



STRENGTHENING MEDIATION AS AN INSTRUMENT OF RESTORATIVE JUSTICE IN THE CRIMINAL JUSTICE SYSTEM

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Abstract

This research examines the shift in Indonesian legal culture from a punitive orientation towards restorative justice and the urgency of mediation as an instrument for resolving criminal cases. The conventional criminal justice system, which is retributive in nature, is considered to have failed to provide substantive justice due to its convoluted processes, high costs, and neglect of victim recovery. Restorative justice offers a more humane and efficient approach through mediation involving victims, offenders, and the community. This research employs normative legal research methods with statutory and conceptual approaches. The findings indicate that restorative justice has been accommodated in various legal instruments, including Law Number 1 of 2023 on the Criminal Code, Police Regulation Number 8 of 2021, and Prosecutor's Regulation Number 15 of 2020. The implementation of restorative justice requires transformation in the attitudes of law enforcement officials, victims, offenders, and the community. This research concludes that restorative justice is an urgent necessity in the modern criminal justice system that is responsive to the values of substantive justice and humanity.

Keywords: restorative justice, mediation, legal culture, progressive law, criminal justice, attitude transformation, victim recovery

Introduction

Indonesia's criminal justice system has long been dominated by a retributive approach that places punishment as the primary goal of law enforcement. This approach is rooted in the legal culture of society, which tends to be punitive, where justice is equated with imposing prison sentences on perpetrators of crime. However, law enforcement practices over the past few decades show that the conventional criminal justice system has various fundamental weaknesses. The judicial process, which is convoluted, slow, and costly, often fails to bring satisfaction to the litigating parties. Crime victims are frequently marginalized because the losses they suffer do not receive adequate restoration, while perpetrators are placed in a correctional system experiencing overcrowding (Agustin & Sulchan, 2025). This punitive orientation is even visible in the discourse on applying the death penalty as an instrument to tackle serious crimes, although its effectiveness in curbing crime rates remains debated (Ferdinanta et al., 2024).

The phenomenon of correctional facility overcrowding is one of the clear indications of the failure of the punishment-oriented criminal justice system. Correctional facilities in Indonesia are filled far beyond their ideal capacity, with the majority of inmates being offenders of minor cases. This condition creates various problems, ranging from human rights violations, deteriorating health conditions of inmates, to an increasingly heavy burden on the state budget. The long and exhausting judicial process often yields no restoration for victims, whether materially or morally. The losses suffered by victims are never compensated because the sentencing system is not designed to restore victim losses directly (Rinaldi & Rinaldi, 2025). This overcrowded condition also impacts vulnerable groups such as elderly inmates, who require improvements in services and supervision in correctional facilities (Pamungkas et al., 2025). Some residents of correctional facilities are even perpetrators of minor offenses, such as the forgery of health certificates, which could actually be handled through other approaches outside imprisonment (Hartika et al., 2023). This situation drives the emerging realization that the criminal justice system requires a fundamental paradigm shift.

A paradigm shift in the criminal justice system cannot be separated from the shift in legal culture occurring in society. The legal culture of Indonesian society is beginning to shift from an orientation that solely

demands punishment toward an orientation that prioritizes victim restoration and social peace. This shift is driven by the collective experience of society witnessing the inability of the formal justice system to resolve conflicts fairly and satisfactorily. Society is beginning to realize that justice does not always mean deterring the perpetrator, but also includes restoring the victim's losses and repairing social relationships disrupted by criminal acts (Siregar, 2025). This shift in society's perspective on the meaning of justice is essentially an adaptive learning process, where collective experience forms a new understanding that is then applied individually as well as collectively (Kurniawan & Darmawan, 2021). This awareness serves as a sociological foundation for society's acceptance of a new approach to resolving criminal cases.

The new approach in question is restorative justice, which offers a dispute resolution mechanism outside the litigation path. Restorative justice returns the conflict to the parties involved, namely the victim and the perpetrator, with society involved as a facilitator. Through mediation, the victim is given space to express the losses suffered and demand tangible compensation. The perpetrator is given the opportunity to admit wrongdoing, apologize, and commit to restoring the harm caused (Azizah et al., 2025). The perpetrator's commitment to restoring the loss basically reflects the principle of good faith, which is also recognized in contract performance namely, the willingness to fulfill obligations honestly and responsibly (Irfansyah et al., 2024). Society plays a role in facilitating and supervising the peace process. This approach offers time and cost efficiency, as well as providing certainty of restoration for victims that cannot be obtained through formal court proceedings.

The urgency of implementing restorative justice is increasingly pressing given the various challenges faced by the conventional criminal justice system. The criminal justice process, from the investigation stage to court verdicts, takes a very long time, often taking months or even years. The costs incurred by the parties, both directly and indirectly, are also substantial. Law enforcement officers have limited resources to handle all incoming criminal cases. Minor cases and social conflicts that could actually be resolved through consensus end up clogging the formal judicial system (Wala & Wala, 2025). This case backlog is further increased by the emergence of new types of crime such as carding and phishing, regulated

under the ITE Law (Darmawan et al., 2025), as well as environmental pollution cases that also require criminal law enforcement (Mahmud et al., 2023). This leads to a backlog of cases and slows down the handling of serious cases that require special attention.

Beyond efficiency issues, the conventional criminal justice system also faces challenges regarding substantive justice. The imprisonment of offenders often fails to address the root causes of criminal acts. Minor offenders who are imprisoned actually run the risk of becoming recidivists due to interacting with serious crime inmates inside correctional facilities. Crime victims do not receive restoration because the criminal justice system does not require offenders to compensate for victim losses. This disparity causes a sense of injustice among the public and reduces public trust in the criminal justice system (Sjuhudi & Musahib, 2025). Similar issues are also evident in the handling of human trafficking cases, where conventional sentencing approaches have not fully reached the root of the problem or provided restoration for victims (Lukmantara et al., 2022). Therefore, a legal breakthrough is needed that can meet society's need for substantive and procedural justice.

Philosophically, restorative justice aligns with the legal values developing in Indonesia, particularly those originating from Pancasila and the culture of deliberation. The values of divinity, humanity, unity, and social justice contained in Pancasila provide a solid foundation for the development of restorative justice. The culture of deliberation, which has long been deeply rooted in Indonesian society, also supports conflict resolution through mediation and reconciliation (Syahidah, 2025). This transformation of the role of law enforcement officials requires adjustments in institutional governance, as in the principles of change management applied in modern organizations to ensure compliance with new values and rules (Darmawan et al., 2024). The role of the legal profession, including advocates, also becomes important in strengthening legal protection for the parties during this transition process toward a restorative approach (Jayadi et al., 2025). However, the implementation of restorative justice requires a transformation of attitude from all components of the nation, including law enforcement officials, victims, perpetrators, and society. Law enforcement officials must be able to transform from their role as rigid law enforcers into wise facilitators and mediators.

This study aims to analyze the shift in legal culture that encourages the implementation of restorative justice in the criminal justice system in Indonesia. This study also aims to examine the urgency of mediation as an instrument for criminal case resolution and to analyze the implications of implementing restorative justice on the attitude transformation of law enforcement officials and the community. Furthermore, this study aims to identify the driving and inhibiting factors for the implementation of restorative justice in the criminal justice system. This research is expected to contribute to the development of criminal law policies that are more responsive to the community's need for substantive and procedural justice.

Method

This research uses a normative legal research method with a statutory approach and a conceptual approach. The statutory approach is carried out by examining provisions in laws and regulations related to restorative justice and mediation in the criminal justice system. The conceptual approach is used to analyze legal concepts related to legal culture, progressive legal theory, and restorative justice to obtain a comprehensive understanding of the paradigm shift in criminal law enforcement.

The legal materials used in this research consist of primary legal materials which include laws and regulations in the field of criminal law and criminal justice, secondary legal materials in the form of literature, journal articles, and legal doctrines relevant to restorative justice, as well as tertiary legal materials such as legal dictionaries and encyclopedias. Data collection techniques are carried out through library research by inventorying, classifying, and systematically analyzing legal materials. Data analysis is conducted qualitatively using grammatical interpretation and systematic interpretation methods to capture the meaning and purpose of restorative justice regulations in laws and regulations, as well as to formulate legal arguments regarding the urgency of mediation as an instrument for criminal case resolution

Result and Discussion

Legal Culture and the Shift in the Paradigm of Justice

The restorative justice approach emerged as a response to the failure of the conventional criminal justice system in responding to the challenges of the

times. Restorative justice is promoted as a case resolution option because the conventional system has proven unable to provide satisfaction to the parties involved in legal conflicts. Systemic judicial efficiency demanding a fast, simple, and low-cost process is one of the primary considerations. The criminal justice process from the investigation stage to the court verdict takes months to years, whereas mediation can cut a lengthy law enforcement bureaucracy into something much shorter (Wibisana et al., 2024). This procedural efficiency also provides legal certainty for the parties, given that a long litigation process has the potential to generate uncertainty regarding the final verdict of a case (Rawi et al., 2026). Law enforcement officials can focus their resources on handling heavy crimes. Reallocating this focus of resources requires innovative human resource management so that the performance of law enforcement officials remains optimal amidst capacity limitations (Abdullah et al., 2021). Long litigation processes are often disproportionate to the results obtained, especially for cases that lack high complexity. Mediation offers a more efficient mechanism without sacrificing the aspect of justice for the litigating parties. This time and cost efficiency is a major draw for members of the public who desire fast and satisfying conflict resolution. Strengthening this norm is also reflected in Law Number 1 of 2023 concerning the Criminal Code, which explicitly places rehabilitation as one of the goals of sentencing, thereby providing a more solid legal foundation for the application of restorative justice within the Indonesian criminal justice system.

Cultural decriminalization and depenalization efforts serve as a safety valve to avoid the phenomenon of over-criminalization. Minor cases, neighborhood conflicts, theft due to hunger, or complaint offenses rooted in simple social problems do not need to be resolved through repressive criminal law mechanisms (Aaronson, 2025). A similar approach is also relevant to apply to cases involving children as perpetrators, where principles of protection and social reconstruction need to be prioritized over mere punishment (Al Haibah et al., 2024). Applying criminal law to minor cases can actually generate greater negative effects, such as social stigmatization toward perpetrators and unnecessary burdens on the judicial system. Restorative justice offers a more proportionate approach by resolving such cases through mediation mechanisms involving victims, perpetrators, and the community. This approach is in line with the principle that criminal law

should be a last resort (*ultimum remedium*) in resolving social conflicts. Decriminalization through restorative justice also creates space for more humanistic and equitable conflict resolution. A similar principle is also starting to be applied to speech cases in digital spaces, the resolution of which can be directed through a restorative approach instead of solely referring to criminal provisions in the Information and Electronic Transactions Law (Darmawan & Negara, 2023), which is further supported by the need for more adequate regulation of electronic data and personal data in criminal procedure law (Budiman et al., 2026). This principle is reinforced by Police Regulation Number 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice, which provides operational guidelines for police officers in implementing restorative justice at the investigation stage, as well as Prosecution Regulation Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice, which regulates the mechanism for terminating prosecutions through a restorative approach.

The tangible and direct restoration of victims' rights serves as an important consideration in applying restorative justice. In a retributive system, the state takes over the conflict and the victim is marginalized from the resolution process. Crime victims often become mere witnesses in the judicial process without receiving restoration for the losses suffered (Anastasios, 2003). The issue of minimal space for victims to be heard is clearly visible in sensitive cases such as marital sexual violence, where public legal awareness still needs to be built so that victims obtain proper recognition (Da Silva & Khayru, 2025). Through mediation in restorative justice, conflict is returned to the parties so that victims are given broad participatory room to demand tangible compensation that is directly fulfilled by perpetrators. Returning the control of conflict resolution to the parties basically reflects the logic of decentralization, as also seen in the shift in social governance toward a system that no longer relies entirely on a single authority (Darmawan & da Silva, 2025). This restoration includes material and moral damages that cannot be provided by a prison sentence. Victims have the opportunity to directly communicate the impact felt as a result of the criminal act experienced. Perpetrators are also given the opportunity to directly understand the consequences of their actions on victims. This process creates a more substantive form of justice compared

to merely imposing a prison sentence. Law Number 1 of 2023 concerning the Criminal Code confirms the importance of victim restoration through provisions on criminal sanctions and measures oriented toward restorative justice, ensuring victims receive more adequate recognition and legal protection in the criminal justice system.

Strategies to address correctional facility overcrowding, a chronic problem in the Indonesian criminal justice system, serve as another driving factor. Correctional facilities in Indonesia are currently filled far beyond their ideal capacity, with the majority of inmates being offenders of minor cases and user-level narcotics offenses (Hakim, 2025). The success of inmate rehabilitation is also influenced by the personal competence of correctional officers, given that officers' personality characteristics can affect performance quality in carrying out rehabilitation duties (Darmawan, 2017). This condition creates various problems, ranging from human rights violations, the spread of diseases, to an increasingly heavy burden on the state budget. Mediation through restorative justice can save state finances and infrastructure from the budget burden of correctional facility overcrowding. Diverting minor cases to restorative paths reduces the number of inmates entering correctional facilities. This enables correctional facilities to focus their resources on rehabilitating heavy crime inmates who require special attention. Restorative justice provides a comprehensive solution to various problems in the criminal justice system. This achievement is actually determined by a number of interconnected factors, just as organizational effectiveness is determined by various factors working simultaneously (Darmawan, 2024). Government Regulation Number 99 of 2012 concerning the Second Amendment to Government Regulation Number 32 of 1999 concerning the Terms and Procedures for Implementing the Rights of Correctional Inmates also indicates government efforts to reduce correctional facility density through various policies supporting a restorative approach.

All of these factors show that restorative justice is not merely an alternative, but an urgent need in the modern criminal justice system. The failure of the conventional system to deliver satisfying justice for victims, perpetrators, and society drives the need for a paradigm shift in law enforcement. Restorative justice offers a more humanistic, efficient, and equitable approach by involving all interested parties in the case resolution

process. Mediation as the main instrument of restorative justice enables the creation of agreements that satisfy all parties and repair social relationships disrupted by criminal acts. The strong impulse of this societal cultural shift has been officially and structurally accommodated by the state through various juridical instruments, including Police Regulation Number 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice and Prosecution Regulation Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice. This normative recognition shows that the state has responded to the public's need for a more responsive and equitable justice system. In addition, Law Number 1 of 2023 concerning the Criminal Code has integrated restorative justice principles as part of the national sentencing system, marking a fundamental shift in the orientation of criminal law policy in Indonesia from a retributive approach to a more restorative and humanistic one.

Restorative Justice as a Manifestation of Progressive Law

The presence of restorative justice has a solid philosophical and sociological position when examined through the theory of progressive law. The theory of progressive law was born out of concern over law enforcement that blindly worships statutory texts and denies societal justice. The main postulate of this theory is that law is for humans, not humans for the law. Good law is law that is flexible, sensitive to substantive justice, and ultimately capable of bringing happiness to society (Kusumawardhani & Kusumawardhani, 2025). Law must not be viewed merely as an automatic machine working rigidly without regard to human conditions. The conventional system of retribution often works without caring whether imprisonment brings benefits or instead destroys the future of an individual and their family. This issue is clearly evident in the regulation of narcotics abuse crimes, where users are often sentenced to imprisonment without considering recovery efforts that are actually more needed (Prabowo et al., 2024). However, this softer approach still needs to consider proportionality toward crimes with widespread impacts, such as money laundering crimes that require firm law enforcement given the complexity of their elements and damages (Rusianto et al., 2023).

Restorative justice comes as the most tangible embodiment of progressive law in society. This approach dares to break through traditions

and the rigidity of statutory texts by prioritizing conscience, social peace, and restoration, far above merely imposing painful sanctions. This restorative spirit has been fundamentally adopted in the new national criminal system, namely through Law Number 1 of 2023 concerning the Criminal Code, which places restoration as one of the primary goals of sentencing (Wulandari & Wulandari, 2025). This adoption demonstrates that the state has recognized the importance of a restorative approach in the criminal justice system. It also signifies a paradigm shift from law that is repressive toward law that is more humanistic and restoration-oriented. A similar restorative approach is also starting to be directed toward resolving speech cases in digital spaces, as a concrete form of applying the principle of restoration in the Information and Electronic Transactions Law (Rianto et al., 2023). This spirit of restoration is also visible in efforts to optimize the recovery of state assets, affirming that the orientation of progressive law also touches upon issues of broader losses (Saputra et al., 2025).

Restorative justice as an implementation of progressive law has characteristics that distinguish it from the conventional criminal justice system. First, restorative justice places the victim as the main subject in the case resolution process, not merely a forgotten object. Second, restorative justice provides room for perpetrators to take direct responsibility for their actions through mechanisms of apology and compensation. The fulfillment of this right to restitution needs to be accompanied by adequate public understanding regarding its procedures and rights, so that victims can truly access the promised recovery (Prasetyo et al., 2024). Third, restorative justice involves society as a party that facilitates and supervises the peace process. The role of society as a supervisor of the peace process shows a pattern of citizen participation similar to citizen involvement in various democratic processes and civil society movements (Rojak et al., 2021). Fourth, restorative justice aims to repair social relationships damaged by criminal acts. Fifth, restorative justice offers a resolution process that is faster, cheaper, and more satisfying for all parties involved.

The advantage of restorative justice compared to the conventional criminal justice system lies in its ability to resolve conflicts holistically. The conventional system only focuses on the question of whether the perpetrator is guilty and how severe the punishment should be imposed. This system ignores questions about what the victim needs, how the perpetrator can

repair their mistake, and how society can be involved in the resolution process. Restorative justice answers these questions by involving all interested parties in the mediation process (Halim & Ismoyo, 2023). A tangible example can be seen in the resolution of cases involving the sale of counterfeit products in traditional markets, which is more effectively resolved through an approach that considers local attitudes and needs rather than formal criminal proceedings (Purwanto et al., 2025). The success of such mediation also depends on the integrity of the facilitating party, as required by legal professional ethics that demand allegiance to justice in every dispute resolution process (Saktiawan et al., 2021). This process enables the creation of agreements that satisfy all parties and restore disrupted social relationships. Restorative justice offers a form of justice that is more substantive compared to the conventional system. The application of restorative justice through mediation has broad implications for the criminal justice system. Mediation allows cases to be resolved without going through a long and exhausting judicial process. This reduces the workload of law enforcement officials and judicial institutions. Mediation also reduces the number of inmates entering correctional facilities, thereby addressing the problem of overcrowding. Mediation provides certainty of restoration for victims because compensation is given directly by the perpetrator. Mediation also provides an opportunity for perpetrators to avoid the negative stigma of being a prisoner and reintegrate back into society. Social acceptance of former prisoners can be built by strengthening civic relationships that give them space to return to playing an active role after serving their sentence (Rizaldy et al., 2023). These efforts are not detached from the challenge of social stereotypes that often limit opportunities for former prisoners in obtaining employment or equal social interaction (Sajjapong et al., 2022). Mediation in restorative justice provides significant benefits for all parties involved in criminal cases.

Attitude Transformation as a Prerequisite for the Implementation of Restorative Justice

Restorative justice will not work without a radical attitude transformation from all components of the nation. The existence of restorative justice demands a change in attitude from law enforcement officials, victims, perpetrators, and the wider society. Law enforcement officials, including

police, prosecutors, and judges, must shed their mentality as state executioners or mere mouthpieces of the law (Utami, 2023). They must transform into wise facilitators and mediators, possess high emotional intelligence, and be sensitive to the sociological conditions of the surrounding society. This attitude change requires sustainable training and education for law enforcement officials regarding the principles of restorative justice and mediation techniques. This transformation of roles also needs to be balanced with the strengthening of normative certainty and law enforcement legitimacy, so that the change in officials' attitudes does not cause confusion in the application of rules in the field (Wibisono et al., 2023).

Victims of criminal acts are expected to be able to manage their emotions and prioritize rationality in the mediation process. Victims are required to have magnanimity and a forgiving spirit for the sake of achieving a tangible restoration agreement. This does not mean that the victim must forgive the perpetrator absolutely, but rather that the victim is willing to participate in the mediation process with the hope of obtaining restoration for the losses they suffered. Victims are also expected to be able to see the long-term benefits of a restorative resolution compared to a long and uncertain litigation process. The role of psychological assistance for victims becomes important to help them prepare to face the mediation process (Mustaf, 2024). Perpetrators of criminal acts are required to have the moral courage to admit their mistakes without coercion, sincerely apologize to the victim and society, and fully commit to restoring the harm caused without repeating their actions. Admission of guilt and a sincere apology are important initial steps in the restorative process. The perpetrator must also be willing to compensate for the victim's losses and repair the social relationships damaged by their actions (Luth-Morgan, 2018). Such willingness will be more optimal if systematically integrated into perpetrator rehabilitation programs, so that the restoration process does not stop merely at an agreement (Udjari et al., 2022). This principle is also relevant to apply to child offenders through mechanisms of diversion, rehabilitation, and social reintegration tailored to the psychological and social conditions of the perpetrator (Utama et al., 2024). The perpetrator's willingness to take direct responsibility for their actions shows that the perpetrator has realized their mistake and is determined to improve themselves. This becomes the basis for the perpetrator's reintegration into society.

The wider society must play an active role as a positive and inclusive support system in the implementation of restorative justice. Society must begin to eliminate the culture of stigmatizing perpetrators who have repented, and proactively maintain environmental harmony and supervise the progress of peace agreements. The role of society as a facilitator in the mediation process is very important to create a conducive atmosphere for achieving an agreement. Such an active role of society is also needed in disputes rooted in issues of evidence and administration, such as land disputes resulting from underhand deeds of sale and purchase that are often hampered by weak recording and evidence (Sulani et al., 2025). Society also plays a role in supervising the implementation of agreements reached by the parties. Society is not merely a spectator in the judicial process, but an active subject contributing to conflict resolution and the restoration of social justice.

The attitude transformation of all components of the nation requires time and a long process. A change in legal culture cannot happen instantly; rather, it requires continuous education and socialization. Law enforcement officials need to receive training and mentoring in applying the principles of restorative justice. Victims and perpetrators need to be given an understanding of the benefits and procedures of mediation. Society needs to be educated about the importance of their role in supporting the implementation of restorative justice. Without a comprehensive attitude transformation, the implementation of restorative justice will face significant obstacles and cannot run optimally.

Implications of Implementing Restorative Justice on the Criminal Justice System The implementation of restorative justice carries fundamental implications for the Indonesian criminal justice system because it changes the paradigm of law enforcement from being reactive and repressive to proactive and restorative. This paradigm shift requires adjustments in law enforcement policies, procedures, and practices at all levels. Restorative justice encourages decriminalization and depenalization of minor cases that should not enter the formal criminal justice system, thereby reducing the workload of law enforcement officials and judicial institutions (Wala & Wala, 2025). Available resources can be focused on handling serious crimes that require special attention. Literature reviews regarding the application of restorative justice in resolving criminal cases in

Indonesia also affirm the relevance of this approach for cases that do not cause significant losses to the state (Wijaya et al., 2022). However, this decriminalization approach needs to be strictly limited for cases such as corruption, given that criminal sanctions are still viewed as important to provide a deterrent effect against crimes that harm state finances (Suhartono et al., 2024). The strengthening of this paradigm is reflected in Law Number 1 of 2023 concerning the Criminal Code, which explicitly places rehabilitation as one of the goals of sentencing, thereby providing a solid legal foundation for the transformation of the criminal justice system toward a restorative approach.

Restorative justice provides better protection for crime victims through compensation and restoration mechanisms provided directly by perpetrators. Victims are no longer marginalized in the judicial process; instead, they are placed as primary subjects entitled to receive restoration for the losses suffered (Sawin & Zehr, 2013). Perpetrators are also given the opportunity to take responsibility for their actions and repair mistakes without having to undergo a lengthy sentencing process and stigmatization. This encourages the social reintegration of perpetrators into society after fulfilling their obligations in accordance with the restorative agreement. Police Regulation Number 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice provides operational guidelines for police officers in implementing restorative justice at the investigation stage, while Prosecution Regulation Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice regulates the mechanism for terminating prosecutions through a restorative approach, ensuring victims and perpetrators obtain legal certainty during the mediation process.

Restorative justice provides a solution to the problem of correctional facility overcrowding, which has been a chronic issue in the Indonesian criminal justice system. By diverting minor cases to restorative channels, the number of inmates entering correctional facilities can be significantly reduced (Rinaldi & Rinaldi, 2025). This will improve conditions in correctional facilities and reduce the burden on the state budget. Restorative justice also encourages the active participation of society in resolving criminal cases, where society is no longer a passive spectator in the judicial process, but becomes an active facilitator and supervisor in the

mediation process and the implementation of restorative agreements. Support for this density reduction has been legally reinforced through Law Number 22 of 2022 concerning Corrections, which integrates restorative justice into the fulfillment of inmates' rights, and is further supported by the mandate of Law Number 1 of 2023 concerning the Criminal Code, which introduces non-custodial alternative sanctions, such as community service sentences and supervision sentences for certain cases successfully resolved through a rehabilitative approach. The implementation of restorative justice faces several challenges that need to be addressed.

Resistance from some law enforcement officials who are accustomed to conventional approaches and do not yet understand the principles of restorative justice remains a major obstacle to implementing this policy. The lack of a uniform standard procedure for conducting mediation in various regions of Indonesia causes disparities in the implementation of restorative justice (Kandi et al., 2025). The lack of socialization and public education regarding restorative justice and its benefits is also a significant barrier. Resource and facility constraints to support mediation execution, as well as the absence of an effective supervision mechanism for the implementation of restorative agreements, further affect the effectiveness of restorative justice implementation. Law Number 1 of 2023 concerning the Criminal Code provides normative guidance for law enforcement officials to prioritize restorative approaches in handling certain criminal cases, which is expected to reduce resistance and increase officials' understanding of restorative justice principles.

The application of restorative justice requires adequate regulatory support to ensure legal certainty and implementation consistency. Police Regulation Number 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice and Prosecution Regulation Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice represent important initial steps in accommodating restorative justice within the criminal justice system (Wahid & Wahid, 2024). However, more comprehensive and integrated regulations regarding restorative justice at all levels of the judicial process are still needed. Such regulations must include clear mediation procedures, criteria for cases that can be resolved through restorative channels, supervision mechanisms for agreement implementation, and legal

protection for parties involved in the mediation process. Law Number 1 of 2023 concerning the Criminal Code has integrated restorative justice principles as part of the national sentencing system, marking a fundamental shift in the orientation of Indonesian criminal law policy from a retributive approach toward a more restorative and humanistic one, thereby providing a strong legal foundation for the development of more comprehensive derivative regulations.

Restorative justice is an important instrument in realizing a more humanistic and just criminal justice system. This approach not only resolves cases procedurally, but also restores social relationships damaged by criminal acts. Restorative justice places victims, perpetrators, and the community as active subjects in the case resolution process. Through mediation, the parties can reach an agreement that satisfies all sides and restores social harmony. Restorative justice is not merely an alternative to the conventional criminal justice system, but rather a paradigm transformation of law enforcement that is more aligned with the values of substantive justice and humanity. Adequate regulatory support, including Law Number 1 of 2023 concerning the Criminal Code, National Police Regulation Number 8 of 2021, and Prosecutor's Regulation Number 15 of 2020, demonstrates the state's commitment to developing a criminal justice system that is responsive to the community's need for substantive and procedural justice.

Conclusion

Restorative justice is a normative response to the failure of the conventional retributive criminal justice system in providing substantive justice for the parties involved in criminal cases. The shift in public legal culture from a punitive orientation toward victim recovery and social peace serves as a strong sociological foundation for the acceptance of restorative justice as an alternative dispute resolution for criminal cases. Mediation, as the primary instrument of restorative justice, offers time and cost efficiency, tangible recovery of victims' rights, decriminalization of minor offenses, and a solution to the overcapacity of correctional institutions. Normative recognition of restorative justice has been integrated into various legal instruments, including Law Number 1 of 2023 concerning

the Criminal Code, National Police Regulation Number 8 of 2021, and Prosecutor's Regulation Number 15 of 2020.

The implication of this research is the necessity for strengthening the implementation of restorative justice through capacity building and attitude transformation of law enforcement officials, socialization and education to the public, as well as the formulation of uniform mediation standard procedures throughout Indonesia. A more comprehensive and integrated regulation regarding restorative justice is also required at all levels of the judicial process, including oversight mechanisms for the implementation of restorative agreements and legal protection for the parties. Without comprehensive attitude transformation from all components of the nation, the implementation of restorative justice will face significant obstacles and cannot run optimally. Restorative justice is not merely an alternative to the conventional criminal justice system, but rather a paradigm transformation of law enforcement that is more aligned with the values of substantive justice and humanity.

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