprisonment; Max loss value of 2.5 million.
Types of Criminal Acts	It does not include acts involving terrorists, state security, corruption, and life or endangering the interests of other states.	Not included in acts that endanger state security, against the life of the president/vice president, against the lives of heads of friendly states, violate public order, violate decency, exceed the minimum crime, acts involving narcotics, acts that damage the environment acts in corporations.
Procedure	This can be done by a work unit formed directly by the Police	Must go through the High Prosecutor's Office and be implemented by the Prosecutor General
Form of agreement	With Condition	With condition and without condition

Concerning procedural aspects and forms of criminal acts, Restorative Justice in the Police is easier to do than in the Prosecutor's Office. Police procedures make Restorative Justice can be implemented without involving community elements and do not require the involvement of agency superiors. The variety of criminal acts prohibited in investigations is, limited to 1) not terrorism, 2) not concerning state security, 3) not corruption, and 4) not involving life. Statistically, the number of Restorative Justice carried out by the Central Java Police of Directorate of General Criminal Investigation from August 2021 to April 2022 is equivalent to 44% of all Restorative Justice carried out by the Indonesian Prosecutor's Office from July 2020 to May 2022. This is seen in the following statistics:



Picture 1 Differences in the Number of Restorative Justice Cases

The 486 criminal cases in the management of the authority and supervision of the Central Java Police of Directorate of General Criminal Investigation are as follows:

Table 2 Differences in the Number of Restorative Justice Cases Investigated

2022		2021	
Case	Total	Case	Total
Maltreatment &/ vandalism	102	Maltreatment &/ vandalism	71
Theft	73	Theft	26
Fraud & embezzlement	59	Fraud & embezzlement	35
Domestic violence	11	Domestic violence	14
Copulation & sexual immorality	10	Copulation & sexual immorality	12
Miscellaneous	23	Miscellaneous	40
Total	278	Total	198

The 58 criminal cases under the management of the authority and supervision of the General Criminal Office of the Central Java High Prosecutor's Office are as follows:

Table 3 Differences in the Number of Restorative Justice Cases in Prosecution

Year	Total	Details
2020	4	Theft (3), Traffic Accidents (1)
2021	9	Theft (1), Persecution (7), Domestic Violent (1)
2022	45	Theft (16), Persecution (12), Domestic Violence(1), Humiliation (1), Fraud / Embezzlement (6), Traffic Accidents (4), Procurement (1), Threats (2), Child Protection (2)

Restorative justice in investigations is flexible. This flexibility is needed to streamline efforts to restore victim safety, personal respect, and a sense of control over crime. [18] Although it may not be possible to restore psychological losses immediately, this flexibility can quickly restore physical losses. [19] Several things are flexibly regulated by Perpol Number 8 in 2021. First, only four types of crimes are prohibited from being carried out in restorative justice. In investigations, there are only 4 types, while in prosecutions, there are 10 types in prosecutions. Second,

restorative justice procedures do not always involve superior agencies, such as the Regional Police in the Province or the Criminal Investigation Agency in the National Capital, compared to prosecutions that must pass through the two superior agencies. Third, only directly interested parties are involved in the investigation, while prosecution requires community representatives to represent the social environment. Therefore, restorative justice in investigation is more flexible than that in prosecution.

Restorative Justice is currently not regulated under legal standards, except for juvenile criminal justice. The current Criminal Code (New Criminal Code in 2025) is the Dutch East Indies Colonial Government, which strictly enforces the principle of legality; therefore, peace dialogue through deliberation is unknown.[9] In its development, efforts to implement Restorative Justice have not been fully implemented thoroughly, systematically, or integrated into the Indonesian criminal law system.[20] The existence of Police Regulation Number 8 of 2021 and Prosecutor's Regulation Number 15 of 2020, in principle, has proven that police and prosecutorial agencies need a case resolution scheme based on Restorative Justice. This sectoral arrangement has caused conceptual differences from Restorative Justice; investigations tend to stop cases, while prosecutions tend to reduce cases with no significant impact. Ultimately, the synchronization of Restorative Justice between investigation and prosecution has not occurred.

The Police and the Prosecutor's office have the same tendency to respond to the issue of Restorative Justice, providing legality for their personnel through the application of regulations. Regulation is the basis of policies that aim to make restorative justice more accessible and instill a restorative culture.[21] This culture is needed because of the factual conditions of law enforcement, such as the non-implementation of criminal probation, the strengthening of community movements on the issue of victims, communitarian morals, and demands for managerial improvement of criminal justice.[22] The difference in how the police and prosecutors formulate the concept of restorative justice shows differences in the perceptions and cultures of restorative justice. Restorative Justice in investigations tends to reduce the backlog of cases. In contrast, prosecutions tend to filter cases that are not significant so that they are not transferred to court. These differences in trends need to be reduced as much as possible through equalizing perceptions and culture in the Police and Prosecutor's office through a single regulation at the level of law.

The synchronization of Restorative Justice in investigation and prosecution can make the criminal justice system run in an integrated manner. This integration can be developed and strengthened by formulating comprehensive regulations in the form of laws.[23] Regulations in the form of law will have implications for presenting legal certainty in the practice of its application.[24] Regulations in the form of law will have implications for presenting legal certainty in the practice of its application. Restorative Justice in Indonesia has only been comprehensively regulated in the Juvenile Criminal Justice System Law, which applies to all law enforcement agencies without exception. Based on Police Regulation No. 8 of 2021 and Prosecutor's

Regulation No. 15 of 2020, both have different procedures and types of criminal acts. In practice, there is restorative justice for rape cases that occur in investigations, even though prosecution is not allowed. The presence of legal standing in the form of law will make its application avoid authentic sectoral interpretations.

4.2. Harmonization of Restorative Justice Regulations with the Concept of Restoring Social Harmony

In the Police Regulation or Attorney General's Regulation, provisions on community participation are regulated as optional. Article 17 paragraph (2) point b of the Police Regulation specifies that "participants in special cases in handling Restorative Justice are attended by the complainant (can include his family) and the Reported Person (can include his family) and/or community representatives." Article 8, paragraph (2) of the Attorney General's Regulation specifies that "if deemed necessary, peace efforts may involve victims, suspects, and community representatives." The phrase "and/or" and the phrase "in case deemed necessary" affirm that the public is not a party to attend, they are invited in certain cases based on consideration of the need.

Informants at the Central Java Police of Directorate of General Criminal Investigation made this clear in the following statement:

"Our community leaders are involved when the cases handled have widespread social impacts or conflicts, for example, the case about wadas in Purworejo, the existence of these community leaders is not mandatory but casuistic." (Interview July 25, 2022)."

This information is consistent with the observations of the particular case title on August 15, 2022. The parties present in the title of the case regarding the embezzlement of a car are the complainant (victim), suspect (perpetrator), and leasing (Car Financing Credit Facility Provider Company). Leasing cannot be categorized as a community because it has a direct interest in the case; the car that is the object of embezzlement is recorded as not paid off. The details of the proceedings are as follows.

- a. The Chairman first asks for the identity of the Reporter, the Reported Party, and the Party accompanying the two. The participants were Whistleblower, Reporter, Reported Power of Attorney, and Leasing. Leasing sits next to the Complainant while the Reported Person and his Attorney sit before the Whistleblower;
- b. The Chairman opened the title by explaining the purpose of the Restorative Justice Case Title to provide the best service to the parties, and the title will be held in two sessions: Session 1: Problem Shopping and Session 2: Follow-up Plan;
- c. The Chairman asks the Whistleblower and the Reported Person why Restorative Justice is applied;
- d. The Chairman invited Sub-Directorate 1, Sub-Directorate 3, Sub-Directorate 4, Propam, Itwasda, Para Kanit, and Legal Affairs to clarify the information needed for the Whistleblower and the Reported Person;

- e. Throughout the clarification process, dialogue patterns occurred, among others.
 - 1) Often, the Reporter comments on the Reported Reporter's answer to the Police Participant because the Reporter considers the information or answers wrong; and
 - 2) The investigator questioned the agreement between the parties because the case object was HRV's car. However, what was agreed as the object of peace was the 32 million rupiah that the complainant had transferred, mobile phones, and cameras. The reason for this question was raised because of potential problems in the future, as it is not clear how to solve the HRV car that investigators currently confiscate.
- f. The Chairman asked and confirmed the expectations of the Parties; the Whistleblower said that he wanted this process to be completed and would not sue in the future; the Reported Person, through his attorney, would improve the Joint Decree so that the restorative justice process could be completed, the Reported Person hoped that today's process would produce the best agreement so that the restorative justice process could be achieved;
- g. The Chairman declares that Session 1 on the Restorative Justice Case Title is complete;
- h. The Chairman welcomes Title Participants (other than the Parties) to submit input suggestions, and the participants generally agree to the restorative justice proposal because the Reporter and the Reported Person have the exact wishes; it is just that the Joint Decree must be corrected for the points of agreement and other conditions must be corrected; and
- i. Chairman's conclusion: The matter must be deepened.

Informants at the High Prosecutor's Office showed different results: community involvement in practice was a requirement for exposure with the High Prosecutor's Office and the Attorney General's Office.

"In practice so far, it is almost always accompanied by his guardian, his family, his husband/wife, or his child. In the process of restorative justice, if the defendant is a child, we will call his parents witness to the process of restorative justice. The same applies if the one who does it is his wife, then the husband is presented, or if the one who does it is his old parent, we also present his children. Community leaders were also invited, such as RT/RW/Village Apparatus/Lurah. In areas with strong religious nuances such as in Rembang, in addition to being involved in village officials, we also involve religious figures as enlightenment and mediators when facilitated by restorative justice." (Interview July 26, 2022).

This information is consistent with the examination of the following three case files.

Table 4 Prosecution File Examination Results

Date of Examination	District Attorney	Case	Presence of Community
16 August 2022	Semarang City	Persecution	Yes (RT)
7 September 2022	Banyumas	Theft by destruction	Yes (RT)
26 September 2022	Purwokerto	Mobile phone theft	Yes (RT)

Restorative Justice is not aimed solely at restoring the victim’s condition or being private. Restorative Justice emphasizes the moral responsibility held by the offender, involving the obligation to restore the victim's state or the willingness to accept sanctions.[6] Benefits derived from the Restorative Justice process include reducing the complexity of proceedings, safeguarding the parties involved, particularly the victim, and enhancing community participation.[25] The definition of Restorative Justice in Police Regulation Number 8 of 2021 and Attorney General Regulation Number 15 of 2020 requires community participation to restore the original state collectively. In the prosecution stage, there is a national policy to involve community representatives, and a similar arrangement is established in the police. However, it is limited to cases that receive serious attention from the community. Considering that criminal law falls under public law, the Restorative Justice process occurring during investigation and prosecution need not necessarily have a private tone or be limited to the directly involved parties.

Restorative Justice at the investigation level is similar to civil mediation. Mediation in civil case resolution is recognized as the predecessor to restorative justice,[26] yet from another perspective, mediation is also acknowledged as a reflection of the communal values of Indonesian society.[27] The dominant factor of civil tone arises because legal regulations have addressed the community's involvement, though still quite limited.[28] Normally, the restorative justice procedures outlined in Police Regulation Number 8 of 2021 and Attorney General Regulation Number 15 of 2020 do not require the presence of the community as public representatives. From January to April 2022, none of the cases handled and supervised by the Criminal Investigation Department of the Central Java Regional Police demonstrated community involvement. By contrast, in prosecution, 45 restorative justice cases at the Central Java High Prosecutor's Office involved community representatives. Thus, Restorative Justice at the investigation level is characterized by a civil nature rather than a focus on restoring social harmony.

Restorative Justice at the prosecution level is not similar to civil mediation. Attorney General Regulation Number 15 of 2020 is designed to achieve substantive justice by focusing on the victim, but the process involves the offender and community participation.[29] When confronting crime, Restorative Justice is a conflict-resolution model that is more effective and efficient. However, it can fail if the community is unwilling to participate and agree.[30] Among the 58 criminal cases resolved through restorative justice at the Central Java High Prosecutor's Office from 2020 to 2022, all involved representatives from the nearest community institutions,

namely the Neighborhood Association (RT) and Community Unit (RW). Informants at the Central Java High Prosecutor's Office confirmed that RT and RW were involved under the instruction of the Attorney General's Office. They were part of the Central Java High Prosecutor Office's verification process in submitting restorative justice requests from the district prosecutors' offices. Thus, Restorative Justice at the prosecution level focuses on the victim and has already adopted the concept of restoring social harmony.

Community participation in restorative justice has yet to receive focused attention, and this issue is not limited to the investigative stage but is also evident across various studies. Restorative Justice emerged as a response to dissatisfaction with Retributive Justice, shifting the justice paradigm from a unilateral law imposition to a reaffirmation of social value consensus.[31] The potential effect of involving the community is to strengthen the state's legitimacy and enhance public trust in state activities regarding law enforcement.[32] Community involvement in restorative justice tends to occur in cases involving the environment or energy, where the victims are not individuals but the community and state.[33] This tendency does not apply at the prosecution stage; Attorney General Regulation Number 15 of 2020 was formulated to discontinue prosecution based on the public interest, thus characterized by the principle of *ultimum remedium*. [7] Restorative justice not only serves to restore the state of victims but also functions as an effective instrument of social justice.

Restorative Justice should involve public participation, as criminal cases are matters of public concern. Achieving a fairer outcome is more likely when the process is transformative for victims, offenders, and society.[34] From the national legal development policy perspective, community participation reduces the monopoly of interests held by the parties involved and law enforcement authorities.[35] Observations at the investigative level reveal that the parties implicated often have ill intentions, seeking to forcibly resolve embezzlement cases by shifting legal risks to the investigators. The practice of restorative justice in investigation focuses on restoring the state of victims but overlooks social harmony. The possibility of community representatives' presence is still challenging to realize, as it relies heavily on the policies of each law enforcement institution's leadership. An ideal legal framework for Restorative Justice should balance the interests of restoring the victims' state and social harmony.

5. Conclusion

Restorative Justice arrangements are not harmonized at the investigation and prosecution levels. In investigation and prosecution, practices show significant differences, such as procedures and types of criminal offenses. The key factor that causes this is the absence of a legal umbrella that can cover practices in each subsystem of the criminal justice system. Additionally, there are contrasting differences in community involvement in restoring social harmony. Restorative Justice practices at the investigation level turn into civil mediation, in contrast to the prosecution level, which tends to be public mediation involving neighborhood

associations or community associations. Thus, the balance of interests between restoring the victim's condition and restoring social harmonization is in a position confronting each other and not complementary.

Indonesia needs a legal umbrella that regulates restorative justice and applies to all parties at every stage of the criminal justice system. This legal umbrella will reduce significant differences in the restorative justice process, especially in three aspects: procedures, types of crimes, and community participation. This research focuses on data from law enforcement; therefore, a limitation of the research is that it has not been completed by the parties (victims and perpetrators) who directly practice Restorative Justice. Further research on the perception, effectiveness, and guarantee of legal protection for victims will make this study more comprehensive.

References

- [1] U. Usman, B. J. Nasution, and E. Seregar, "Over Kapasitas Lembaga Pemasarakatan Dalam Perespektif Kebijakan Hukum Pidana," *Wajah Huk.*, 2020, doi: 10.33087/wjh.v4i2.256.
- [2] L. Lešková, L. H. Ilavská, and J. G. Martín, "Alternative punishment as a suitable alternative to imprisonment," *J. Educ. Cult. Soc.*, 2022, doi: 10.15503/jecs2022.2.39.54.
- [3] "Laporan Tahunan Ditjenpas 2022," 2023.
- [4] Divisi Humas Polri, "Rilis Akhir Tahun 2022," 2022.
- [5] Kejaksaan Agung, "Informasi Berkala Kejaksaan Agung," 2023.
- [6] S. Sukardi and H. R. Purnama, "Restorative Justice Principles In Law Enforcement And Democracy In Indonesia," *J. Indones. Leg. Stud.*, 2022, doi: 10.15294/jils.v7i1.53057.
- [7] F. S. Faried, H. Mahmud, and Suparwi, "Mainstreaming Restorative Justice in Termination of Prosecution in Indonesia," *J. Hum. Rights, Cult. Leg. Syst.*, 2022, doi: 10.53955/jhcls.v2i1.31.
- [8] M. Zainuddin, Z. Mubarak, and R. Bachriani, "Politik Hukum Restorative Justice Dalam Pembaharuan Hukum Pidana Di Indonesia," *Semarang Law Rev.*, 2022, doi: 10.26623/slr.v3i1.5050.
- [9] I. M. Tambir, "Pendekatan Restorative Justice dalam Penyelesaian Tindak Pidana di Tingkat Penyidikan," *J. Magister Huk. Udayana (Udayana Master Law Journal)*, 2019, doi: 10.24843/jmhu.2019.v08.i04.p09.
- [10] N. S. Putri and I. Tajudin, "Penyelesaian Tindak Pidana Lalu Lintas Melalui Pendekatan Restorative Justice Sebagai Dasar Penghentian Penyidikan dan Perwujudan Asas Keadilan dalam Penjatuhan Putusan," *PADJADJARAN J. Ilmu Huk. (Journal Law)*, 2015, doi: 10.22304/pjih.v2n1.a9.
- [11] R. Gindriansyah, M. T. Makarao, and M. Zakky As, "Tinjauan Penerapan Restorative Justice Dalam Proses Perkara Tindak Pidana Ringan Di Tingkat Penyelidikan Dan Penyidikan Polrestabes Bandung," *VERITAS*, 2022, doi: 10.34005/veritas.v8i2.2065.
- [12] Irbahiah, B. Suswanto, and M. A. A. Mafing, "Penerapan Restorative Justice Pada Tingkat Penuntutan (Studi Kasus di Kejaksaan Negeri Kotamobagu)," *Perspektif*, 2022.

- [13] A. Darman, D. G. S. Mangku, and M. S. Hartono, "Penolakan Penghentian Penuntutan Berdasarkan Restorative Justice Terhadap Dugaan Modus Operandi Tindak Pidana Pencurian (Studi Kasus Sk Kejati Sumbar No:B-/L.3/Es/10/2020 Dan PUTUSAN No.177/Pid.B/2020/PN PNN)," *J. Komunitas Yust.*, 2022, doi: 10.23887/jatayu.v5i1.45941.
- [14] A. Setiawan, "Restorative Justice Terhadap Pelaku Tindak Pidana Ringan Berupa Pencurian Ditingkat Penuntutan," *J. JURISTIC*, 2022, doi: 10.56444/jrs.v3i03.3369.
- [15] M. Suzuki and T. Jenkins, "The role of (self-)forgiveness in restorative justice: Linking restorative justice to desistance," *Eur. J. Criminol.*, 2022, doi: 10.1177/1477370819895959.
- [16] A. Shearer, "Adjusting the scales: Restorative justice and the balance of power," *Int. J. Jungian Stud.*, 2010, doi: 10.1080/19409050903498360.
- [17] Y. Xiang, "Criminal Mediation in Mainland China: A Leap from Judicial Endeavor to Legal Norm," *Asian J. Criminol.*, 2013, doi: 10.1007/s11417-013-9161-7.
- [18] N. N. A. P. Dewi, M. S. Hartono, and K. F. Dantes, "Implementasi Prinsip Restorative Justice Pada Perkara Tindak Pidana Penganiayaan Biasa Di Polres Buleleng," *J. Komunitas Yust.*, 2022, doi: 10.23887/jatayu.v5i1.45948.
- [19] A. D. Indriyani, "Pendekatan Restorative Justice Dalam Melindungi Korban Kekerasan Seksual," *IJouGS Indones. J. Gen. Stud.*, 2021, doi: 10.21154/ijougs.v2i2.3284.
- [20] I. M. M. Mirza and A. P. Zen, "Strategi Internalisasi Asas Restorative Justice dalam Sistem Peradilan Indonesia," *Pancasila J. Keindonesiaan*, 2022, doi: 10.52738/pjk.v2i2.45.
- [21] I. D. Marder, "Mapping restorative justice and restorative practices in criminal justice in the Republic of Ireland," *Int. J. Law, Crime Justice*, vol. 70, p. 100544, Sep. 2022, doi: 10.1016/j.ijlcrj.2022.100544.
- [22] G. Maglione, "Restorative Justice Policy in Context: A Legal-Archaeological Analysis," *Int. J. Semiot. Law*, 2022, doi: 10.1007/s11196-020-09747-0.
- [23] H. U. Taquuddin and R. Risdiana, "Penerapan Keadilan Restoratif (Restorative Justice) Dalam Praktik Ketatanegaraan," *JISIP (Jurnal Ilmu Sos. dan Pendidikan)*, 2022, doi: 10.58258/jisip.v6i1.2972.
- [24] T. Nia, H. Haryadi, and A. Najemi, "Keadilan Restoratif sebagai Alternatif Penyelesaian Tindak Pidana Penganiayaan Ringan," *PAMPAS J. Crim. Law*, 2023, doi: 10.22437/pampas.v3i2.19993.
- [25] N. Rochaeti, M. H. Prasetyo, U. Rozah, and J. Park, "A Restorative Justice System in Indonesia: A Close View from the Indigenous Peoples' Practices," *Sriwij. Law Rev.*, 2023, doi: 10.28946/slrev.Vol7.Iss1.1919.pp87-104.
- [26] A. P. Mahendra, "Mediasi Penal Pada Tahap Penyidikan Berlandaskan Keadilan Restoratif," *Jurist-Diction*, 2020, doi: 10.20473/jd.v3i4.20200.
- [27] R. Anggraeni, Happy Yulia Mardiani, "Humani (Hukum dan Masyarakat Madani) Volume 13No. 1 Mei 2023Halaman 1-14P-ISSN: 1411-3066 E-ISSN: 2580-8516Diterbitkan Oleh Universitas SemarangJl. Soekarno-Hatta Tlogosari Semarang1Penerapan Sanksi Pidana Sebagai Bentuk Perlindungan Hukum Terhadap Hak Ke," vol. 13, no. 1, 2023, doi: 10.26623/humani.v13i1.6603.

- [28] Miftahuddin, “Peran Masyarakat Dalam Penegakan Keadilan Restoratif Di Indonesia: Perspektif Sosiologi Hukum (The Role Of Society In Upholding Restorative Justice In Indonesia: Perspectives Of Legal Sociology),” *Wacana Umat*, vol. 8, no. 1, Feb. 2023, doi: 10.56783/jwu.v8i1.7.
- [29] A. Jamaludin, “Penerapan Keadilan Restoratif Bagi Pelaku Tindak Pidana dalam Penegakan Hukum Dikejaksaan,” *J. PEMULIAAN Huk.*, 2021, doi: 10.30999/jph.v4i2.1453.
- [30] V. A. Obaydhillah and G. Gunarto, “The Restorative Justice Effectiveness In Law Enforcement Of Damage Of Goods Crime,” *Law Dev. J.*, 2021, doi: 10.30659/ldj.3.3.613-620.
- [31] M. Wenzel, T. G. Okimoto, N. T. Feather, and M. J. Platow, “Retributive and restorative justice,” *Law and Human Behavior*. 2008. doi: 10.1007/s10979-007-9116-6.
- [32] J. Jiang and Z. Chen, “Victim Welfare, Social Harmony, and State Interests: Implementing Restorative Justice in Chinese Environmental Criminal Justice,” *Asian J. Criminol.*, 2023, doi: 10.1007/s11417-022-09376-5.
- [33] M. Hazrati and R. J. Heffron, “Conceptualising restorative justice in the energy Transition: Changing the perspectives of fossil fuels,” *Energy Research and Social Science*. 2021. doi: 10.1016/j.erss.2021.102115.
- [34] D. Setyowati, “Pendekatan Viktimologi Konsep Restorative Justice Atas Penetapan Sanksi Dan Manfaatnya Bagi Korban Kejahatan Lingkungan,” *J. Komun. Huk.*, 2019, doi: 10.23887/jkh.v5i2.18312.
- [35] F. Muin and P. L. Karsa, “Prospek Kebijakan Dalam Pembangunan Hukum Nasional Barbasis Partisipasi Masyarakat Pada Era 4.0,” *J. Jurisprud.*, 2019, doi: 10.23917/jurisprudence.v9i1.8094.

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