

Restorative Justice-Based Criminal Case Resolution

A Study at Restorative Justice Houses in Yogyakarta

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Abstract

The retributive paradigm in criminal case resolution focuses on punishing the offender, often neglecting the victim's interests. This is evident in victims' limited role in court, where they primarily serve as witnesses and lack the authority to take meaningful action. Furthermore, the Indonesian legal system continues to prioritize imprisonment, resulting in incarceration for nearly all offenses, ranging from minor to severe, which contributes significantly to prison overcrowding. This study examined and analyzed the role of Restorative Justice Houses in Yogyakarta City in resolving criminal cases through a restorative justice approach. Such an approach is crucial, as it promotes social harmony and helps prevent larger societal conflicts. Therefore, it is essential to advocate for the broader implementation of restorative justice as a conflict resolution.



Keywords

Criminal Cases; Restorative Justice; Restorative Justice House.

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Introduction

Restorative justice has been legally defined in various regulations, including Police Regulation Number 8 of 2021. According to this regulation, restorative justice is the resolution of criminal acts involving the perpetrator, victim, the families of both parties, community leaders, religious figures, customary authorities, or other stakeholders who work together to seek a fair solution through reconciliation, with an emphasis on restoring the original condition. Philosophically, resolving criminal acts through restorative justice—involving the community and emphasizing consensus to uphold legal certainty, justice, and utility—embodies the principles of Pancasila. Specifically, deliberation and consensus reflect the values of Indonesia's cultural system, as outlined in the fourth principle of Pancasila: democracy guided by the inner wisdom of deliberations among representatives.

Sociologically, criminal law enforcement in Indonesia has been undergoing a gradual shift. Initially, the criminal justice system operated under a retributive paradigm, in which punishment focused solely on the offender, with minimal regard for the victim's suffering. This is evident in the fact that victims typically serve only as witnesses in court and have no authority to take further action. Moreover, sentencing in Indonesia continues to prioritize imprisonment, resulting in nearly all criminal offenses, regardless of severity, culminating in incarceration. This contributes significantly to overcrowding in correctional institutions. Additionally, the role of the victim is often overlooked once the state has imposed a sentence on the perpetrator, implying that the case is considered resolved.

The principle of legality, which mandates that every criminal case be resolved strictly according to the law, often limits the discretion of law enforcement officials. Even when pursuing justice and societal benefit, law enforcement must adhere to the boundaries of legal certainty. Consequently, the process may fail to deliver a sense of justice to the

parties involved, namely the perpetrator, the victim, and the community. Rahardjo has argued that resolving cases through litigation is a slow and burdensome method of law enforcement, contributing to a backlog of cases in the criminal justice system. This is due to the lengthy process, which spans multiple stages: from the police to the prosecutor's office, to the district and high courts, and potentially to the Supreme Court.¹ In response to these challenges, a new method of case resolution has emerged in the form of restorative justice. This approach seeks to facilitate peace between the victim and the perpetrator, often involving both of their families. In Indonesia, restorative justice has increasingly been applied to resolve criminal cases, particularly those classified as minor offenses.²

Resolving problems that arise in society is crucial to maintaining social stability and ensuring harmony within the realms of society and law. When left unresolved, such problems can disrupt social order and damage relationships between individuals and groups. Unaddressed issues may lead to dissatisfaction or even acts of revenge, further exacerbating the situation. Therefore, striving to resolve conflicts is essential for preserving social harmony and preventing the emergence of larger societal disputes. In the Indonesian legal context, specifically within the Pancasila legal system, which emphasizes moral values and deliberation, peaceful conflict resolution is regarded as having a positive legal impact.³ If a dispute can be settled amicably, it alleviates the burden on the judicial system and allows legal resources to be allocated to cases requiring more extensive attention.

Several studies related to restorative justice in Yogyakarta have been conducted. The first, titled "Impact Analysis of Restorative Justice on Victims of Klitih Street Crimes in the Special Region of Yogyakarta,"

¹ Tenriawaru et al., *Perbandingan Penerapan Sistem Hukum Progresif (Plea Bargain VC Restorative Justice)*, Pertama (Indramayu: CV. Adanu Abimata, 2022).

² Cahya Wulandari, "Dinamika Restorative Justice Dalam Sistem Peradilan Pidana Di Indonesia," *Jurnal Jurisprudence* 10, no. 2 (2021): 233–49, <https://doi.org/10.23917/jurisprudence.v10i2.12233>.

³ Wahyu Beni Mukti Setiyawan, I Gusti Ayu Ketut Rachmi Handayani, and Muhammad Rustamaji, "Pancasila as The Parameter On Restorative Justice In Indonesian Legal Sistem," *International Journal Of Mechanical Engineering* 2, no. 2 (2022): 4256–62.

analyzed the benefits and fairness of implementing restorative justice, particularly in fulfilling victims' rights in klitih street crime cases.⁴ The second study, "The Effectiveness of Restorative Justice as a Resolution for Customs Crime Cases (Case Study of the Medium Type Customs and Excise Supervision and Service Office B Yogyakarta)," explored the form and effectiveness of restorative justice implementation in the field of customs and excise.⁵ The third study, titled "Analysis of the Implementation of Restorative Justice in Bedoyo Village, Gunung Kidul, in the Context of Fulfilling Justice for the Village Community," focused on the application of prosecution termination using a restorative justice approach. It examined the appropriateness of this approach and its impact on the local community.⁶ The fourth study, titled "The Application of Restorative Justice in Minor Offenses at the Yogyakarta District Attorney's Office." This research addressed how restorative justice was applied to minor criminal cases within that office.⁷ The fifth study, "Implementation of Restorative Justice Concept Principles in Diversion Implementation (Case Study in the Special Region of Yogyakarta)," investigated whether the diversion practices implemented in Yogyakarta aligned with the core principles of restorative justice.⁸

These five prior studies share similarities with the present research, as they all examined the application of restorative justice in Yogyakarta. However, this study introduced a distinctive perspective by exploring the

⁴ Alfi Pangestuti, "Analisis Dampak Restorative Justice pada Korban Kejahatan Jalanan Klitih di Daerah Istimewa Yogyakarta" (*Tesis Universitas Gadjah Mada, Yogyakarta. 2024*)

⁵ Rizal, Muhammad, "Efektivitas Restorative Justice Sebagai Penyelesaian Perkara Tindak Pidana di Bidang Cukai (Studi Kasus Kantor Pengawasan dan Pelayanan Bea Cukai Tipe Madya Pabean B Yogyakarta)", (S1 thesis, Universitas Ahmad Dahlan, 2024)

⁶ Rizqullah Abimanyu, Fanny Rifkat Mukarramah, "Analisis Pelaksanaan Restorative Justice di Kelurahan Bedoyo Gunung Kidul Dalam Rangka Pemenuhan Keadilan Bagi Masyarakat Desa", *Binamulia Hukum Volume 12, Nomor 1, Juli 2023 (25-34)*

⁷ Faisal Hadi Pramono, Laras Astuti, "Penerapan Keadilan Restoratif Pada Tindak Pidana Ringan Di Kejaksaan Negeri Yogyakarta", *Indonesian Journal of Criminal Law and Criminology (IJCLC) Volume 4, Issue 2, July 2023, 84-98*

⁸ Laili Nur Anisah, Arvita Hastarini, "Implementasi Prinsip Konsep Restorative Justice pada Pelaksanaan Diversi (Studi Kasus di D. I. Yogyakarta)", [*Justitia et Pax Volume 39 Nomor 2 Tabun 2023*](#)

existence of Restorative Justice Houses and the restorative justice models employed within these institutions. The restorative justice approach facilitates a more participatory, inclusive, and humane process. It allows perpetrators to acknowledge their wrongdoing, offer apologies, and take concrete actions to make amends. Simultaneously, it provides victims with the recognition of their suffering, an opportunity to express the emotional and physical impact of the offense and a meaningful role in determining an appropriate resolution.⁹

At its core, restorative justice seeks to address the root causes of conflict and repair the social relationships damaged by criminal acts. Braithwaite defines restorative justice as a legal problem-solving model that strives to realize the values of justice and welfare or utility, combining punitive elements with efforts to improve conditions for all involved.¹⁰

This approach emphasizes reconciliation and mutual benefit, offering a win-win solution that contrasts with conventional retributive systems, which often prioritize punishment over resolution.¹¹ The concept of restorative justice aligns with the principle of *ultimum remedium*, wherein criminal prosecution is used only as a last resort. It also reflects the principles of proportionality, justice, efficiency, simplicity, and accessibility.¹² Importantly, restorative justice has gained traction as a viable alternative for resolving criminal matters outside the courtroom, offering a solution to the growing problem of prison overcrowding in Indonesia.

The emergence of restorative justice is particularly relevant in the context of advancing sustainable legal development, as articulated in the

⁹ Juliadi Lingga, Marlia Sastro, and Budi Bahreisy, "Penerapan Keadilan Restoratif Terhadap Tindak Pidana Pencemaran Nama Baik," *Suloh: Jurnal Fakultas Hukum Universitas Malikussaleh* 10, no. 2 (2022): 560, <https://doi.org/10.29103/sjp.v10i2.9135>.

¹⁰ Setyawan, B. S., "Kebijakan Restorative Justice Dalam Upaya Penanggulangan Tindak Pidana Medis di Indonesia," *Jurnal Aktualita*, 2(2) 2019.

¹¹ Henny Saida Flora, "Keadilan Restoratif Sebagai Alternatif Dalam Penyelesaian Tindak Pidana Dan Pengaruhnya Dalam Sistem Peradilan Pidana Di Indonesia," *University Of Bengkulu Law Journal* 3, no. 2 (2018): 142–58, <https://doi.org/10.33369/ubelaj.v3i2.6899>.

¹² Rofiq Hidayat, "Rumah Restorative Justice Untuk Keadilan Dan Harmoni" (Hukum Online, 2022).

16th goal of the Sustainable Development Goals (SDGs), which calls for peace, justice, and strong institutions. This approach supports social justice, inclusive development, and the upholding of human rights. According to research by Taufiq, the current Indonesian criminal justice system often fails to achieve substantive justice for both victims and offenders. Law enforcement practices remain rigid and overly reliant on strict adherence to normative rules, even in cases involving minimal harm.¹³

Restorative justice presents itself as a response to the penal system's shortcomings that have proven to be increasingly irrelevant and ineffective. By focusing predominantly on punishment and neglecting the interests of victims and affected communities, the traditional system falls short of delivering justice.¹⁴ In contrast, restorative justice aims to create a balanced and restorative legal process that promotes justice and legal certainty, contributing to the broader goal of sustainable law enforcement and development in Indonesia.

The High Prosecutor's Office of the Special Region of Yogyakarta fully supports this humanistic approach to restorative justice by establishing Restorative Justice Houses in each legal jurisdiction within the region. These houses are expected to serve as centers for resolving legal issues through restorative methods grounded in fair and inclusive justice principles for all parties involved. One example is the inauguration of the Restorative Justice House in Kemantren Jetis, Yogyakarta City, which took place on Friday, August 16, 2024. This event was organized by the Yogyakarta District Attorney's Office and attended by the Head of the Prosecutor's Office, local leaders, and representatives from the community.¹⁵ The people of Kemantren Jetis warmly welcomed the

¹³ Muhammad Taufiq, "Penyelesaian Perkara Pidana yang Berkeadilan Substansial", *Jurnal Yustisia Vol.2 No.1* Januari – April 2013

¹⁴ Nadiyah Meyliana Putri, "Relevansi Penerapan Restorative Justice Dalam Upaya Pemenuhan Pilar Ke-16 SDGs," 2022.

¹⁵ Berita Kejaksaan, "Peresmian Rumah Restoratif Justice Di Kemantren Jetis" (Kejaksaan Negeri Yogyakarta, 2024).

initiative, expressing hope that the Restorative Justice House would offer a peaceful and amicable avenue for conflict resolution within the community. The establishment of the Restorative Justice House is based on a directive from the Deputy Attorney General for General Crimes, outlined in Letter Number B-913/E/Ejp/03/2022, which supports the implementation of the Indonesian Attorney General's Regulation Number 15 of 2020 on the Termination of Prosecution Based on Restorative Justice.

This regulation has raised public awareness that not all criminal offenses must be resolved through formal court proceedings. According to this framework, restorative justice promotes the involvement of perpetrators, victims, and the community in resolving criminal cases, emphasizing the restoration of relationships and social harmony over punitive measures. Despite this progress, applying restorative justice outside the court system still faces several challenges. One major issue is the lack of regulatory coherence and legal infrastructure to fully support restorative justice mechanisms. Current legal policies often fall short of providing a solid foundation for widespread implementation.¹⁶

Additionally, coordination and mutual understanding among law enforcement bodies, including the police, prosecutors, and judges, remain limited. Many officials still approach the law from a retributive standpoint, viewing it primarily as a means of punishment rather than rehabilitation. This entrenched perspective makes it difficult to shift toward a restorative paradigm. Another obstacle is the general lack of public understanding regarding the concept of restorative justice and the procedures followed in the Restorative Justice Houses. Therefore, this research focused on two primary objectives:

- 1) To examine the existence and operational role of Restorative Justice Houses in Yogyakarta City, and;

¹⁶ Indi Nuroini, "Efektivitas Penerapan Restorative Justice Dalam Kasus Pidana Di Indonesia," *Jurnal Cahaya Mandalika* 5, no. 1 (2024): 818–28.

- 2) To analyze the restorative justice-based criminal case resolution model implemented in these institutions.

Method

This study employed a qualitative research design characterized by interconnected interpretive practices to deepen the understanding of the research topic.¹⁷ Specifically, it sought to gain a comprehensive insight into the resolution of criminal cases through the restorative justice method implemented at Restorative Justice Houses in Yogyakarta City. A phenomenological approach was adopted to explore and understand the lived experiences of those involved. This method involved in-depth interviews with prosecutors in Yogyakarta and respondents from Restorative Justice Houses to gather accurate and context-rich data. In doing so, the researchers aimed to perceive the phenomenon from the participants' perspectives, enabling a deeper understanding without disregarding the role of interpretation in developing a conceptual framework.¹⁸

The present research utilized primary and secondary data sources.¹⁹ Primary data was collected directly from informants through interviews designed to explore, understand, and elaborate on the application of the restorative justice method in criminal case resolution. Secondary data was obtained through a literature review of various relevant sources, including books, academic journals, and other related publications.²⁰

As a descriptive study, this qualitative research focused on depicting

¹⁷ Norman K. Denzin dan Yvonna S. Lincoln, *The Sage Handbook of Qualitative Research 1*, 3rd ed. (Yogyakarta: Pustaka Pelajar, 2011).

¹⁸ Tjipto Subadi, *Metode Penelitian Kualitatif*, 1st ed. (Surakarta: Muhammadiyah University Press, 2006).

¹⁹ Sandu Siyoto and M. Ali Sodik, *Dasar Metodologi Penelitian* (Yogyakarta: Literasi Media Publishing, 2015).

²⁰ Karolus Kopong Medan, "Peradilan Rekonsiliatif, Kontruksi Penyelesaian Kasus Kriminal Menurut Tradisi Masyarakat Lamaholot Di Flores-Nusa Tenggara Timur" (Universitas Diponegoro, 2006).

phenomena rather than using numerical indicators or statistical coefficients to demonstrate correlations between variables, aligning with the perspective of Bogdan and Biklen, as cited in Moleong.²¹ Qualitative data analysis in this study involved organizing and categorizing the collected data, identifying patterns, synthesizing information, and determining key findings to be communicated effectively. The data collection process included gathering field data, recording it, reducing and categorizing it, and finally displaying and verifying the results. Data reduction was achieved by selecting, grouping, and analyzing interview data based on thematic similarities to derive meaningful conclusions.²²

Data display was conducted through a continuous flow of relevant information, facilitating the process of drawing conclusions and making informed interpretations. Conclusions were developed by analyzing the displayed data in reference to the central research problem: the practice of criminal case resolution through the restorative justice approach at Restorative Justice Houses in Yogyakarta City.

Result and Discussion

The restorative justice approach has emerged as a more humane alternative for resolving cases within Indonesia's criminal justice system. This concept emphasizes restoring relationships between the perpetrator, the victim, and the community through deliberation and reconciliation. The Indonesian Attorney General's Office established Restorative Justice Houses to resolve criminal cases outside the formal court system, representing a concrete implementation of this approach.

²¹ Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: Remaja Rosdakarya, 2004).

²² Mathew B. dan Michael Huberman Milles, *Analisis Data Kualitatif* (Jakarta: Universitas Indonesia Press, 2007).

A. The Existence of the Restorative Justice House in Yogyakarta City

Fundamentally, society does not merely seek punishment or imprisonment for perpetrators, but more importantly, the restoration of the victim's condition and rights to their state before the crime occurred.²³ In the evolving discourse of criminal law, the notion of imprisonment as *ultimum remedium* (a last resort) has shifted towards *primum remedium* (a primary measure). This shift is due to the realization that punishment often results in further suffering, affecting families, the economy, social stigma, dehumanization, and the prisonization of offenders. Correctional institutions have even been labeled as “palaces of contamination,” contributing to the view of the criminal justice system itself as a social problem.²⁴ Consequently, the concept of restorative justice has gained traction. It emphasizes the perpetrator's accountability by requiring compensation and reparation to the victim. Thus, the focus is not on the severity of the punishment but on the offender's genuine willingness to take responsibility for their actions, ultimately benefiting all parties involved.²⁵

This principle forms the basis for the launch of the Restorative Justice House, which serves as a manifestation of the Prosecutor's Office's commitment to legal development in Indonesia, particularly during the prosecution phase. The Restorative Justice House facilitates prosecutors and other law enforcement officers in resolving cases outside of court, rooted in the Indonesian cultural values of deliberation and consensus. The establishment of the Restorative Justice House is guided by the Circular Letter of the Deputy Attorney General for General Crimes Number B-913/E/Ejp/03/-2022, which follows the Indonesian Attorney General Regulation Number 15 of 2020 on the Termination of Prosecution Based

²³ Armunanto Hutahaean, “Penerapan Restorative Justice Oleh Kepolisian Negara Republik Indonesia Untuk Mewujudkan Tujuan Hukum,” *Jurnal Hukum To-Ra : Hukum Untuk Mengatur Dan Melindungi Masyarakat* 8, no. 2 (2022): 140–48, <https://doi.org/10.55809/tora.v8i2.119>.

²⁴ Muhammad Rif'an Baihaky and Muridah Isnawati, “Restorative Justice: Pemaknaan, Problematika, Dan Penerapan Yang Seyogianya,” *Unes Journal of Swara Justisia* 8, no. 2 (2024): 276–89, <https://doi.org/10.31933/4mqgaj17>.

²⁵ Rhaka Fajar Alamsyah, Aura Viska Renathya Alhadi, and Nareswari Nindiya Santika, “Implementasi Rumah Restorative Justice Di Kejaksaan Negeri Purbalingga,” *Soedirman Law Review* 6, no. 1 (2024): 11–30, <https://doi.org/10.20884/1.slr.2024.6.1.16054>.

on Restorative Justice. Additionally, it is supported by the Deputy Attorney General's Instructions in Letter Number B-475/E/Es/2/02/2022 dated February 8, 2022, on the establishment of Restorative Justice Villages.

In line with this directive, the High Prosecutor's Office of the Special Region of Yogyakarta and its subordinate District Prosecutor's Offices have established Restorative Justice Houses across the region. For example, the Yogyakarta District Attorney's Office inaugurated the Restorative Justice House in Kemantren Jetis, Yogyakarta City, on Friday, August 16, 2024. The Sleman District Attorney's Office followed with the opening of the "Adhyaksa Rembug Desa" Restorative Justice House at the Triadi Village Office, Sleman, on Wednesday, June 8, 2022. Similarly, the Bantul District Attorney's Office opened its Restorative Justice House at the Tirirenggo Village Office, Bantul District, on Thursday, May 19, 2022. The Gunung Kidul District Attorney's Office also launched Restorative Justice Houses across 18 *kecamatan* (districts) in Gunung Kidul Regency on August 4, 2023. These inaugurations signify the commitment of the High Prosecutor's Office of the Special Region of Yogyakarta to achieving justice that reaches all layers of society. The Restorative Justice House aims to uphold legal certainty that prioritizes fairness not only for suspects, victims, and their families but also for society by mitigating negative stigma and fostering social harmony.

According to a statement from the High Prosecutor's Office of the Special Region of Yogyakarta, Ahelya Abustam, S.H., M.H., restorative justice serves as an alternative mechanism for resolving criminal cases without proceeding through conventional court processes. In this context, restorative justice refers to restoring circumstances or repairing relationships to their original state prior to the criminal act and providing compensation for the harm caused. The establishment of the Restorative Justice House enables the resolution of minor criminal offenses that meet specific criteria through community-based deliberation. These deliberations actively involve not only the offender and the victim but also community and religious leaders to ensure that the settlement reflects collective values and upholds social harmony. The essence of this principle lies in respecting human dignity and worth, which is central to the restorative justice process. However, restorative justice is not universally

applicable to all criminal cases. Article 6 Paragraph (1) of Supreme Court Regulation (*Perma*) Number 1 of 2024 stipulates that judges may apply restorative justice if the case meets the following criteria: 1) The offense is considered minor, with total damages not exceeding Rp 2,500,000; 2) The offense is a complaint-based crime (*delik aduan*); 3) The offense carries a maximum sentence of five years; 4) The crime involves a child whose diversion process has failed; and 5) The case concerns traffic violations.

More broadly, restorative methods may be applied to certain minor criminal offenses, as stipulated in Articles 364, 373, 379, 384, 407, and 482 of the Indonesian Criminal Code (*KUHP*). These articles generally involve offenses punishable by imprisonment of up to three months and/or a fine. Additionally, restorative justice may be considered for cases involving children with failed diversion efforts, women in conflict with the law, traffic violations, and certain narcotics-related offenses under specific circumstances.

Furthermore, Article 5 Paragraph (1) of the Attorney General Regulation Number 15 of 2020 on the Termination of Prosecution Based on Restorative Justice outlines three principal conditions under which a case may be closed and prosecution terminated through a restorative justice approach:²⁶

- 1. The suspect is a first-time offender;*
- 2. The offense carries a maximum punishment of five years or a fine;*
- 3. The value of the loss or damage resulting from the offense does not exceed Rp 2,500,000.*

Among these, the first condition, being a first-time offender, is considered the primary and non-negotiable prerequisite for initiating restorative justice proceedings. The second and third conditions are treated as alternatives; fulfillment of either one may suffice. For instance, even if the

²⁶ Republik Indonesia, "Peraturan Kejaksaan Republik Indonesia Nomor 15 Tahun 2020 Tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif," *Jdih Bpk Ri*, 2020, 5.

offense carries a penalty exceeding five years, if the financial loss is below Rp 2,500,000, restorative justice may still be applied and vice versa.²⁷

In relation to the issuance of the Attorney General Regulation Number 15 of 2020 on the Termination of Prosecution Based on Restorative Justice, the Yogyakarta District Attorney's Office has actively implemented this policy in the resolution of criminal cases. Based on data collected from January to December 19, 2024, a total of fifteen criminal cases were successfully resolved through the restorative justice process at the Restorative Justice House in Kemantren Jetis. The majority of these cases involved acts of assault, falling under Article 351 Paragraph (1) of the Indonesian Criminal Code, and theft under Article 362 of the Criminal Code. For instance, one assault case resolved under this process involved a threat of imprisonment or a fine not exceeding five years, consistent with Article 235 of the Criminal Code, which stipulates a maximum imprisonment of three months or a fine up to Rp 4,500,000. In such cases, the Yogyakarta District Attorney's Office has rightfully applied restorative justice principles. This was because two of the three legal requirements stipulated in Article 5 Paragraph (1) of the Attorney General Regulation Number 15 of 2020 were fulfilled. These findings were corroborated by the interviews conducted with relevant respondents.

The resolution of criminal cases through restorative justice reflects the crucial role of the prosecutor's office in promoting a more humane and community-centered law enforcement system. This approach underscores a shift in legal practice away from punitive justice and towards reconciliation, accountability, and social harmony. To strengthen and sustain this progress, the Yogyakarta District Attorney's Office remains committed to enhancing the effectiveness and optimization of activities at the Restorative Justice House in Kemantren Jetis.

²⁷ Sofiya, Zul Akli, and Joelman Subaidi, "Analisis Penyelesaian Perkara Pidana Secara Restorative Justice RESTORATIVE JUSTICE (Studi Penelitian Kejaksaan Negeri Bireuen)," *Jurnal Ilmiah Mahasiswa (JIM-FH)* VII (2024).

B. Restorative Justice-Based Criminal Case Resolution Model

Restorative justice emphasizes the needs of the victim, the perpetrator, and the broader community. Its primary objectives are to repair or compensate for the harm experienced by the victim, encourage acknowledgment from the perpetrator that their actions have caused such harm, and facilitate reconciliation and reintegration among all involved parties.²⁸ Basically, restorative justice seeks to restore relationships and promote healing rather than merely impose punishment. Under Indonesian positive law, criminal cases are, in principle, to be resolved through the formal court system. However, in practice, law enforcement officers have frequently sought alternative means to resolve cases outside the courtroom, including mediation, community-based peacekeeping mechanisms, and other informal processes.²⁹

The term restorative justice is a relatively recent import to Indonesia, having gained academic and legal recognition only since the 1960s.³⁰ In contrast, many developed countries—such as those in North America, Australia, and Europe—have long integrated restorative justice practices into their conventional criminal justice systems. In these jurisdictions, restorative justice is applied across multiple stages of the criminal process, from investigation and prosecution to adjudication and execution of sentences.³¹

In Indonesia, the use of restorative justice policies has allowed for criminal offenses to be resolved outside formal court proceedings, particularly during the prosecution stage, through structured deliberations. Such deliberative processes are not new to Indonesian society. In this

²⁸ Elisabeth, dkk, *Diversi Dan Keadilan Restoratif: Kesiapan Aparat Penegak Hukum Dan Masyarakat* (Medan: Pustaka Indonesia, 2014).

²⁹ Momo Kelana, *Memahami Undang-Undang Kepolisian: Latar Belakang Dan Komentar Pasal Demi Pasal* (Jakarta: PTIK, 2002).

³⁰ Jati Insan Pramujayanto, "Implementasi Prinsip Kepastian Hukum dan Keadilan Dalam Penghentian Penuntutan Berdasarkan Keadilan Restoratif", *Jurnal Ilmu Hukum ALETHEA*, Volume 7 Nomor 1, Bulan Agustus 2023.

³¹ Eriyantouw Wahid, *Keadilan Restoratif Dan Peradilan Konvensional Dalam Hukum Pidana* (Jakarta: Universitas Trisakti, 2009).

regard, traditional and customary legal systems have long upheld deliberation as a fundamental means of resolving criminal and civil disputes, reflecting a cultural emphasis on communal harmony and restorative outcomes.³²

In this context, restorative justice involves all parties connected to the offense, including victims, perpetrators, and community members, working collaboratively to understand the root of the conflict and devise meaningful resolutions. Many minor criminal offenses in Indonesia, particularly those with limited societal impact, are well-suited to this model. They can be effectively addressed through dialogue and mutual agreement, fostering accountability and reducing the need for formal adjudication. As noted by Lutvi Tri C., the Coordinator of General Criminal Affairs at the High Prosecutor's Office of the Special Region of Yogyakarta, restorative justice does not equate to the cessation of legal proceedings or the abandonment of prosecution. Rather, it represents a shift toward a legal process grounded in restorative, corrective, and rehabilitative paradigms. The ultimate goals of this approach are to achieve justice, legal certainty, peace, and practical utility for all stakeholders involved.

In principle, several Indonesian laws, regulations, decrees, circular letters, guidelines, and inter-agency agreements have formally incorporated the concept of restorative justice. These legal instruments include:

1. The Criminal Code, specifically Article 82;
2. Law Number 11 of 2012 on the Juvenile Criminal Justice System;
3. Law Number 11 of 2021, in conjunction with Law Number 16 of 2004 on the Attorney General's Office of the Republic of Indonesia;
4. Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 on the Termination of Prosecution Based on Restorative Justice;
5. Joint Agreement among the Chief Justice of the Supreme Court, the Minister of Law and Human Rights, the Attorney General, and the

³² Barda Nawawi Arief, "Batas-Batas Kemampuan Hukum Pidana Dalam Penanggulangan Kejahatan, Makalah Seminar Nasional Pendekatan Non Penal Dalam Penanggulangan Kejahatan" (Semarang, 1996).

Chief of Police on the implementation of adjusted limits for minor offenses and fines, fast-track trials, and the application of restorative justice;

6. Circular Letter of the Chief of Police Number SE/8/2018 on the implementation of restorative justice in criminal case resolution;
7. Indonesian National Police Regulation Number 8 of 2020 on the termination of criminal prosecution based on restorative justice;
8. Decree of the Director General of the General Court Agency Number 1691/DJU/SK/PS.00/12/2020 on Guidelines for the Implementation of Restorative Justice within the General Court System;
9. Prosecutor's Guideline Number 18 of 2021 on the handling of narcotics abuse cases through rehabilitation using a restorative justice approach as part of implementing the Prosecutor's *Dominus Litis* principle.

Based on these legal frameworks, the application of restorative justice can occur at various stages of the criminal justice process—such as investigation, prosecution, trial, or post-trial—and is limited to specific categories of offenses as outlined in the Attorney General's Regulation Number 15 of 2020.³³ In practice, various models and methods for resolving criminal cases outside of the court system have been implemented in communities across Indonesia, reflecting the principles and values of the restorative justice approach. The effective implementation of restorative justice must fulfill at least three core components:³⁴ 1) Identifying and addressing harm or loss experienced by the victim; 2) Involving all relevant stakeholders, including victims, offenders, and the community; and 3) Shifting the justice paradigm from one that imposes punitive sanctions to one that fosters cooperation and reconciliation between offender and

³³ Alifa Rizqi Fajriani and Muridah Isnawati, "Pidana Pengawasan Terhadap Anak Yang Berhadapan Dengan Hukum Dalam Sistem Pemidanaan Di Indonesia," *Bilancia: Jurnal Studi Ilmu Syariah Dan Hukum* 16, no. 2 (2022): 177–89, <https://doi.org/10.24239/blc.v16i2.941>.

³⁴ Galuh Nawang Kencana, "Penerapan Restorative Justice Dalam Penyelesaian Perkara Tindak Pidana Pencurian Ringan (Studi Kejaksaan Negeri Binjai)" (Universitas Muhammadiyah Sumatera Utara, 2022).

victim. Nova, citing Sharpe's perspective on restorative justice, highlights five fundamental principles that must underpin its implementation:³⁵

1. Restorative justice requires full participation and consensus. Offenders and victims must be actively involved in the process, and opportunities must be provided for other relevant parties to contribute;
2. Restorative justice seeks to repair all harm caused by the crime, including emotional, material, and social damages;
3. Restorative justice demands direct accountability from the offender, which includes acknowledging wrongdoing in front of those harmed and accepting the consequences;
4. Restorative justice helps rebuild community cohesion, which may have been disrupted due to the offense. Criminal acts often cause social rifts, not only between the victim and offender but also within the broader community;
5. Restorative justice empowers the community by building resilience and the capacity to prevent future crimes through collective action and dialogue.

According to an interview with Lutvi Tri C., the Coordinator of General Criminal Prosecution at the High Prosecutor's Office of the Special Region of Yogyakarta, the stages involved in the process of terminating criminal prosecution based on restorative justice are outlined as follows:

1. Second-Stage Transfer: The initial stage involves the formal transfer of the suspect and the evidence from the investigator to the Public Prosecutor, commonly called the "second-stage transfer." At this point, the Public Prosecutor assesses whether the case qualifies for resolution through restorative justice based on the criteria established in Article 5 Paragraph (1) of the Attorney General Regulation Number 15 of 2020.
2. Internal Reporting and Assignment: The Public Prosecutor submits the case report to their superiors for review. If the case meets the

³⁵ Efren Nova, "Penerapan Restorative Justice Dalam Penyelesaian Tindak Kekerasan Terhadap Perempuan Dan Anak Sebagai Perwujudan Hak Asal Di Sumatera Barat," *Unes Journal of Swara Justisia* 7, no. 2 (2023): 817–35.

requirements, the leadership will issue an official order to facilitate the peace process based on restorative justice and designate the Public Prosecutor as the facilitator.

3. **Peace Proposal and Summons:** The Public Prosecutor proposes a peace initiative to the victim and the suspect. If both parties consent, summons letters are issued to all involved parties, including the victim, the suspect, their respective legal representatives, families, and community or religious leaders.
4. **Notification and Rights Disclosure:** The Public Prosecutor must notify the investigator responsible for the case by submitting a Notice of Settlement Outside of Court Based on Restorative Justice. In this stage, the Public Prosecutor informs the victim and the suspect of their rights and obligations, including the right to refuse participation in the reconciliation process.
5. **Facilitation of Deliberation:** As the appointed facilitator, the Public Prosecutor oversees the deliberation process but allows the dialogue to be led by the victim and the suspect. The goal is to empower the victim to express their experiences and needs while encouraging the suspect to demonstrate accountability. The facilitator may also assist with any specific demands raised by the victim to support the peace agreement process.
6. **Documentation and Opinion Notes:** The Public Prosecutor prepares an Opinion Note documenting the outcome of the peace efforts, whether successful, unsuccessful, or unattempted. If reconciliation is achieved, and the suspect fulfills the agreed-upon obligations, the prosecutor drafts a Note of Opinion on the Implementation of Peace. This note includes a verification table to be completed by the Head of the General Crime Section and the Chief Prosecutor. Additionally, reports must be prepared for any unsuccessful or rejected peace efforts.
7. **Agreement or Failure Documentation:** If deliberation fails to produce consensus, the Public Prosecutor prepares Minutes of Unsuccessful Peace Efforts detailing the reasons for the failure. Conversely, if a peace agreement is reached, the prosecutor drafts a comprehensive Peace Agreement outlining the suspect's obligations, the victim's rights and obligations, the implementation timeline, and other relevant

provisions. A Peace Report and a Report on the Implementation of the Peace Agreement are also required.

8. Final Approval and Termination Decree: Consistent with the hierarchical structure of the prosecutor's office, the High Prosecutor's Office of the relevant province must approve the termination of prosecution. The Public Prosecutor submits a formal Request for Approval of Termination of Prosecution Based on Restorative Justice, which is then reviewed and approved by the appropriate officials. Upon approval, the local District Prosecutor's Office issues a Decree of Termination of Prosecution. Furthermore, the Public Prosecutor must notify the relevant court and the investigating officer regarding the termination of the prosecution.
9. Timeframe for Completion: The entire restorative justice process, from the second-stage transfer to the fulfillment of obligations, must be completed within fourteen days. This time constraint is intended to ensure that the criminal justice process remains efficient, accessible, and cost-effective.

In resolving criminal cases based on restorative justice in Yogyakarta City, there were obstacles encountered by the Public Prosecutor, namely the ambiguity in the substance of the prosecutor's regulations governing restorative justice and the tendency of law enforcement officers and the community towards a more retributive justice system. Therefore, there is a need for a review of the Indonesian Attorney General's Regulation Number 15 of 2020 on the Termination of Prosecution Based on Restorative Justice, particularly regarding the Restorative Justice mechanism. In addition, the public must be provided with legal education about the mechanism for resolving criminal cases through Restorative Justice.

Conclusion

Indonesia's criminal justice system has shifted from a retributive paradigm to a more humanistic restorative justice approach. The establishment of the Restorative Justice House in Kemantren Jetis, Yogyakarta City, as part of the Prosecutor's Office policy, offers an alternative solution for resolving minor criminal cases outside the courtroom. This approach emphasizes deliberation and the restoration of relationships among victims, perpetrators, and the community. The implementation of restorative justice through Restorative Justice Houses has been positively received by the public and holds significant potential for enhancing the efficiency of the criminal justice system. It contributes to reducing overcrowding in correctional institutions and supports the realization of more inclusive and sustainable justice, which aligns with the SDG 16 principles.

The model for resolving cases in Restorative Justice Houses involves dialogue or mediation among victims, perpetrators, and community leaders facilitated by a public prosecutor. This process aims to achieve a peace agreement and support victim recovery. The criteria for criminal cases eligible for resolution through the restorative justice approach are outlined in the Indonesian Attorney General's Regulation Number 15 of 2020 on the Termination of Prosecution Based on Restorative Justice. However, the implementation of restorative justice in the Special Region of Yogyakarta encountered several challenges, particularly the lack of regulatory alignment and the persistence of a retributive legal mindset among some officials and segments of the community. These issues may be addressed through legal education, joint training programs, and the development of prosecutorial discretion guidelines to foster a paradigm shift. Therefore, ongoing socialization and strengthened inter-agency coordination are essential to optimize the application of restorative justice in Indonesia.

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