



Reconceptualisation of Restorative Justice Approach For Peaceful Dispute Resolution

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Abstract: People living in a community have a devoted hope of living in a peaceful environment free from conflict and harmonious social relationships. This dream must be realised via action, determination, and willpower. This project aims to rethink the administration of criminal justice by using Restorative Justice in a straightforward, quick, and cost-free manner. The method used is the normative legal research method because it analyses legal norms that are unclear and inconsistent between one norm and another that regulates restorative justice. The data used is secondary data in the form of primary legal materials, secondary legal materials, and tertiary legal materials, how to obtain legal materials using literature study, analysis of legal materials using qualitative legal analysis using interpretation. Results of the study: The new concept of a simple, fast, and free restorative justice approach in handling minor crimes, namely, carried out by the Head of the Sector Police, the Head of the Resort Police, and the Head of the Regional Police after receiving a peace statement signed by the perpetrator, victim, the perpetrator's family and the victim's family as well as community leaders and investigators who are mediators or facilitators of peace. They were continued by issuing a Letter of Termination of Investigation (SP3).

Keywords: Restorative Justice, Simple, Peaceful.

1. Introduction

According to Article 1 Paragraph 3 of Police Regulation Number 8 of 2021 of the Republic of Indonesia regarding the Handling of Crimes Based on Restorative Justice, To cooperatively pursue a fair resolution through peace, restorative justice involves the victim, the offender, the victim's family, community leaders, religious leaders, traditional leaders, or other stakeholders. The goal is to return to the initial state (Lawalata, Titahelu, & Latupeirissa, 2022), (Rahmat, Yang, Esa, Kepolisian, & Republik, 2021)

Restorative justice is the process of resolving criminal cases by bringing the victim, the perpetrator, the victim's family, and other pertinent parties together to jointly seek a just settlement that emphasises restoration to the original state rather than retaliation, according to Article 1 Paragraph (1) of the Prosecutor's Regulation of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Circumstances (Rambey, 2023). Procedure No. 15 of 2020 of the Republic of Indonesia concerning the Termination of Prosecution by the 2020 Restorative Guidelines (Agung & Indonesia, 2020).

Article 1 Paragraph 1 of the Prosecutor's Regulation of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Circumstances states that restorative justice involves Bringing the victim, the offender, the victim's family, and other pertinent parties together to resolve criminal cases with an

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emphasis on restoration to the victim's pre-crime status rather than retaliation. (Agung & Indonesia, 2020)

According to Article 1 Paragraph (1) of the Supreme Court of the Republic of Indonesia Number 1 of 2024 Regulation concerning Guidelines for Adjudicating Criminal Cases Based on Restorative Justice, restorative justice is a procedure and objective that aims for recovery rather than retaliation (Tobing, 2024). In criminal cases, restorative justice involves the victim, the victim's family, the defendant and their kid, and other associated parties. In 2016, the Supreme Court published Regulation No. 1 of 2004 on restorative justice-based criteria for judging crimes. (Mahkamah & Republik, 2024).

The criminal case settlement policy with a restorative justice approach seeks to reach a peaceful conclusion by considering the desires and interests of the victim, the victim's family, community leaders, religious leaders, the offender, and the offender's family. This will assist in returning the victim's health to its pre-crime state (Ghozali & Delmiati, 2023).

RENKAI MA and everything. Highlights "the enhancement of justice through the reaffirmation of shared values-consensus in bilateral procedures" and emphasises the need for healing and reconciliation processes, according to the statement. In addition to valuing the offender's experience, the restorative justice lens suggests that we work to make amends for the harm and reintegrate the offender into society. Accordingly, post-sentence assistance can function as restorative justice. (Febriyanti, 2022), (Kou & Ma, 2021).

The concepts of restorative justice are as follows (Robinson & Carlson, 2021): Gavrielides, 2007: personal accountability, healing, recovery, empowerment, honesty, respect, involvement, volunteerism, inclusivity, teamwork, and problem-solving. According to Gavrielides (2007), other concepts documented in the literature include transformation, empowerment, healing, and moralisation.

Heetderks Strong and Van Ness (2010). Alternatives to normative values have included the following general principles: active duty, solidarity, respect, and a peaceful social existence. The fundamental objective of a peaceful social existence is to restore and maintain people's peace, security, and well-being—backed by solutions and the protection of their physical and mental requirements (Robinson & Carlson, 2021).

Michele R. Decker et al. mentioned that in the United States, retributive settlement of violence against women, such as imprisonment and accountability of the defendant, does not solve the problem and even worsens the situation, so a vital settlement or familial settlement is needed. (Decker et al., 2020).

According to Yan Zhang, the police in China have been using restorative justice (RJ) methods to handle heavy workloads and complex situations. China primarily promotes restorative justice (RJ) as a comprehensive national reform from the top down. In the meantime, police policy supports the divergence and convergence of Restorative Justice (RJ) in theory and practice, driven by political imperatives for social order and stability and bureaucratic reason. Zhang (2020).

Mimi E. Kim mentions that in America, restorative Justice can be a veiled extension of the reach of the penitentiary system or serve as a way to shift government responsibility from forms of protection that are considered unworthy to be decent and humane. (Kim, 2020). The research conducted by the researcher is different from the previous research, namely:

A.A. Ngurah, Ni Made Su-karate Karma, and Anak Agung Sagung Laksmi Dewi In September 2022, Bagus Krishna Wirajaya's Essay "Minor Crimes Through Restorative Justice As A Form Of Criminal Law Reform Efforts" Appeared In The Journal Of Legal Construction, Vol. 3, No. 3. Issn: 2746-5055 | E-Issn: 2809-9648. It Looks At Law En-

forcement's Use Of Restorative Justice To Prevent Minor Offences And Manage Minor Offenders Using This Strategy (Bagus Et Al., 2022).

Joel Christofle Hinsu Tambun, Muhammadrustamaj In His Research Entitled "Restorative Justice As An Alternative To Criminal Case Resolution" In The Journal Verstek Volume 11 Issue 4, 2023 E-Issn: 2355-0406, Which Examines How Restorative Justice As An Alternative To Case Resolution In Indonesia And The Benefits Obtained When Compared To The Conventional Criminal Justice Process (Christofel & Tambun, 2023).

In May 2021, Lex Lata Magazine Released A Study By Eko Syaputra Titled "The Application Of The Concept Of Restorative Justice In The Criminal Justice System In The Future." The Study Investigates The Process For Extending The Use Of Restorative Justice In The Criminal Court System Going Forward (Syaputra, 2012).

Research Is Urgently Needed Because The Restorative justice approach to resolving minor crimes that have been running is still too convoluted and uncertain. After all, several government institutions have issued different policies and have the potential to cause abuse of authority from the authorities authorised to resolve cases in a restorative justice manner.

To achieve peace between offenders and victims, this study aims to analyse and uncover a novel concept of therapeutic behaviour, namely how to create a relationship between perpetrators and victims that can create peace that grows from the conscience of each perpetrator and victim, for example fostering an attitude of openness between perpetrators and victims, an attitude of empathy, sincerity, and respect for each of the rights held by the perpetrator and victim in handling minor crime cases with a restorative justice approach and its easy, quick, and cost-free implementation process.

2. Materials and Methods

This study falls under the category of normative legal research. Research on a legal topic to analyse positive law ob (already enforceable legal norms) is known as normative law research. Because it looks at the dominant legal norms, the author chose to do legal research and produce a commentary on this article using the normative legal research approach. With the results of this normative study, a new concept of a restorative justice approach to minor crimes will be produced, the formulation of which is in simple, clear, and unambiguous language so that the public easily understands it. Relevance to Community Needs: Regulations must be in accordance with social values, culture, and the actual needs of the community. Consistency and Harmony: Laws must be in sync with other regulations to avoid norm conflicts.

Several methods in normative law research allow the researcher to gather data from different angles on the problem they are trying to solve. Muhammad (2004) describes a few of the approach's components. Statutes, case, historical, comparative, and conceptual approaches are all possible. The researcher employed a conceptual or theoretical approach and a legislative method.

This research combines primary, secondary, and tertiary legal literature. Primary legal materials are those that have legal support and are pertinent to the topic of this study. They include Law No. 8 of 2021 on the Use of Restorative Justice in Handling Crimes and Law No. 2 of 2002 about the National Police of the Republic of Indonesia.

Secondary legal materials are these legal texts that explain basic legal materials. Secondary legal resources include the results of seminars, papers, articles, and other scientific meetings related to this subject. Tertiary law materials, such as encyclopedias,

dictionaries, cumulative indexes, and more, offer lessons and explanations of elementary and secondary law. Of course, these secondary legal materials consist of the latest scientific books or articles from the results of research over the last five years so that they can be guaranteed to be up-to-date and not outdated, as well as examples of the latest cases contained in the media. Considering that legal cases are always developing.

Library research gathers legal materials employed in this study to gather opinions, conceptual ideas, theories, and doctrines. Laws, regulations, and other scientific publications are examples of previous research on the subject of this study. A literature study is a method of gathering legal resources for this investigation that involves exploring and analysing literature (literature, research results, scientific periodicals, scientific bulletins, scientific journals, etc.). Reading, researching, taking notes, and reviewing already-published library materials are all part of literature studies.

In normative legal research, the analytical approach analyses and debates research materials according to the definition of law, legal norms, and relevant legal theories and doctrines. Analysing legal materials is an activity that takes the shape of a study or analysis of the outcomes of managing legal research resources with a previously completed literature review. Analysing the study findings involves analysing the available legal sources, offering criticism, support, or commentary, and finally drawing a judgment.

3. Results and Discussion

3.1. A new concept for resolving minor crimes using a restorative justice approach to create peace between perpetrators and victims.

Upholding public safety and order, protecting the populace, enforcing the law, and carrying out community service are among the duties of the National Police of the Republic of Indonesia, as stipulated in Law Number 2 of 2002. Law Number 2 of 2002 of the Republic of Indonesia about the Republic of Indonesia's National Police (Indonesia, 2002).

To enforce the law while also ensuring community safety and security. Criminal cases based on restorative justice can be handled by the Republic of Indonesia's National Police. According to Article 1 Paragraph 3 of the Police Regulation of the Republic of Indonesia, Number 8 of 2021, concerning the Handling of Criminal Acts Based on Restorative Justice, the victim, the perpetrator, the victim's family, community leaders, religious leaders, traditional leaders, or stakeholders work together to find a just settlement through peace, with a focus on restoring the original state.(Rahmat et al., 2021).

A safe and peaceful community life is a dream for everyone, families, and society. Everyone wants disputes between individuals or communities resolved peacefully.

Burt Galaway and Joe Hudson argue that the definition of restorative justice includes the following fundamental elements: "First, crime is viewed primarily as a conflict between individuals that results in injury to the victim, society, and the perpetrator himself; second, the purpose of the criminal justice process is to create peace in society by reconciling the parties and repairing the wounds caused by the dispute; Third, the criminal justice process must facilitate the active participation of victims, perpetrators, and their communities to find solutions to these conflicts. (Christofel & Tambun, 2023).

Musrizal, Syamsul Bahri, and Maisarah mentioned that the validity of the settlement of criminal cases through the Customary Court can be exemplified by persecution cases that sometimes end in peaceful settlement. The solution is first to bring several customary fines that have been determined. In this case, customary is a means of mediator in resolving a criminal case (Bahri, n.d.).

Stacy-ann Robinson and D'Arcy Carlson mention that normative values such as peaceful social life, respect, solidarity, and active responsibility must be alternatives to the broad principles of restorative justice (Van Ness & Heetderks Strong, 2010) (Stacy-ann Robinson, Carlson, & Robinson, 2021).

Lode Walgrave, Tony Ward, and Estelle Zinsstag argue that peace can be obtained through sympathy. Sparks, recalling the 300-year-old work of David Hume, writes that sympathy is 'the basic capacity that enables a peaceful social life' (Sparks, 2011, p. 323). Sympathy is the basis upon which 'common self-interest' can flourish, an intuitive understanding that self-interest is best served by investing in the common good (Walgrave, 2008), (Ward & Zinsstag, 2019).

Mimi E. Kim, California State University, mentioned that restorative justice is a criminal diversion system or a more legitimate alternative to school discipline. It also offers a series of values and a set of more tested techniques, such as peace circles and family group conferences (Kim, 2020).

According to theological interpretation, Article 1 Paragraph (3) of the Republic of Indonesia Number 8 of 2021 Police Regulation on the Handling of Crimes Based on Restorative Justice refers to the fulfilment of peace between the victim and the perpetrator. It emphasises the perpetrator's acknowledgement of guilt, restoring the victim's condition to its pre-crime state, and the perpetrator's sole responsibility to carry out this duty. Additionally, there must be forgiveness and openness between criminals and victims (Rahmat et al., 2021).

Police Regulation Number 8 of 2021 of the Republic of Indonesia about managing Criminal Acts Based on Restorative Justice states in Article 3 Paragraph (1) that procedures for managing criminal cases based on restorative justice must meet general and specific standards (Rahmat et al., 2021).

According to Articles 4, 5, and 6 of the Republic of Indonesia Number 8 of 2021 Police Regulation on the Handling of Crimes Based on Restorative Justice, General requirements consist of material and formal criteria. F) must not be a criminal act of terrorism, a criminal act against state security, a criminal act of corruption, or a criminal act against human life; D) must not be radicalism or separatism; E) must not be a recurrence of a criminal act based on a court ruling; B) must not incite unrest and rejection from the community; C) must not have an impact on social conflicts; D) must not have the potential to split the nation. The stated requirements are: a) peace between us (except from)(Rahmat et al., 2021).

Special circumstances are extra requirements for criminal crimes, according to Article 7 of Police Regulation Number 8 of 2021 of the Republic of Indonesia about the Handling of Criminal Crimes Based on Restorative Justice. b. traffic; c. drugs; b. information and electronic transactions (Rahmat et al., 2021).

The Republic of Indonesia Number 8 of 2021 Police Regulation for the Handling of Criminal Acts Based on Restorative Justice, Article 8, specifies the following specific rules for electronic transactions and information crimes:

"a) those who commit information crimes and conduct electronic transactions that spread unlawful content; b) those who are willing to remove the uploaded content; c) those who expressed regret via a social media video and asked that the content that was shared be removed; and d) those who agreed to cooperate with the National Police investigator in conducting a follow-up investigation " (Rahmat et al., 2021).

Article 9 of the Republic of Indonesia Number 8 of 2021 Police Regulation about the Handling of Crimes Based on Restorative Justice specifies the following particular conditions for drug crimes: "a) drug abusers and people with an addiction who seek rehabilitation; b) during an arrest: For one (1) day, there was evidence of drug use, with drugs and psychotropics being classified in compliance with laws and regulations; 2. There is no evidence of drug crimes, but the results of the urine test showed that the offender had drugs; c) the offender was not a part of drug crime networks, dealers, or dealers; d) the

Integrated Principles Team has put principles into practice; and e) the offender is willing to cooperate with the National Police" (Rahmat et al., 2021).

According to Article 10 of Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice, the special requirements for traffic crimes are as follows: "a) traffic accidents that result in material losses and minor injuries due to the driver's reckless behaviour; or b) traffic accidents that result in property losses and human casualties due to their negligence" (Rahmat et al., 2021).

Based on the grammatical interpretation of police regulation number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice mentioned above, The handling of criminal cases that can be resolved with restorative Justice includes minor criminal cases, information and electronic transaction criminal cases, narcotics and illegal drug cases, and traffic cases, with the abovementioned requirements.

The Regulation of the National Police of the Republic of Indonesia Number 8 of 2021 About the Handling of Crimes Based on Restorative Justice does not specify whether crimes are classified as minor offences. Unchecked results in a lack of interest and various interpretations that might mislead the public and misuse the Community Security and Order Supervisory Officer's (Babinkamtibmas) jurisdiction to utilise Restorative Justice to settle criminal cases involving minor infractions (Rahmat et al., 2021).

According to Article 205, Paragraph 1 of Law No. 8 of 1981 concerning Criminal Procedure, a case that is subject to a fine of up to 7,500 rupiahs and imprisonment for a maximum of three months, as well as minor insults, unless otherwise specified in Paragraph 2, is examined by the examination of minor crimes ("UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 8 TAHUN 1981 TENTANG HUKUM ACARA PIDANA," 1981).

According to the Republic of Indonesia's Regulation Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice (Regulation of the Prosecutor's Office of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice, 2020), criminal cases may be closed for the sake of law and halted based on restorative justice if they satisfy the requirements outlined in Article 5 paragraph (1). "a. This is the first time the suspect has committed a crime; b. The value of the evidence or the losses arising from the criminal act does not exceed Rp2,500,000.00 (two million five hundred thousand rupiah); c. The only penalties for criminal acts are fines or imprisonment for a maximum of five years" (Agung & Indonesia, 2020).

Guidelines for adjudicating criminal cases based on restorative justice are the subject of Supreme Court of the Republic of Indonesia Regulation Article 6 Paragraph 1 of Regulation No. 1 of 2024 of the Supreme Court of the Republic of Indonesia concerning Guide-lines for Adjudicating Criminal Cases Based on Restorative Justice If one of the following criminal offences is committed, judges use Restorative Justice-based criteria for deciding criminal cases: a. the criminal act committed is a minor criminal act or the victim's loss is worth not more than Rp2,500,000.00 (two million five hundred thousand rupiahs) or not more than the local, provincial minimum wage; b. the criminal act is a complaint offence; c. a criminal act with a maximum penalty of 5 (five) years in prison in one of the charges, including the criminal act of jinayat according to qanun; d. criminal acts with child perpetrators whose diversion is unsuccessful or e. traffic crimes in the form of crimes" (Mahkamah & Republik, 2024).

Legal constructions commonly used by judges include argumentum per analogie (analogy, krias), Argumentum a contrario, and narrowing/concretisation of law. To begin with, the Argumentum per analogous method (Analogy) is a legal discovery methodology that employs judges to determine the more general essence of a legal event or legal action, including those already subject to the law and those not. The analogy method treats similar or comparable legal events similarly. Finding general regulations

from special regulations to utilise to investigate the legal principles they embody is the process of discovering law via analogy (Muwahid, 2017).

Second, the *Argumentum a Contrario* Method is a legal discovery technique that gives the judge a chance to conduct legal discovery while keeping in mind that if the law specifies certain things for a specific event, it means that the regulation is only applicable to that event; for other events, the opposite is true. Sometimes, the law does not regulate an event, but the opposite is true. Prioritising an interpretation that is at odds with the opposing meaning (*magnum mukhabarat*) is the heart of *Argumentum a contrario* (Muwahid, 2017).

The third is the *rechtsverwijning* approach. Judges must interpret legal provisions specifically because norms in laws and regulations are typically overly generic and broad. The goal of narrowing or concretising the law is to make a rule of law that is too vague, passive, and abstract applicable to a specific situation (Muwahid, 2017).

It is possible to apply the legal architecture of *Argumentum per analogie* (Analogy) to the concept of legal discovery by comparing minor transgressions with criminal behaviour: "A. the criminal act is a minor criminal act, or the victim's loss is not greater than Rp2,500,000.00 (two million five hundred thousand rupiahs) or the local provincial minimum wage; b. the criminal act is a complaint offence; c. a criminal act carrying a maximum penalty of five (five) years in prison in one of the charges, including the criminal act of *jinayat* according to *qanun*; d. criminal acts involving juvenile offenders whose diversion fails, or e. The suspect has never before committed a crime."

The Republic of Indonesia's Police Regulation Number 8 of 2021, which addresses handling criminal acts based on restorative justice, makes this statement (Rahmat et al., 2021).

Article 11: "(1) The settlement of a misdemeanour crime as intended in Article 2 paragraph (4) shall be carried out against: a. reports/complaints; or. b. directly find the existence of an alleged Criminal Offense. (2) The report/complaint, as intended in paragraph (1) letter a, is a report/complaint before the police report".

Article 12: "The settlement of minor crimes, as referred to in Article 11, shall be carried out by a. members of the National Police who carry out the function of Community Development; and b. members of the National Police who carry out the function of the National Police *Samapta*".

Article 13: "(1) The settlement of minor crimes as intended in Article 2 paragraph (4) shall be carried out by submitting a written request to the Head of the Resort Police and the Head of the Sector Police. (2) The application letter, as intended in paragraph (1), made by the perpetrator, the victim, the perpetrator's family, the victim's family, or other related parties. (3) The following documents are attached to the application letter, as stated in paragraph (2): a. a peace statement; and b. proof that the victim's rights have been reinstated. (4) If there are no victims, the requirements as stated in paragraphs (3) a and b are not applicable".

Article 14: "(1) Based on the Letter of Application as intended in Article 13 paragraph (1), officers of the Community Development function and the function of the National Police *Samapta*: a. inviting parties to the conflict; b. facilitate or mediate between parties; c. report on the results of the implementation of mediation; and d. Record in the Restorative Justice registers to book the problem-solving and termination of the tapering Investigation. (2) The register book, as intended in paragraph (1) letter d, shall be made in the form of the format as stated in the Attachment, which is an integral part of this Police Regulation".

Article 15: "(1) To terminate an investigation or investigation of criminal acts as specified in Article 2 paragraph (5), a written request must be sent to either the Head of the National Police Criminal Investigation Agency at the level of the National Police Headquarters, the Regional Police Chief at the level of the Regional Police, or the Resort Police Chief at the level of the Resort Police and Sector. (2) As stated in paragraph (1), the

application letter is submitted by the victim, the offender, the victim's family, the victim's family, or other connected parties. (3) The following documents are attached to the application letter in compliance with paragraph (2): a. a peace statement; and b. evidence that the victim's rights have been restored. (4) The described clauses".

Article 16: "(1) The investigator in the investigation activity, based on the letter of application as specified in Article 15 paragraph (1), performs the following actions: a. research on the completeness of documents as specified in Article 15 paragraph (3); b. clarification to the parties and as stated in the event minutes; c. submission of an application for approval to carry out a particular case title if the results of the research, as specified in letter A, and the results of clarification, as specified in letter b, are fulfilled; d. preparation of the report on the results of the particular case title; e. issuance of an order to stop the investigation and a decree to stop the investigation for reasons of law; f. recording. (2) The investigator in the investigation activity carries out the following actions based on the letter of application as specified in Article 15 paragraph (1): a. additional examination as stated in the event minutes; b. clarification to the parties and stated in the event minutes; c. submission of an application for approval to carry out the title of a particular case if the results of the clarification as intended in letter b and the results of the additional examination as intended in letter A are fulfilled; d. Preparing the report on the results of the particular case title, e., issuance of a decree to stop the investigation and an order to terminate the investigation for reasons of law; f. re-recording in the register book. (3) An essential component of the Police Regulation, the Attachment lists the format of the order to stop the investigation and the letter of decision to stop the investigation as intended in paragraph (1) letter e, the order to stop the investigation and the letter of decision to stop the investigation as intended in paragraph (2) letter e, and the Restorative Justice Register Book for the Termination of Investigation/Investigation as intended in paragraph (1) letter f and paragraph (2) letter f".

Article 17: "(1) An application for approval for the implementation of the title of a special case as intended in Article 16, paragraph (1) letter c and paragraph (2) letter c, shall be submitted to: a. Head of the National Police Criminal Investigation Agency at the level of the National Police Headquarters; b. Director of General Criminal Investigation/Director of Special Criminal Investigation/Director of Narcotics Investigation at the Regional Police level or c. Resort Police Chief, at the Resort and Sector Police level. (2) The investigator in charge, the investigator supervisor, the internal supervisory function, and the legal function are involved in implementing the special case title as specified in paragraph (1). Additionally, the complainant and their family, the reported party and their family, and representatives of community leaders, religious leaders, traditional leaders, or stakeholders are involved".

Article 18: "(1) Should there be an attempt to end the investigation or investigation based on restorative justice by coercion, the investigator or investigators shall immediately: a. if the seizure relates to the Criminal Act, release the confiscated assets or objects to the most entitled individuals upon the issuance of the decision terminating the investigation; b. after a decree on the termination of investigation or investigation is issued, destroy confiscated items, such as drugs or other dangerous goods; and c. release the perpetrator or suspect if they are detained or arrested following the decree on the termination of investigation or investigation. (2) By paragraphs (1) a and c, the offenders and suspects are freed, the confiscated things are returned and destroyed, and a warrant and event minutes are made. (3) Attaching suggestions based on the evaluation findings of the integrated assessment team releases suspects in drug-related cases". Chart of the procedure for resolving criminal acts based on restorative Justice

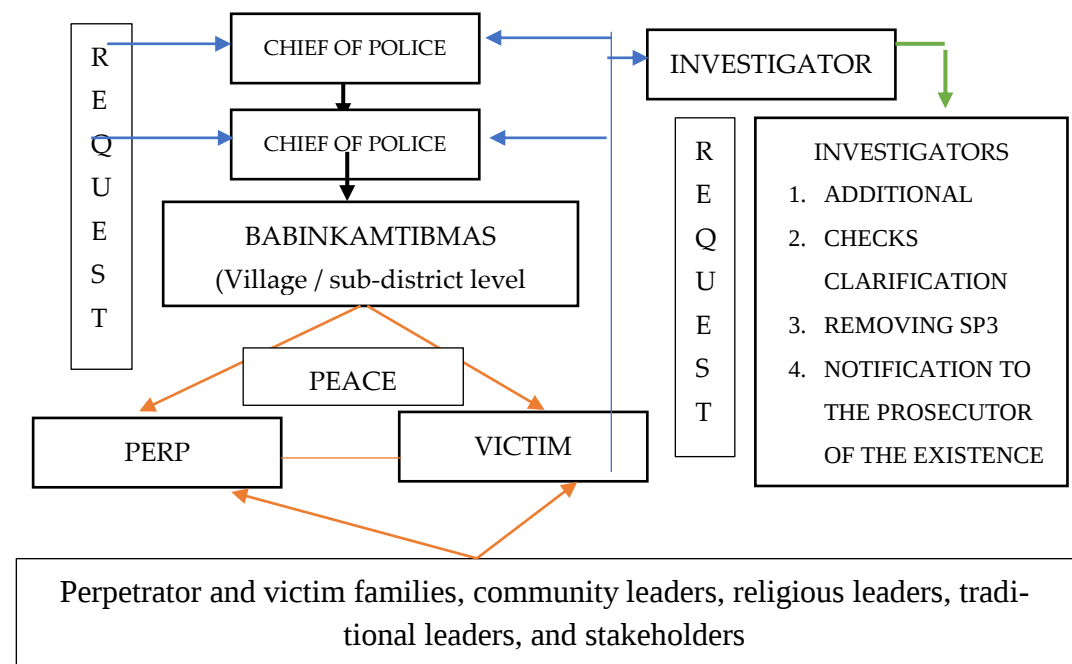


Figure 1: Flow chart of criminal offences based on restorative Justice

The procedure for resolving minor criminal cases based on restorative Justice, as regulated in Articles 11 to 18, is difficult. It involves a lengthy bureaucratic process to handle crimes based on restorative justice under the Republic of Indonesia's Police Regulation Number 8 of 2021 (Rahmat et al., 2021)

Principles of Restorative Justice (Robinson & Carlson, 2021): The principles of restorative Justice are self-determination, integrity, deference, engagement, voluntarism, rehabilitation, personal responsibility, diversity, teamwork, and problem-solving. According to Gavrielides, other concepts documented in the literature include transformation, empowerment, healing, and moralisation (Gavrielides, 2007).

Heetderks Strong and Van Ness (2010). Some have proposed normative values—such as respect, solidarity, active duty, and harmonious social life—as an alternative to these overarching principles. The repair and upkeep of people's peace, security, and well-being—backed by solutions and the defence of their bodily and emotional needs—are at the heart of a peaceful social existence (Gavrielides, 2007).

Ashworth (2002). The restorative justice principle states that solidarity addresses wrongs committed and honours victims, strengthening bonds between those involved. Three things contribute to solidarity: moral education, where "community standards are reinforced as values and norms," help (which supports reintegration into the community after a mistake), and gatherings (in which parties are welcome but not obliged to participate). The core tenets of active responsibility are accountability, relationship restoration, and harm repair; among these, cooperation between parties and establishing reparations by offenders are essential (Gavrielides, 2007).

From the experts' opinions above, the principles of restorative Justice are as follows: 1. Victim empowerment, 2. The honesty of the perpetrator and the victim, 3. Respect for the victim, 4. The involvement of the parties to reconcile, 5. Willingness between perpetrators and victims to

reconcile, 6. Healing for the victim's damage, 7. Restoration of the situation to how it was for the victims, 8. Accountability of perpetrators, 9. Inclusivity/acknowledgement of mistakes, 10. Collaboration between interested parties to reconcile, and 11. Problem-solving leads to peace. 12. Peaceful social life, 13. Safety for victims and perpetrators, and 14. The welfare of the Community in general, 15. Protection of physical and psychological needs of perpetrators and victims 16. Respect for the victim.

Restoring the preexisting relationship between the victim, the offender, and the community is the primary goal of restorative justice. A peace agreement that results from discussions with the offender and takes the form of an agreement to reconcile with the perpetrator in conjunction with the fulfilment of specific obligations or an agreement to reconcile without the fulfilment of specific obligations accommodates the victim's interests. Restorative Justice allows victims and perpetrators to be directly involved in finding solutions to solve their problems. This settlement in a family way is under the Family Model theory by John Griffith, who argues that: "a defendant is not seen as an opponent but as an erring member of the family, whom the parent might reprove but ought not to reject". If the victim and the perpetrator later meet and interact in the Community, then there will no longer be a sense of hostility between them (Sarhini et al., 2020).

In New Zealand, to participate in the restorative justice program at the pre-adjudication stage, suspects who belong to the adult group must first admit their guilt or at least not deny their responsibility for the crime that occurred (Noya & Walakutty, 2024).

Restorative justice's moral ethics centre on justice based on harmony (peace) among victims, offenders, and the community. Consequently, the "Just Peace Principle" defines justice. This principle reminds us that justice and peace are interconnected in their regions. Peace without justice is oppression; justice without peace is a new form of pressure and persecution. Restorative justice is also known as the Just Peace principle or Just Peace Ethics because it aims to make amends for the harm caused by the crime (an attempt to restore justice). Meeting with the community, offenders, and victims helps achieve this (Prayitno, 2012).

When restorative justice-based school violence prevention programs are (a) thoroughly examined and backed by data, (b) strengthened by planned and strategically carried out community-wide prevention activities, and (c) evaluated by schools, community leaders, organisations, and families, they have the best chance of success, according to the CDC (Katic et al., 2020).

According to research by Stacy-ann Robinson and D'Arcy Carlson, restorative justice settlements about environmental damage are also implemented in the global community. Mention: Conflicts about attribution, uncertainty, and the connection between climate change and extreme weather events have largely prevented cases of loss and damage from succeeding. There is widespread agreement that Annex I Parties to the United Nations Framework Convention on Climate Change (UNFCCC) have made more excellent historical contributions to greenhouse gas emissions than Non-Annex I Parties; nonetheless, they are very reluctant to accept accountability for loss and damage sustained. We provide restorative justice as a non-judicial alternative to addressing loss and damage amid the dearth of climate lawsuits and the UNFCCC's deadlock. To (1) argue that current attribution models can assist in identifying cases of restorative justice, (2) ascertain the role of the Warsaw International Mechanism in the design and preparation of the process, (3) raise arguments regarding the truth and reconciliation conference, as well as restitution, as part of the therapeutic dialogue, and (4) to call for the integration of therapeutic justice norms into global climate governance as a pathway to advancing negotiations, we used a four-stage framework and

draws on the experience of Non-Annex I Parties in the Caribbean with Hurricanes Irma and Maria in 2017 (Stacy ann Robinson & Carlson, 2021).

According to Deni Pramono and Slamet Rohadi, restorative justice is a method of resolving cases by criminal law by involving victims, offenders, victims' families, and other relevant parties to seek a just settlement that emphasises restoration to the original state rather than retaliation. Mediation is a non-punitive method of resolving minor offences. Only the errors committed by the Police Institution, a criminal law organisation with responsibilities and powers outlined in Article 18 paragraph (1) of Law of the Republic of Indonesia Number 2 of 2002 concerning the National Police of Indonesia, "for the benefit of the public and the public, officials," are the subject of this criminal mediation (Pramono, Rohadi, Wijaya, & Zulkarnain, 2023).

The concept of *restorative Justice* was introduced by Albert Eglash in 1977. The main focus of this concept is efforts to rebuild relationships between perpetrators, victims, and the Community after a criminal act has occurred. Restorative Justice handles criminal acts with the help of facilitators in an atmosphere of voluntariness, mutual respect, and peace. The parties spoke honestly about what happened and its impact on their lives, clarified responsibility for the losses, and resolved it together (Kaawoan, 2020).

According to Jeff Christian, restorative justice calls for the management of criminal acts to be viewed not only from a legal standpoint but also in light of social, economic, religious, and customary factors. Zulfa claimed that the principles of restorative justice are based on traditional ideals found in traditional societies, including harmony, balance, and peace, according to Eva Achjani. Restorative justice involves seating all parties equally. In an open discussion, both victims and offenders have a voice (Kaawoan, 2020).

The National Police of the Republic of Indonesia can operate as it sees fit in its roles, responsibilities, and powers. In the meantime, paragraph (2) governs how the provisions mentioned in paragraph (1) are implemented, which can only be done in dire situations by adhering to the laws and rules and the Republic of Indonesia's National Police Code of Ethics (Pramono et al., 2023).

The restorative justice tenets delineated by Gavrielides, Van Ness, Heetderks Strong, Ashworth, and the findings of studies conducted by Sarbaini, Prayitno, Katic et al., Deni Pramono, and Slamet Rohadi underscore the significance of restoring the victim's condition to its pre-crime state, promoting peace, and holding the offender accountable and acknowledging their guilt.

Thus, resolving criminal acts through restorative Justice should be simple, fast, and cost-effective. However, with many bureaucratic chains, there are many costs and a tendency to abuse power.

The philosophy of resolving non-criminal matters based on restorative Justice involves peace between the perpetrator and the victim, restoring the victim's physical and non-physical condition as it was. The perpetrator acknowledges guilt and responsibility so that the crime may not be repeated. The flow chart for handling crimes is based on restorative Justice, which is simple, fast, and cost-free.

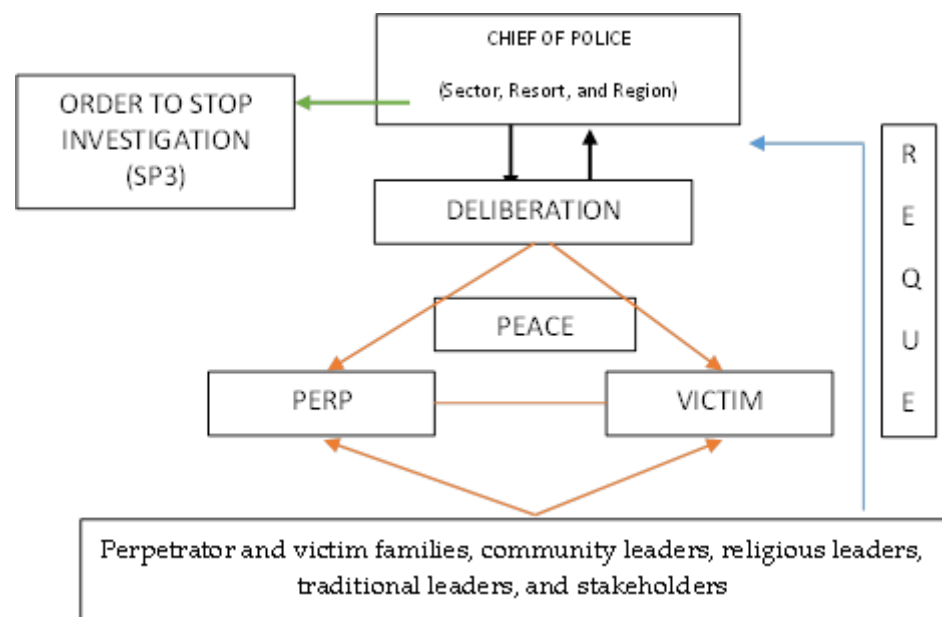


Figure 2: Chart of the flow chart of handling crimes based on restorative Justice that is simple, fast, and cost-free.

According to the opinions of the experts previously mentioned, the restorative justice approach to minor crime resolution aims to achieve peace between the offender and the victim and their families, prevent the accumulation of cases in each police training, and lessen the financial burden on the police institution—the institution authorised to settle in a restorative justice manner.

With the new restorative justice system, criminal acts can be handled by the Police Chief, Police Resort, and Regional Police. There is a peaceful deliberation between the perpetrator and the victim facilitated and mediated by the village head or sub-district head and investigators at every level of the police, both the Police Sector, Police Resort and Regional Police, after receiving a report from Babinkamtibmas, and based on a statement signed by the victim and perpetrator, the victim's family, community leaders, and the Village Head or Sub-district Head or local Sub-district Head: One of the following has occurred: 1. The victim and the perpetrator agree to make peace; 2. The perpetrator has admitted his mistake and will not repeat it; 3. The perpetrator compensates for the losses suffered by the victim; 4. The victim and the perpetrator have forgiven each other; 5. The perpetrator's family, the victim's family, and community leaders have agreed to make peace. The peace agreement between the perpetrator and the victim who has signed the peace statement is witnessed by community leaders, traditional leaders, the perpetrator's family, the victim's family and the village head or sub-district head. Next, the Chief of Police Sector, Chief of Police Resort, or Chief of Regional Police issues a Letter of Order to Terminate Investigation (SP3), and a copy is submitted to the Head of the local District Attorney's Office or High Prosecutor's Office.

With the new concept of handling criminal cases in a simple, fast, and cost-free manner of restorative Justice, there will be peace among people who experience victims of minor crimes or as perpetrators of minor crimes either intentionally or unintentionally.

With peaceful community life, there will be a realisation of public security and order whose estuary is a safe, calm, and prosperous community life by the ideals contained in the Preamble to the Constitution of the Unitary State of the Republic of Indonesia in 1945.

4. Conclusions

The following is the definition of misdemeanour offences: A) a minor committed the crime; B) it is a complaint offence; C) one of the charges, such as the criminal act of jina-yat, carries a maximum penalty of five (five) years in prison; D) child perpetrators are involved, and their diversion fails; or E) the victim's loss is less than Rp2,500,000.00 (two million five hundred thousand rupiahs) or the local, provincial minimum wage. For example, the theft of a mobile phone worth Rp. 2 million, the theft of bananas worth only 100 thousand rupiahs, or the destruction of goods, the value of which is less than 2 million rupiahs. F. The suspect has never before committed a crime. Implementation of a new method of handling minor crimes that is simple, fast, and free of charge through restorative justice. After the victim, the perpetrator signs a statement of peace and compensation witnessed by the victim's family, the perpetrator's family, community leaders, the village head or the local village head or sub-district head and the investigator who acts as a mediator or peace facilitator. The police commander in charge of maintaining peace then issues a Letter of Termination of Investigation (SP3). Supervision of the implementation of peace is handed over to the perpetrator's family and the victim's family as well as the village head and community leaders. Such implementation is very transparent, fair and simple because peace is implemented in the village where the case occurred, witnessed by many parties, starting from the perpetrator's family, the victim's family, community leaders the village head and the police themselves. Signing the statement of peace, the Police Chief, the Police Chief, and the Regional Police Chief

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