



## ARTICLE

# Implementation of Restorative Justice in the Criminal Justice System: A Comparative Study between Indonesia and India

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## Abstract

Restorative Justice has emerged as a progressive response to the limitations of retributive approaches in criminal justice systems. Both Indonesia and India have shown increasing interest in adopting this model, though with varying degrees of institutional and cultural integration. This study aims to analyze and compare the regulatory frameworks and community participation in the implementation of Restorative Justice in both countries, highlighting their effectiveness, challenges, and opportunities for development. Using a normative legal method with comparative and qualitative approaches, the research draws upon secondary data from legal documents, government regulations, and scholarly works, analyzed through qualitative content analysis. The findings reveal that while both countries share common principles—such as victim participation, offender accountability, and mediation—there are significant differences in regulatory design and community involvement. Indonesia demonstrates greater procedural flexibility and integration of community-based practices, particularly through initiatives like Rumah Restorative Justice. In contrast, India's application remains largely confined to the juvenile justice system, heavily dependent on judicial discretion and fragmented across states. By comparing these trajectories with global benchmarks, such as New Zealand and Canada, the study underscores the importance of regulatory clarity, institutional capacity, and public participation as prerequisites for sustainable implementation. This research contributes novelty by offering a comprehensive mapping of normative and structural dynamics of Restorative Justice in South and Southeast Asia. The implications suggest the need for consolidated national regulations, systematic training for law enforcement officials, and the expansion of community-based mechanisms. Furthermore, cross-national learning and policy exchange are recommended to advance more inclusive, transformative, and participatory models of justice.



## Keywords

Restorative Justice, Criminal Justice Reform, Regulation, Community Participation, Comparative Law

## Introduction

The Restorative Justice approach has gained increasing attention as a critical component in reforming criminal justice systems, not only in Indonesia and India but also globally. This approach emphasizes that justice should not be solely measured by the imposition of punishment but by the restoration of relationships among victims, offenders, and the broader community.<sup>1</sup> As a vital alternative, Restorative Justice seeks to break the cycle of violence and create a dialogical space that involves all parties affected by crime.<sup>2</sup> It promotes a more humane justice system centered on healing rather than retribution, thus providing justice to victims while allowing offenders an opportunity to make amends. Moreover, its application alleviates the burden on conventional criminal justice systems, which are often congested and slow, and has proven effective in addressing various types of crime, including domestic violence and terrorism.<sup>3</sup> Empirical evidence indicates that the implementation of Restorative Justice enhances victim participation and reduces recidivism, while fundamentally shifting legal paradigms from punishment-oriented models toward the restoration of social relationships and balanced justice for all parties involved.<sup>4</sup>

In Indonesia, the implementation of Restorative Justice is regulated under several legislative frameworks, including Law No. 11 of 2012 concerning the Juvenile

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<sup>1</sup> Achmad I Hamzani et al., “Non-Procedural Dispute Resolution: Study of the Restorative Justice Approach Tradition in Indonesian Society,” *International Journal of Offender Therapy and Comparative Criminology* 69, no. 4 (2023): 373–87, <https://doi.org/10.1177/0306624x231165425>; Dewi Setyowati, “Memahami Konsep Restorative Justice Sebagai Upaya Sistem Peradilan Pidana Menggapai Keadilan,” *Pandecta Research Law Journal* 15, no. 1 (2020): 121–41, <https://doi.org/10.15294/pandecta.v15i1.24689>.

<sup>2</sup> Ariefulloh Ariefulloh et al., “Restorative Justice-Based Criminal Case Resolution in Salatiga, Indonesia: Islamic Law Perspective and Legal Objectives,” *Ijtihad Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 1 (2023): 19–36, <https://doi.org/10.18326/ijtihad.v23i1.19-36>.

<sup>3</sup> Rifqi A Darmawan et al., “Analysis of the Effectiveness of the Application of Restorative Justice in Criminal Cases in Indonesia,” *Journal of World Science* 3, no. 5 (2024): 567–72, <https://doi.org/10.58344/jws.v3i5.612>; Faby I Y Barus, Sapto Priyanto, and Muhamad Syauqillah, “Restorative Justice for Victims of Terrorism: Healing Beyond Retribution,” *International Journal of Social Service and Research* 3, no. 12 (2023): 3199–3220, <https://doi.org/10.46799/ijssr.v3i12.637>.

<sup>4</sup> Yana Priyana, Abdul A Assayuti, and Muhamad Romdoni, “Exploring the Effectiveness of Restorative Justice Practice in Criminal Law System,” *West Science Law and Human Rights* 1, no. 03 (2023): 107–14, <https://doi.org/10.58812/wslhr.v1i03.120>; Yudhi Syufriadi, Nandang Sambas, and Chepi A F Zakaria, “The Concept of Restorative Justice as a Means of Legal Protection for Victims of Crime in Indonesia,” *International Journal of Social Science and Human Research* 05, no. 12 (2022), <https://doi.org/10.47191/ijsshr/v5-i12-99>.

Criminal Justice System.<sup>5</sup> This approach has proven effective in resolving cases outside the courtroom and producing more constructive outcomes for both offenders and victims. Although challenges remain—such as ensuring the involvement of all stakeholders and guaranteeing equitable justice—significant progress is attainable through collaboration among the government, law enforcement agencies, and the community. In contrast, India is in the early stages of developing a similar approach, primarily focused on civil dispute resolution.<sup>6</sup> Major obstacles in India include a lack of legal and cultural support, although several initiatives have been introduced to integrate restorative values into the legal system, particularly in cases involving juveniles and family matters.<sup>7</sup>

Recent studies on the implementation of restorative justice in Indonesia and India reveal that comparative research between the two countries remains markedly limited. While a number of studies address the application of restorative justice individually within each nation, direct comparative analyses that examine their respective legal and social contexts are still rare. In Indonesia, restorative justice has been implemented in various forms, including the resolution of juvenile crimes, negligence-based offenses—particularly traffic accidents—and other minor criminal cases.<sup>8</sup> Conversely, in India, restorative justice is still in its nascent stage, primarily focused on civil dispute resolution and minor offenses, although several initiatives have begun to penetrate the criminal justice sector.<sup>9</sup> The differing legal and social contexts of both countries suggest a potential for mutual complementarity in the development of restorative justice models. However, aspects such as law enforcement mechanisms and public participation in Indonesia remain underexplored in comparison to the Indian context.<sup>10</sup>

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<sup>5</sup> Abdul Halim, “The Application of Restorative Justice in Civil Dispute Resolution: Potentials and Challenges in Indonesia,” *Al-Manhaj Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 1 (2023): 883–90, <https://doi.org/10.37680/almanhaj.v5i1.2729>.

<sup>6</sup> Shiva M. Jaamdar, *Restorative Justice in India*, ed. R. Thilagaraj and Jianhong Liu (Cham: Springer International Publishing, 2017), <https://doi.org/10.1007/978-3-319-47659-9>.

<sup>7</sup> Archana Vashishth, Sakshi Dudeja, and Teena, “System of Restorative Justice and Juvenile Justice in India: A Brief Comparative Study with Latin American System,” *Mexican Law Review*, February 7, 2024, 131–43, <https://doi.org/10.22201/ijj.24485306e.2024.2.18895>.

<sup>8</sup> Hugo S. Franata and Faisal Santiago, “Juridical Analysis of the Application of Restorative Justice in Corruption Crimes in Indonesia,” *Journal of World Science* 2, no. 4 (2023): 513–19, <https://doi.org/10.58344/jws.v2i4.277>; Adwi M. Hadi, Anik Iftitah, and Syahrul Alamsyah, “Restorative Justice Through Strengthening Community Legal Culture in Indonesia: Challenges and Opportunity,” *Mulawarman Law Review*, 2023, 32–44, <https://doi.org/10.30872/mulrev.v8i1.1140>.

<sup>9</sup> Ahmad Syahird, Amir Ilyas, and Naswar Naswar, “Restorative Justice Approach as Ultimum Remedium of Corruption Crimes,” *PJC*, no. 16.3 (2024): 949–62, <https://doi.org/10.62271/pjc.16.3.949.962>.

<sup>10</sup> Muhammad A. Husaini, “The Role of the Prosecutor’s Office of the Republic of Indonesia in Optimizing Restorative Justice Policy in Indonesia,” *Kne Social Sciences*, 2024, <https://doi.org/10.18502/kss.v9i18.16330>; Darmawan et al., “Analysis of the Effectiveness of the Application of Restorative Justice in Criminal Cases in Indonesia.”

The scarcity of comparative research on restorative justice implementation in Indonesia and India creates a significant research gap. The lack of comparative analysis results in unclear identification of the similarities and differences between the respective approaches, thus hindering the formulation of integrated strategies for future development. In Indonesia, the application of restorative justice is viewed as an effective means to strengthen the reconstruction of social relationships and to deliver justice that is more victim-centered.<sup>11</sup> Meanwhile, in India, the broader application of restorative justice within the criminal justice framework and its impact on both communities and offenders remains a subject requiring further in-depth comparative exploration.<sup>12</sup> Strengthening scholarly knowledge of restorative justice in both countries is crucial for formulating more equitable and effective legal policies, while also creating opportunities for the exchange of best practices across Southeast and South Asia.<sup>13</sup>

This study addresses the core issues surrounding the policies and implementation of restorative justice in Indonesia and India. It focuses specifically on how Restorative Justice is conceptualized and enacted within their respective penal systems, and how each country formulates and applies these policies in distinct legal and socio-cultural settings. Additionally, this research highlights comparative aspects to identify points of convergence and divergence in implementation, as well as the challenges and opportunities for future development. The comparative analysis aims to assess the effectiveness of current policies and the potential for cross-national adaptation. The novelty of this research lies in its comparative approach—seldom undertaken in existing literature—which seeks to unpack the policy dynamics and implementation processes of restorative justice in two jurisdictions with contrasting legal traditions but a shared commitment to advancing justice. In addition to mapping the policies and implementation of Restorative Justice in Indonesia and India, this study highlights regulatory effectiveness and community participation as key determinants of success. While regulatory clarity ensures consistency in application, community involvement shapes the quality of dispute resolution at the local level. Thus, the study not only addresses normative aspects but also emphasizes the implementation dimension, which constitutes both a challenge and an opportunity for strengthening Restorative Justice in both countries.

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<sup>11</sup> Setyowati, “Memahami Konsep Restorative Justice Sebagai Upaya Sistem Peradilan Pidana Menggapai Keadilan.”

<sup>12</sup> Syahird, Ilyas, and NASWAR, “Restorative Justice Approach as Ultimum Remedium of Corruption Crimes.”

<sup>13</sup> Barus, Priyanto, and Syauquillah, “Restorative Justice for Victims of Terrorism: Healing Beyond Retribution.”

## Methods

### Type and Approach of the Study

This research employs a normative legal methodology, utilizing both comparative and qualitative approaches. The study aims to examine the underlying concepts, principles, and legal frameworks that shape Restorative Justice policies in Indonesia and India. The comparative approach facilitates the identification of similarities and differences in implementation practices as well as the challenges encountered<sup>14</sup> by both countries. The primary focus lies in analyzing the legal structures, policy implementation dynamics, and the potential for developing Restorative Justice within a more humane and participatory criminal justice framework.

### Data Sources

The study relies on secondary data derived from a range of official documents and scholarly literature. These include statutory regulations, institutional policies, academic journals, government reports, and scientific articles relevant<sup>15</sup> to the theme of Restorative Justice. Data were collected online through systematic searches of reputable academic databases and the official websites of national institutions in Indonesia and India. This selection of sources ensures both the validity and the relevance of the information used for legal analysis and policy comparison.

### Data Collection Techniques

Data collection was conducted through online library research to obtain relevant legal and academic sources. This technique involved retrieving documents from official government websites<sup>16</sup>, indexed academic journal platforms such as Scopus and SINTA, and other credible media outlets. The data search was carried out systematically using specific keywords such as "Restorative Justice," "Indonesia," "India," "penal policy," and "legal reform." Through this method, the data collected were comprehensive and conducive to an in-depth analysis of Restorative Justice policies and their implementation in both countries.

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<sup>14</sup> Achmad Irwan Hamzani et al., "Implementation Approach in Legal Research," *International Journal of Advances in Applied Sciences* 13, no. 2 (June 1, 2024): 380, <https://doi.org/10.11591/ijaas.v13.i2.pp380-388>.

<sup>15</sup> Achmad Irwan Hamzani et al., "Legal Research Method: Theoretical and Implementative Review," *International Journal of Membrane Science and Technology* 10, no. 2 (August 24, 2023): 3610–19, <https://doi.org/10.15379/ijmst.v10i2.3191>.

<sup>16</sup> Hamzani et al.

## Data Analysis Techniques

The data were analyzed using a qualitative content analysis method, characterized by a descriptive-analytical approach. This technique aims to explore and interpret the content of legal documents, public policies, and other secondary sources in order to identify themes, patterns<sup>17</sup>, and dynamics associated with the practice of Restorative Justice in Indonesia and India. It also enables the researcher to uncover substantive similarities and differences, and to assess the relevance and effectiveness of each country's policy approach. The results of this analysis form the basis for drawing objective, contextually grounded conclusions and recommendations to support the development of a more inclusive and responsive legal system.

## Results and Discussion

### I. Restorative Justice as an Approach to Criminal Case Resolution

#### I.I. The Fundamental Concept of Restorative Justice

Restorative Justice is a transformative approach within the criminal justice system that prioritizes the restoration of harm to victims, offender accountability, and active community involvement. Unlike traditional punitive systems focused on retribution, it seeks reconciliation through dialogue and mutual agreement. Its core values—accountability, reparation, and social healing—make it a more inclusive and effective model, creating space for offenders to take responsibility, make amends, and reintegrate into society.<sup>18</sup> This shift represents a significant reorientation in the conceptualization of justice, moving away from punishment alone toward a more holistic framework of restoration.<sup>19</sup>

A central principle of Restorative Justice lies in its victim-centered orientation, which goes beyond compensation to provide victims with an active role in the justice process. By expressing their experiences and needs, victims gain acknowledgment and emotional relief, while offenders develop greater accountability within a supportive community context.<sup>20</sup> This approach not only strengthens social reintegration but also proves more cost-effective and efficient, as disputes are resolved consensually without prolonged judicial proceedings. Ultimately, Restorative Justice fosters collective

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<sup>17</sup> Hamzani et al.

<sup>18</sup> Agus Sugiyatmo and Ermania Widjajanti, "Penarapan Pengurangan Hukuman Tindak Pidana Berdasarkan Restoratif Justice Menurut Perma Nomor 1 Tahun 2024," *Journal of Social and Economics Research* 6, no. 2 (2024): 525–37, <https://doi.org/10.54783/jser.v6i2.650>; Budiyo Budiyo, Setya Wahyudi, and Dwi H Retnaningrum, "Kompatibilitas Restorative Justice Dengan Nilai-Nilai Pancasila Dalam Sistem Peradilan Pidana Anak," *Pancasila Jurnal Keindonesiaan* 4, no. 1 (2024): 38–47, <https://doi.org/10.52738/pjk.v4i1.444>.

<sup>19</sup> Sahat M T Situmeang and Diah Pudjiastuti, "Perlindungan Korban Kejahatan Dalam Perspektif Restorative Justice Dan Politik Hukum Indonesia," *Journal Justiciablen (Jj)* 2, no. 2 (2022): 153, <https://doi.org/10.35194/jj.v2i2.2047>.

<sup>20</sup> Abdul Halim and Sri Ismoyo, "Analysis of Restorative Justice in the Criminal Justice System," *Law* 1, no. 1 (2023): 12–16, <https://doi.org/10.61996/law.v1i1.13>.

healing, rebuilds social trust, and offers a humane model of justice that aligns more closely with the genuine needs of society.

The integration of Restorative Justice into the judicial system has proven effective in reducing recidivism rates and aligns well with cultural values across various contexts, including Indonesia. Research indicates that offenders who engage in Restorative Justice processes tend to exhibit greater empathy and more constructive behavior following their offenses.<sup>21</sup> Additionally, this approach helps alleviate court caseloads and reduces state expenditures in handling minor offenses. In Indonesia, restorative methods resonate with communal values, particularly within indigenous communities that prioritize conflict resolution through deliberation and consensus.<sup>22</sup> The innovative potential of this approach lies in its capacity to drive comprehensive justice system reform through active community engagement and the transformation of social relationships.

As an approach that emphasizes two principal objectives—namely, the restoration of harm and reconciliation among offenders, victims, and the community—Restorative Justice conceptualizes crime not merely as a violation of law, but as a disruption of social relationships between individuals.<sup>23</sup> This model seeks to repair the harm experienced by victims while simultaneously restoring relationships through active community engagement in conflict resolution processes.<sup>24</sup> Community participation renders the process more holistic, shifting the focus from punitive measures to collective social and emotional restoration.

The reparation of harm in Restorative Justice can be achieved through various means, including the return of lost property, financial compensation, or psychosocial support for the victim. Victims are granted a platform to articulate their experiences and needs, thereby gaining psychological benefits while also fostering offender awareness of the consequences of their actions.<sup>25</sup> Offenders are encouraged to take active responsibility for their conduct and to make amends for the harm caused, ultimately reducing social stigma and accelerating their reintegration into the

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<sup>21</sup> Hardianto Djanggih and Sutiawati, "Handling Criminal Actions Committed by Children Through a Restorative Justice Approach," *Journal of Law and Sustainable Development* 12, no. 2 (2024): e2604, <https://doi.org/10.55908/sdgs.v12i2.2604>; Hajairin Hajairin, Muhammad Mustofa, and Tofik Y Chandra, "Criminal Justice Reform: From Due Process Model to Reintegrative Model as an Alternative to Criminal Case Resolution," *Asian Journal of Social and Humanities* 1, no. 10 (2023): 601–9, <https://doi.org/10.59888/ajosh.v1i10.82>.

<sup>22</sup> Yoserwan Yoserwan et al., "The Role of Adat Institution in the Settlement of Criminal Cases Through Restorative Justice in West Sumatera," *Nagari Law Review* 6, no. 2 (2023): 146, <https://doi.org/10.25077/nalrev.v.6.i.2.p.146-157.2023>.

<sup>23</sup> Habibul U Taqiuddin and Risdiana Risdiana, "Penerapan Keadilan Restoratif (Restorative Justice) Dalam Praktik Ketatanegaraan," *Jisip (Jurnal Ilmu Sosial Dan Pendidikan)* 6, no. 1 (2022), <https://doi.org/10.58258/jisip.v6i1.2972>.

<sup>24</sup> Syahird, Ilyas, and NASWAR, "Restorative Justice Approach as Ultimum Remedium of Corruption Crimes."

<sup>25</sup> Roni Bahari, Natangsa Surbakti, and Muchamad Iksan, "Resolution of Theft Cases Using Restorative Justice Approaches in Court," *Al-Ishlah Jurnal Ilmiah Hukum* 27, no. 2 (2024): 113–34, <https://doi.org/10.56087/aijih.v27i2.461>.



community.<sup>26</sup> Thus, the approach transcends mere conflict resolution by actively rebuilding the social fabric damaged by criminal acts.

The reconciliation aspect of Restorative Justice plays a critical role in facilitating open dialogue between offenders and victims. This process is typically mediated by a neutral third party and aims to create a safe space for communication, allowing participants to engage in a deeper understanding of the impact of the crime.<sup>27</sup> Studies show that the restoration of interpersonal relationships contributes significantly to recidivism prevention and the reinforcement of social solidarity. Nonetheless, implementing this approach presents challenges, particularly in complex cases such as hate crimes or serious offenses, where restoration and reconciliation may not be readily achievable.<sup>28</sup> Despite these obstacles, the emphasis on a more humane, community-based justice model remains a defining strength of Restorative Justice in addressing the evolving dynamics of modern crime.<sup>29</sup>

## I.II. Comparison Between the Restorative Justice and Retributive Justice Approaches

Restorative Justice and Retributive Justice represent two principal paradigms within the criminal justice system, each rooted in fundamentally different philosophies and objectives. Retributive Justice emphasizes the imposition of punishment on offenders as a form of retribution for their wrongdoing, with sanctions calibrated to match the severity of the offense. Its primary aims are to deter future crimes and to reinforce formal justice and social order.<sup>30</sup> However, this approach has been widely criticized for its limited capacity to address the needs of victims and its neglect of offender rehabilitation and social reintegration.

In contrast, Restorative Justice offers a more inclusive framework by prioritizing the restoration of relationships among offenders, victims, and the

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<sup>26</sup> Salsabila Salsabila and Slamet T Wahyudi, "Peran Kejaksaan Dalam Penyelesaian Perkara Tindak Pidana Korupsi Menggunakan Pendekatan Restorative Justice," *Masalah-Masalah Hukum* 51, no. 1 (2022): 61–70, <https://doi.org/10.14710/mmh.51.1.2022.61-70>; Daffa L Kusworo, Abdulrazaq O Abdulkadir, and Maghfira N K Fauzi, "Reflections on the Dismissal of Theft Charges Through Prosecutor's Restorative Justice House in Lampung," *Jurnal Media Hukum* 30, no. 2 (2023): 136–52, <https://doi.org/10.18196/jmh.v30i2.18384>.

<sup>27</sup> Megersa Tolera, "Oromumma and the Elusive Quest for Reconciliation," *African Journal of Humanities and Social Sciences* 4, no. 1 (2024): 50–56, <https://doi.org/10.51483/afjhss.4.1.2024.50-56>.

<sup>28</sup> Karl Mason et al., "Restorative Justice in Safeguarding Adults With Hate Crime and Discriminatory Abuse: Exploring the Evidence," *The Journal of Adult Protection* 26, no. 1 (2024): 24–35, <https://doi.org/10.1108/jap-09-2023-0024>; Ryo T Triatmoko, Ramlani L Sinaulan, and Yuhelson Yuhelson, "Settlement of Traffic Accident Crimes Through the Principle of Restorative Justice in the Sorong City Area," *International Journal of Social Service and Research* 3, no. 12 (2023): 3086–94, <https://doi.org/10.46799/ijssr.v3i12.621>.

<sup>29</sup> Anggun A Dhadhilia and Pujiyono Pujiyono, "Restorative Justice for Narcotics Abusers as an Alternative Treatment (Study Case of Court Decision No. 83/Pid.Sus/2020/Pn.Kpg)," *International Journal of Social Science and Human Research* 7, no. 03 (2024), <https://doi.org/10.47191/ijsshr/v7-i03-94>.

<sup>30</sup> Padlilah Padlilah et al., "Reevaluation and Reorientation of the Philosophy of Retributive Justice to Restorative Justice in Imposing Criminal Sanctions," *Journal La Sociale* 4, no. 2 (2023): 45–51, <https://doi.org/10.37899/journal-la-sociale.v4i2.786>.



community. It encourages active participation from all affected parties to collaboratively identify solutions to the harm caused.<sup>31</sup> By emphasizing reconciliation and rehabilitation, Restorative Justice aims to address the underlying social causes of crime and to foster a more humane conception of justice.<sup>32</sup> This approach is particularly effective in the context of juvenile justice, where it facilitates psychosocial recovery and reduces the risk of re-criminalization.<sup>33</sup>

To grasp the fundamental differences between the Restorative and Retributive Justice approaches, a systematic comparison is essential. These approaches diverge significantly in terms of orientation, objectives, and mechanisms for resolving criminal acts. While Restorative Justice centers on healing and inclusive participation, Retributive Justice focuses on punitive responses to wrongdoing. The following table presents a concise and structured comparison of the core distinctions between the two models.

**Table 1.** Comparative Overview of Restorative Justice and Retributive Justice Approaches

Aspect	Restorative Justice	Retributive Justice
Objective	Restoration of harm and reconciliation	Punishment of the offender
Focus	Victim, offender, and community	Offender only
Resolution Method	Dialogue, mediation, compensation, rehabilitation	Imprisonment, fines, formal legal sanctions
Party Involvement	Participatory: offender, victim, community	Limited: state and offender
Expected Outcome	Restoration of social relations, offender accountability	Formal justice through proportional punishment
Offender Reintegration Potential	High, through healing processes and community support	Low, due to emphasis on punishment and offender isolation

<sup>31</sup> Muhamad A Putra et al., “Diseminasi Diversi Dan Restoratif Justice Terhadap Masyarakat Pedesaan Dalam Penyelesaian Tindak Pidana Anak,” *Jurnal Dedikasi Hukum* 2, no. 3 (2022): 252–65, <https://doi.org/10.22219/jdh.v2i3.21634>; Roni Bahari, Natangsa Surbakti, and Muchamad Iksan, “Resolution of Theft Cases Using Restorative Justice Approaches in Court,” *Al-Ishlah Jurnal Ilmiah Hukum* 27, no. 2 (2024): 113–34, <https://doi.org/10.56087/aijih.v27i2.461>.

<sup>32</sup> Moh. Fadhil, “Restorative Justice Paradigm,” *Al Daulah Jurnal Hukum Pidana Dan Ketatanegaraan*, 2023, 246–63, <https://doi.org/10.24252/ad.vi.33774>.

<sup>33</sup> Julius M Butarbutar, “Penjatuhan Pidana Maksimal Terhadap Anak Berhadapan Hukum Ditinjau Dari Tujuan Hukum Pemidanaan Indonesia,” *Jurnal Ilmu Hukum Humaniora Dan Politik* 5, no. 1 (2024): 484–94, <https://doi.org/10.38035/jihhp.v5i1.3077>; Widowati Widowati, “The Future of Children in the Criminal Justice System: Restorative or Retributive Approach,” *West Science Law and Human Rights* 2, no. 04 (2024): 379–88, <https://doi.org/10.58812/wslhr.v2i04.1308>.

Aspect	Restorative Justice	Retributive Justice
Impact on Victim	Receives emotional and material recovery	Often neglected, not directly involved in the process

Based on the comparative analysis, the Restorative Justice approach is increasingly relevant within law enforcement practices, particularly in institutions such as the police and the prosecution service. Research indicates that although both institutions play a significant role in implementing Restorative Justice, overlapping jurisdictions and a lack of coordination often undermine the effectiveness of its application. Furthermore, there is a growing urgency for legal frameworks that are more adaptive and responsive to evolving social dynamics, in order to facilitate the comprehensive integration of Restorative Justice principles.<sup>34</sup> This underscores the critical need for structural reforms within the criminal justice system to foster a more coherent integration between retributive and restorative approaches.

The success of Restorative Justice relies not only on institutional will but also on the presence of public policies that support a paradigm shift from retributive to restorative approaches. Regulatory support and clearly defined mandates for law enforcement agencies are essential to the development of a restorative justice system.<sup>35</sup> Moreover, public education and outreach initiatives are crucial for enhancing societal awareness and acceptance of the approach.<sup>36</sup> Community involvement is a key factor in building a justice space that is inclusive and oriented toward social transformation.

The implementation of Restorative Justice also demonstrates significant potential in reducing recidivism and enhancing offenders' sense of accountability for the consequences of their actions. By directly involving victims in the resolution process, this approach fosters a more substantive and personalized sense of justice compared to the formalistic nature of the retributive system.<sup>37</sup> Furthermore, communities engaged in restorative processes tend to develop stronger social solidarity, thereby contributing to the prevention of future offenses. This illustrates that justice can be achieved not solely through punishment but also through social restoration.

Although the retributive approach continues to play a role within the criminal justice system, contemporary social dynamics demand more adaptive and transformative frameworks. Restorative Justice emerges as a relevant and progressive

<sup>34</sup> Sarimonang B Sinaga et al., "Enhancing Restorative Justice Regulation for Criminal Cases' Legal Certainty: Exploring Ideal Concepts," *Migration Letters* 20, no. 5 (2023): 889–902, <https://doi.org/10.59670/ml.v20i5.4096>.

<sup>35</sup> Reza N Ihsan, "Optics of Restorative Justice in the Criminal Justice Legal System in Indonesia," *Jihtb* 9, no. 2 (2024): 472–88, <https://doi.org/10.61394/jihtb.v9i2.443>.

<sup>36</sup> Muhammad R Pelengkahu and Indirwan Indirwan, "Formulation of the Application of Restorative Justice to Offenders of Corruption in Indonesia," *Corruptio* 3, no. 2 (2022): 123–34, <https://doi.org/10.25041/corruptio.v3i2.2756>.

<sup>37</sup> Syufriadi, Sambas, and Zakaria, "The Concept of Restorative Justice as a Means of Legal Protection for Victims of Crime in Indonesia."

alternative, particularly in addressing cases that require the restoration of social relationships and offender rehabilitation, such as those involving juvenile offenders. A balanced integration of both approaches can foster a more comprehensive and sustainable response to the challenges of modern justice.

## II. Policy and Implementation of the Restorative Justice Approach in Indonesia and India

### II.I. Policy and Implementation of the Restorative Justice Approach in Indonesia

The Restorative Justice approach in Indonesia has increasingly gained legitimacy through a range of progressive legal policies. These policies are embodied in regulations such as the proposed revision of the Criminal Procedure Code (KUHAP), Indonesian National Police Regulation No. 8 of 2021 on the Handling of Criminal Offenses Based on Restorative Justice, and the Prosecutor's Regulation No. 15 of 2020 on Termination of Prosecution Based on Restorative Justice. Through these regulatory frameworks, Restorative Justice is expected to serve as an alternative mechanism for resolving criminal cases—one that is more responsive to the needs of both victims and offenders, while also alleviating the burden on the courts.<sup>38</sup> However, its implementation continues to face significant challenges, particularly due to the entrenched dominance of retributive approaches within Indonesia's criminal justice practices. Moreover, gaps in law enforcement officials' understanding of the principles and values of Restorative Justice further complicate efforts toward meaningful legal reform.<sup>39</sup>

Systemic reform is essential to strengthen the position of Restorative Justice within the national criminal justice framework, particularly through the revision of foundational legal instruments such as the Criminal Procedure Code (KUHAP). Supporting regulations, including the Indonesian National Police Regulation and the Prosecutor's Regulation on Restorative Justice, must be regularly updated to reflect societal needs and evolving legal contexts in order to maintain the relevance and effectiveness of Restorative Justice.<sup>40</sup> Ensuring the sustainability of its implementation requires strategic efforts in education and training for law enforcement personnel on the principles and practices of Restorative Justice. This approach must be supported by a coherent institutional framework and policy alignment so that Restorative Justice evolves beyond discourse into a deeply rooted

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<sup>38</sup> Rismanto J Purba, "Implementasi Restorative Justice Dalam Penyelidikan Dan Penyidikan Tindak Pidana," *Jurnal Sosial Dan Sains* 5, no. 5 (2025): 1525–35, <https://doi.org/10.59188/jurnalsosains.v5i5.32288>.

<sup>39</sup> Yuni P Dewantara and Ika Fransisca, "Restorative Justice Dalam Penyelesaian Sengketa Pelecehan Seksual Cyber," *Jurnal Hukum Mimbar Justitia* 10, no. 2 (2024): 223, <https://doi.org/10.35194/jhmj.v10i2.4679>.

<sup>40</sup> Putri S Estirahayu, Muhammad R A Muhdi, and Salimah Salimah, "Penerapan Restorative Justice (Keadilan Restoratif) Dalam Suatu Tindak Pidana," *Jurnal Penegakan Hukum Indonesia* 5, no. 1 (2024): 27–41, <https://doi.org/10.51749/jphi.v5i1.139>; Asmadi Syam, "Measuring the Concept of Restoration in Criminal Justice System," *Jurnal Ilmiah Kebijakan Hukum* 16, no. 2 (2022): 363, <https://doi.org/10.30641/kebijakan.2022.v16.363-376>.

legal practice.<sup>41</sup> In this regard, the integration of Restorative Justice into public policy signifies the legal system's responsiveness to demands for a more substantive and humanistic form of justice.

Concrete examples of Restorative Justice implementation can be observed within police institutions, notably at the Buleleng Police Department in Bali, where it was applied in a minor assault case. In this instance, the police facilitated a mediation process between the offender and the victim, culminating in a peaceful settlement—despite persistent challenges such as limited public understanding of Restorative Justice principles.<sup>42</sup> At the provincial level, the Criminal Investigation Directorate of the Lampung Regional Police successfully resolved a domestic violence case through a restorative approach, thereby circumventing a protracted formal legal process.<sup>43</sup> Moreover, Restorative Justice has also been utilized in fraud and embezzlement cases, where mediation and deliberation sessions resulted in mutually acceptable resolutions.<sup>44</sup> These cases demonstrate the potential of Restorative Justice as an effective and efficient alternative mechanism within the criminal justice system.

In the prosecutorial context, Restorative Justice is implemented through policies allowing the termination of prosecution based on consensus and peaceful resolution between the offender and the victim.<sup>45</sup> A notable case involved the discontinuation of prosecution for a motorcycle theft, in which the perpetrator had committed the act to fund his child's education; the victim agreed to reconciliation following restitution of the loss.<sup>46</sup> Furthermore, Restorative Justice Houses established in various regions, such as Lampung, serve as alternative spaces for conflict resolution by engaging community leaders and drawing on local wisdom. In cases involving juveniles or minor offenses, Restorative Justice is prioritized to avoid the psychological harm of formal legal proceedings and to safeguard the child's

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<sup>41</sup> Kadek D F Adinata, "Penerapan Prinsip Restorative Justice Terhadap Pelaku Tindak Pidana Lanjut Usia (Studi Tentang Penerapan Pendekatan Keadilan Restoratif Dalam Praktek Penegakan Hukum)," *Jurnal Hukum Media Justitia Nusantara* 12, no. 1 (2022): 26–62, <https://doi.org/10.30999/mjn.v12i1.2059>.

<sup>42</sup> Ni Nyoman Ayu Pulasari Dewi, Made S Hartono, and Komang F Dantes, "Implementasi Prinsip Restorative Justice Pada Perkara Tindak Pidana Penganiayaan Biasa Di Polres Buleleng," *Jurnal Komunitas Yustisia* 5, no. 1 (2022): 242–53, <https://doi.org/10.23887/jatayu.v5i1.45948>.

<sup>43</sup> Recca A Hapsari and Nadira Tresya, "Consideration of Discretionary Actions by the Police in the Application of Restorative Justice to the Resolution of Domestic Violence Cases (Study at the Directorate of General Criminal Investigation of the Lampung Regional Police)," *RJL* 2, no. 1 (2023): 51–61, <https://doi.org/10.55849/rjl.v2i1.536>.

<sup>44</sup> Meizar K Sugio and Eko Soponyono, "Termination of Prosecution Based on Restorative Justice in the Settlement of Conventional Gambling Crimes in Indonesia," *International Journal of Social Science and Human Research* 7, no. 04 (2024), <https://doi.org/10.47191/ijsshr/v7-i04-22>.

<sup>45</sup> Andy Sasongko, "Roles of Public Prosecutor's Office in Restorative Justice: A Focus on Prosecution Discontinuation Regulations," *Ajudikasi Jurnal Ilmu Hukum* 7, no. 2 (2023): 175–90, <https://doi.org/10.30656/ajudikasi.v7i2.7377>.

<sup>46</sup> Enny Yulistiawati and Arif Awangga, "Restorative Justice Dalam Perkara Tindak Pidana Pencurian (Studi Putusan Nomor 28/Pid.B/2022/Pn.Lbb)," *Syntax Literate Jurnal Ilmiah Indonesia* 8, no. 7 (2023): 5397–5411, <https://doi.org/10.36418/syntax-literate.v8i7.13257>.

future.<sup>47</sup> These implementations reflect the prosecution service's positive institutional response toward a more dialogic and responsive model of justice.

To comprehend the regulatory dynamics and practical implementation of Restorative Justice in Indonesia, a systematic mapping of policies, challenges, and institutional practices is essential. The approach has gained legal legitimacy through various statutory instruments and demonstrated applications within police and prosecutorial institutions. Despite ongoing obstacles, efforts to strengthen Restorative Justice continue through legal reform, public policy integration, and education of legal practitioners. The following table presents a summary of key aspects that reflect the development and trajectory of Restorative Justice implementation in Indonesia.

**Table 2.** Regulatory Framework and Implementation of the Restorative Justice Approach in Indonesia

Aspect		Description
Key Regulations		<ul style="list-style-type: none"> <li>- Draft revision of the Criminal Procedure Code (KUHP)</li> <li>- Police Regulation No. 8/2021</li> <li>- Prosecutor's Regulation No. 15/2020</li> </ul>
Implementation Challenges		<ul style="list-style-type: none"> <li>- Dominance of retributive paradigm</li> <li>- Lack of understanding among law enforcers</li> <li>- Resistance from old legal culture</li> </ul>
Strengthening Efforts		<ul style="list-style-type: none"> <li>- Legal reform</li> <li>- Training for law enforcers</li> <li>- Integration into public policy</li> </ul>
Police Case Examples		<ul style="list-style-type: none"> <li>- Minor assault (Buleleng Police)</li> <li>- Domestic violence (Lampung Police)</li> <li>- Fraud and gambling cases</li> </ul>
Prosecutor Office	Examples	<ul style="list-style-type: none"> <li>- Motorcycle theft for child's education</li> <li>- Restorative Justice Houses in various regions</li> <li>- Juvenile and minor offenses</li> </ul>
Impact and Expectations		<ul style="list-style-type: none"> <li>- Paradigm shift in law enforcement</li> <li>- Enhanced social justice</li> <li>- A more inclusive and humane justice system</li> </ul>

Overall, the evolution of policies and practices surrounding Restorative Justice in Indonesia reflects a paradigm shift in law enforcement—from a retributive model toward a more restorative and socially just approach. With an increasing number of case examples from both police and prosecutorial institutions, Restorative Justice has proven to be more than a theoretical construct; it is becoming a tangible reality within

<sup>47</sup> Halim, "The Application of Restorative Justice in Civil Dispute Resolution: Potentials and Challenges in Indonesia"; Muhammad A Lubis, "Utilization of Restorative Justice in the Handling of Child Crimes From the Perspective of Utilities Theory," *International Journal of Educational Research & Social Sciences* 4, no. 3 (2023): 493–97, <https://doi.org/10.51601/ijersc.v4i3.656>.

legal practice.<sup>48</sup> Although implementation challenges persist, including resistance from entrenched legal cultures, the existence of supportive regulations and concrete programs provides a crucial foundation for the future strengthening of Restorative Justice. Dialogue, deliberation, and restoration have emerged as key elements signaling the transition of Indonesia's justice system toward a more inclusive model.<sup>49</sup> Continued expansion and institutionalization of Restorative Justice are essential for ensuring that the Indonesian legal system can effectively respond to the demands of contemporary and future justice.

## II.II. Policy and Implementation of the Restorative Justice Approach in India

The Restorative Justice approach in India represents a significant reform within the criminal justice system, particularly concerning the protection of children and adolescents. The Juvenile Justice Act of 2015 emphasizes diversion, which involves redirecting juvenile cases toward alternative resolutions through mediation between offenders and victims.<sup>50</sup> Additionally, India's Criminal Procedure Code (CrPC) acknowledges Restorative Justice by facilitating offender–victim dialogue aimed at reaching a mutual agreement, thereby reducing stigma and prioritizing rehabilitation.<sup>51</sup> The Supreme Court has also endorsed restorative mechanisms such as sentencing circles, community service, and victim–offender conferences, as seen in the case of *Babu Singh v. State of Uttar Pradesh*.<sup>52</sup> These developments reflect a broader shift from a retributive orientation toward a model centered on restoration and reconciliation.

Restorative Justice in India is not merely theoretical—it is increasingly being practiced. In Coimbatore, the Juvenile Justice Board ordered a 17-year-old involved in a fatal traffic accident to assist in traffic regulation for one month as a rehabilitative measure, rather than imposing incarceration.<sup>53</sup> This decision aligns with the educative and reintegrative principles of the Juvenile Justice Act. In Mumbai, the police have introduced the “Matunga Model”—a child-friendly corner within police stations—to provide a safe and comforting environment for child victims or relatives of suspects, thereby supporting the humanistic ethos of Restorative Justice. In Manipur, young students were engaged in community service, such as street cleaning, as an alternative

<sup>48</sup> Muhammad Firdaus, Chryshnanda Dwilaksana, and Muhammad D A Onielda, “Shifting Polri’s Law Enforcement Strategy: Restorative Justice for Public Trust,” *Jurnal Media Hukum* 30, no. 2 (2023): 153–70, <https://doi.org/10.18196/jmh.v30i2.18628>.

<sup>49</sup> Agus Haerul and Zainuddin Zainuddin, “Restorative Justice: An Approach in the Settlement of Land Crimes in the Indonesian National Police,” *European Journal of Law and Political Science* 2, no. 2 (2023): 46–52, <https://doi.org/10.24018/ejpolitics.2023.2.2.78>.

<sup>50</sup> Suhail Sharma, “Juvenile Justice System, Reforms and Policing System in India: Origin, Dialectics, Comparisons, and Way Forward,” *International Annals of Criminology* 59, no. 2 (2021): 179–99, <https://doi.org/10.1017/cri.2021.17>.

<sup>51</sup> Muhammad Akram, Asim Nasar, and Muhammad R Safdar, “Holy Cow in India: A Political Discourse and Social Media Analysis for Restorative Justice,” *Trames Journal of the Humanities and Social Sciences* 25, no. 2 (2021): 219, <https://doi.org/10.3176/tr.2021.2.04>.

<sup>52</sup> Ramesh Kumar, “Restorative Justice in India: A Study,” *Burnishedlawjournal*, 2021, 2582–5534.

<sup>53</sup> The Time of India, “Juvenile Board Direct Boy to Regulate Traffic for a Month,” *The Time of India*, June 13, 2025.

to formal sanctions for minor protest actions.<sup>54</sup> These practices underscore Restorative Justice's emphasis on social accountability and recovery through direct community engagement.

In the context of education and early prevention, many schools have implemented mediation processes grounded in Restorative Justice to resolve peer conflicts through facilitated dialogue—although these initiatives still require long-term evaluation.<sup>55</sup> Furthermore, community-based interventions targeting adolescent drug offenders involve counseling and educational programs as reintegrative strategies aimed at preventing recidivism. Qualitative studies suggest that such approaches help offenders comprehend the broader social impact of their actions and reinforce community bonds as a means of rehabilitation.<sup>56</sup> In line with the ethos of Restorative Justice, these interventions emphasize not only accountability but also the cultivation of mutual understanding among offenders, victims, and the wider community.

The role of law enforcement and government institutions has further reinforced the effectiveness of Restorative Justice. The Supreme Court of India has issued guidelines encouraging judges to explore alternative resolution mechanisms for minor offenses. Both the Ministry of Law and the Juvenile Justice Board have supported Restorative Justice through circulars and policy directives that strengthen its legal framework.<sup>57</sup> Additionally, a national conference held in Ranchi underscored the importance of prioritizing Restorative Justice in juvenile cases, prompting capacity-building measures for child protection institutions and observation homes. Supporting infrastructure, such as safe centers and observation facilities, has also been established as part of an integrated support system.<sup>58</sup>

To comprehensively understand the evolution of Restorative Justice in India, it is imperative to examine its legal foundations, institutional frameworks, and practical applications. India has made noteworthy progress through progressive legislation, judicial advocacy, and community-driven initiatives—particularly in cases involving juveniles. A range of programs implemented by police departments, educational institutions, and local communities reflects a broader shift toward rehabilitation, reconciliation, and collective social responsibility. The following table presents a synthesized overview of the key components of Restorative Justice in India, outlining its normative foundations, practical implementation, and ongoing challenges.

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<sup>54</sup> The Times of India, "Nagpur Police Issue SOP to Address Rising Heinous Crimes by Juveniles, Allowing Treatment as Adult," *The Times of India*, June 3, 2025.

<sup>55</sup> Meghan Koza, Stuti S Kokkalera, and John C Navarro, "The Promise of Alternatives for Youths: An Analysis of Restorative Justice Practices in the United States," *Juvenile and Family Court Journal* 75, no. 3 (2024): 23–36, <https://doi.org/10.1111/jfcj.12268>.

<sup>56</sup> Akram, Nasar, and Safdar, "Holy Cow in India: A Political Discourse and Social Media Analysis for Restorative Justice."

<sup>57</sup> Roxana Willis and Carolyn Hoyle, "The Good, the Bad, and the Street: Does 'Street Culture' Affect Offender Communication and Reception in Restorative Justice?," *European Journal of Criminology* 19, no. 1 (2019): 118–38, <https://doi.org/10.1177/1477370819887517>.

<sup>58</sup> Vashishth, Dudeja, and Teena, "System of Restorative Justice and Juvenile Justice in India: A Brief Comparative Study with Latin American System."



**Table 3.** Legal Framework and Implementation of Restorative Justice in India

Aspect	Description
Legal Framework	Juvenile Justice Act (2015), Criminal Procedure Code (CrPC), Supreme Court Ruling (Babu Singh v. State of UP)
Field Practices	- Traffic regulation task (Coimbatore) - "Matunga model" in Mumbai - Community service in Manipur
School-Based Approaches	Conflict mediation among students, counseling for youth offenders, education fostering social awareness
Government & Institutional Support	Supreme Court guidelines, Ministry of Law policies, national conferences, development of restorative justice facilities
Key Principles Emphasized	Rehabilitation, education, reconciliation, and community involvement
Challenges	Program sustainability, long-term effectiveness, especially in the education sector

Overall, the practice of Restorative Justice in India reflects a tangible transformation from a retributive system toward one that is more humane, inclusive, and rehabilitative. Practical initiatives—such as traffic regulation programs in Coimbatore, child-friendly corners in police stations, and community-based restorative outreach in Manipur—illustrate how Restorative Justice successfully shifts the focus toward healing, education, and reintegration. Supported by legislative frameworks such as the Juvenile Justice Act and the Criminal Procedure Code, along with judicial decisions like *Babu Singh v. State of Uttar Pradesh* and proactive government policies, this approach is steadily gaining institutional foothold. Challenges remain, particularly in ensuring sustainability and assessing long-term effectiveness, especially within the educational sector. Nevertheless, the growing momentum and cross-sectoral commitment offer promising prospects for reducing recidivism and advancing a more humane model of justice in the future.

**III. Comparative Analysis of Restorative Justice Policy and Implementation in Indonesia and India**

**III.I. Similarities in Restorative Justice Policy and Implementation in Indonesia and India**

The regulatory frameworks for Restorative Justice in both Indonesia and India reflect fundamental similarities in legal philosophy and policy formulation. Both countries place core emphasis on principles of restoration, victim participation, and dialogue as the foundation of a more humanistic justice system. In Indonesia, Restorative Justice is normatively codified in several legislative instruments, most notably Law No. 11 of 2012 on the Juvenile Criminal Justice System, which emphasizes

diversion and out-of-court settlements. Similarly, India incorporates Restorative Justice through the Juvenile Justice (Care and Protection of Children) Act, 2015, which allows for non-litigious resolutions based on dialogue and reconciliation. In both jurisdictions, Restorative Justice is accommodated within the formal legal structure as part of broader criminal justice reform aimed at fostering a restorative approach.

Both Indonesia and India have developed Restorative Justice policies grounded in legal frameworks that legitimize mediation practices and community involvement in the resolution of minor criminal offenses. In Indonesia, key legal instruments such as National Police Regulation No. 8 of 2021 on the Handling of Criminal Offenses Based on Restorative Justice and Prosecutor's Regulation No. 15 of 2020 on the Termination of Prosecution Based on Restorative Justice serve to expand the scope of restorative practices beyond juvenile cases. These regulations explicitly define the procedural stages, actors involved, and legally recognized outcomes of Restorative Justice processes. In India, beyond provisions in the Juvenile Justice Act, the Criminal Procedure Code (CrPC) recognizes mediation as a legitimate mechanism for resolving certain types of cases, particularly those that are communal in nature and non-severe. Both countries integrate social and cultural values into the formulation of their Restorative Justice norms, rendering them adaptive to local needs. This shared approach reflects a growing legal consciousness in both jurisdictions regarding the importance of contextualized and collaborative responses to criminal disputes.

Normatively, both Indonesia and India have adopted the principles of Restorative Justice within their formal legal frameworks, although the application remains limited to specific categories of criminal offenses. In Indonesia, the scope of Restorative Justice is primarily restricted to juvenile cases, domestic violence, and minor offenses, while its extension to serious crimes remains at the stage of policy discourse.<sup>59</sup> Similarly, India has focused its application largely on juvenile cases and minor infractions, despite ongoing academic and judicial efforts to broaden its applicability. The legal frameworks in both countries reflect a global trend toward integrating Restorative Justice into more reflective and humane criminal justice systems.<sup>60</sup> This regulatory convergence indicates a shared movement in Indonesia and India toward legal harmonization that seeks to balance legal certainty with substantive justice.

The implementation of Restorative Justice in both Indonesia and India reveals notable similarities, despite their differing social, cultural, and legal contexts. Both criminal justice systems prioritize victim-centered recovery, special handling of juvenile cases, and the application of inclusive principles in law enforcement. This approach aims to shift the paradigm from a retributive justice model to one that is more restorative and participatory. In Indonesia, Restorative Justice actively involves victims in the resolution process, allowing them to articulate their needs for fair

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<sup>59</sup> Sasongko, "Roles of Public Prosecutor's Office in Restorative Justice: A Focus on Prosecution Discontinuation Regulations."

<sup>60</sup> Kumar, "Restorative Justice in India: A Study."

reparation and to contribute to the restoration of social relationships.<sup>61</sup> A comparable model is employed in India, where the approach seeks to balance the rights of victims with the limitations faced by offenders, in pursuit of a more compassionate form of justice.<sup>62</sup>

Both countries also place significant emphasis on applying Restorative Justice in cases involving children in conflict with the law. In India, mediation serves as a critical component in juvenile case resolution, promoting reconciliation and social responsibility.<sup>63</sup> In Indonesia, Restorative Justice for juveniles not only focuses on victim recovery but also on cultivating offender accountability and awareness regarding the consequences of their actions.<sup>64</sup> This approach creates a safe space for children to rehabilitate without being subjected to formal criminal sanctions that may jeopardize their future. These commonalities reflect a shared commitment by both countries to child protection and social reintegration principles.

From a sociological perspective, Restorative Justice in both countries is viewed as an effective alternative approach for fostering communication and mutual understanding between victims and offenders. In India, Restorative Justice facilitates conflict resolution processes grounded in dialogue and empathy between the parties involved.<sup>65</sup> This perspective aligns with practices in Indonesia, where direct interaction between the offender and victim is encouraged to repair harm and strengthen social harmony. Although the implementation of Restorative Justice faces structural and cultural challenges, both Indonesia and India possess significant potential to develop this approach in a sustainable manner. This comparative analysis reinforces the view that Restorative Justice is a relevant alternative solution for establishing a more equitable and recovery-oriented justice system.

To identify the points of convergence in Restorative Justice policy and practice between Indonesia and India, it is crucial to examine similarities in legal frameworks, guiding principles, and implementation strategies. Both countries have demonstrated a clear commitment to adopting more humanistic and participatory approaches within their criminal justice systems, particularly in cases involving juveniles and minor offenses. Formal regulation and community involvement serve as foundational pillars in the application of Restorative Justice in both legal systems. The following table

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<sup>61</sup> Amriyanto Amriyanto et al., "Breaking the Cycle: Reforming Indonesia's Justice System to Prioritize Victim-Centered Solutions," *Jurnal Dinamika Hukum* 24, no. 3 (2024): 401–28, <https://doi.org/10.20884/1.jdh.2024.24.3.5129>.

<sup>62</sup> Ashupriya Yadav, "Realizing Restorative Justice Through Compensation: Bridging the Rights of Victims and the Financial Capacities of the Accused in the Indian Criminal Justice System," *Ijsat* 16, no. 2 (2025), <https://doi.org/10.71097/ijst.v16.i2.4431>.

<sup>63</sup> Pooja Vohra and Kritika Ahuja, "The Role of Mediation in Restorative Justice for Juvenile Offenders," *International Journal for Multidisciplinary Research* 7, no. 2 (2025), <https://doi.org/10.36948/ijfmr.2025.v07i02.42631>.

<sup>64</sup> Helen D Fridayani and Dina D P Putri, "Sounding the Justice for Child: Does Restorative Justice Matters?," *Journal of Law and Legal Reform* 4, no. 3 (2023): 303–24, <https://doi.org/10.15294/jllr.v4i3.68106>.

<sup>65</sup> Prachi Singh, "Theoretical Analysis of Restorative Justice and Social Healing in India: A Sociological and Legal Perspective," *Jier* 4, no. 3 (2024), <https://doi.org/10.52783/jier.v4i3.1770>.

provides a concise summary of the key similarities in the regulation and implementation of Restorative Justice in Indonesia and India.

**Table 4.** Key Similarities in Restorative Justice Policy and Implementation in Indonesia and India

Aspect	Indonesia	India
Legal Framework	Law No. 11 of 2012, National Police Regulation No. 8/2021	Juvenile Justice Act 2015, Criminal Procedure Code (CrPC)
Implementation Focus	Juvenile cases, domestic violence, minor offenses	Juvenile cases and minor offenses
Core Principles	Restoration, victim participation, dialogue, community involvement	Reconciliation, dialogue, social responsibility
Mediation and Diversion	Applied as an out-of-court settlement mechanism	Recognized in CrPC and Juvenile Act as non-litigation alternatives
Community Participation	Involves community figures through forums like Restorative Justice Houses	Community-based and culturally adaptive approaches
Implementation Goals	Social relationship restoration, substantive justice, child protection	Rehabilitation, social restoration, more humane justice

In the global context, the implementation of Restorative Justice has advanced significantly in several countries that may serve as benchmarks. For instance, New Zealand has consistently applied Restorative Justice principles in its juvenile justice system through the *Family Group Conference*, which enables families, victims, and offenders to participate directly in the process of restoration. Meanwhile, Canada has successfully integrated Restorative Justice practices with the indigenous communities' local wisdom through *sentencing circles*, emphasizing communal deliberation as a means of reconciliation. These experiences demonstrate that the success of Restorative Justice is strongly influenced by clear regulatory support and robust community engagement. Such comparisons suggest that while Indonesia and India have shown initial commitment, both countries still require institutional strengthening and an expansion of scope in order to align with international best practices.

### III.II. Differences in Restorative Justice Policy and Implementation Between Indonesia and India

The regulatory frameworks for Restorative Justice in Indonesia and India exhibit fundamental differences, particularly in terms of legal structures and institutionalization. Indonesia has explicitly codified Restorative Justice through Law No. 11 of 2012 on the Juvenile Criminal Justice System, which mandates the application of restorative principles in juvenile cases. Additionally, police regulations

and prosecutorial circulars provide further legal foundations to extend Restorative Justice to minor criminal offenses.<sup>66</sup> In contrast, India lacks a comprehensive national legal framework specifically dedicated to Restorative Justice. Although the Juvenile Justice (Care and Protection of Children) Act, 2015 offers space for restorative approaches, its implementation remains limited and largely dependent on local policies or judicial discretion.<sup>67</sup>

From a legal-cultural perspective, Indonesia demonstrates greater adaptability to restorative values, largely due to the deep-rooted influence of customary law practices that emphasize communal dialogue and reconciliation. Initiatives such as Restorative Justice Houses, which actively involve community leaders, exemplify the alignment between Indonesia's legal regulations and local socio-legal traditions.<sup>68</sup> In contrast, India's legal approach remains predominantly retributive, prioritizing deterrence and punishment, which has resulted in the slow and sporadic acceptance of Restorative Justice principles.<sup>69</sup> Although there have been attempts to incorporate mediation into the judicial system, India's legal framework has yet to fully institutionalize Restorative Justice at the national level.<sup>70</sup> Consequently, the regulatory landscape for Restorative Justice in India remains fragmented and inconsistently applied across jurisdictions.

Another key distinction lies in the procedural flexibility of Restorative Justice regulation in the two countries. In Indonesia, the legal framework allows for the application of Restorative Justice at multiple stages of the criminal justice process, ranging from investigation to prosecution, thereby creating broader opportunities for non-litigious resolution.<sup>71</sup> This indicates that Indonesia's regulatory structure is relatively flexible and supports community-based resolution mechanisms outside the formal court system. In contrast, the implementation of Restorative Justice in India is generally confined to diversion programs within the juvenile justice system and is not

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<sup>66</sup> Franata and Santiago, "Juridical Analysis of the Application of Restorative Justice in Corruption Crimes in Indonesia"; Darmawan et al., "Analysis of the Effectiveness of the Application of Restorative Justice in Criminal Cases in Indonesia."

<sup>67</sup> Jonathan Hobson and Brian K Payne, "Building Restorative Justice Services: Considerations on Top-Down and Bottom-Up Approaches," *International Journal of Law Crime and Justice* 71 (2022): 100555, <https://doi.org/10.1016/j.ijlcj.2022.100555>.

<sup>68</sup> Mernawati Mernawati, Fauzie Y Hasibuan, and Kristiawanto, "Formulation of Strengthening Restorative Justice by the Public Prosecutor to Realize Legal Certainty," *International Journal of Engineering Business and Social Science* 2, no. 2 (2023): 969–74, <https://doi.org/10.58451/ijebss.v2i2.138>.

<sup>69</sup> Andi B M Sudarmin et al., "Restorative Justice in Islamic Law: Solutions to Improve Social Justice Towards a Golden Indonesia 2045," *El-Rusyd Jurnal Sekolah Tinggi Ilmu Tarbiyah Stit Ahlussunnah Bukittinggi* 8, no. 2 (2023): 97–104, <https://doi.org/10.58485/elrusyd.v8i2.203>.

<sup>70</sup> Hobson and Payne, "Building Restorative Justice Services: Considerations on Top-Down and Bottom-Up Approaches."

<sup>71</sup> Nurul P A Nasution, Fathul Hamdani, and Ana Fauzia, "The Concept of Restorative Justice in Handling Crimes in the Criminal Justice System," *European Journal of Law and Political Science* 1, no. 5 (2022): 32–41, <https://doi.org/10.24018/ejpolitics.2022.1.5.37>.

widely integrated into the general criminal justice framework.<sup>72</sup> Rigid procedural regulations and the lack of normative support present major barriers to the broader adoption of Restorative Justice in India. Thus, although both countries share similar aspirations for the development of Restorative Justice, differences in legal structure and regulatory design have led to divergent trajectories in their respective implementations.

The operational approaches and scopes of Restorative Justice implementation also differ significantly between Indonesia and India. In Indonesia, Restorative Justice is applied extensively in juvenile and minor offense cases, with strong support from law enforcement agencies—such as the police and prosecution services—who serve as primary facilitators of the mediation process. Programs like the *Restorative Justice House*, which engage community leaders, further illustrate a deeply rooted community-based model.<sup>73</sup> In contrast, India's application of Restorative Justice is more narrowly centered on the formal judicial system, particularly within juvenile courts, where mediation functions as the primary mechanism for reconciliation.<sup>74</sup> This contrast highlights Indonesia's more participatory and locally grounded approach, in comparison to India's more procedural and judiciary-driven model.

The degree of flexibility in the implementation of Restorative Justice significantly differentiates the approaches of Indonesia and India. In Indonesia, Restorative Justice can be initiated as early as the investigation stage and continue through to prosecution, allowing for early intervention in the resolution of criminal cases.<sup>75</sup> In contrast, Restorative Justice processes in India generally occur only after a case has entered the judicial phase, particularly in juvenile cases, thereby limiting mediation opportunities within the confines of formal legal structures.<sup>76</sup> This renders the Indonesian model more dynamic and context-sensitive, while the Indian model remains more centralized and reliant on judicial discretion. Indonesia's approach emphasizes local consensus and informal resolution mechanisms, whereas India's framework prioritizes structured legal instruments and procedural formalism.

Institutional support for the implementation of Restorative Justice also reveals substantial differences between Indonesia and India. In Indonesia, institutional structures for Restorative Justice are still developing and heavily reliant on local initiatives, facing challenges such as limited resources and uneven understanding

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<sup>72</sup> Abdurrahman Alhakim, Teguh Prasetyo, and Henry S Budi, "Revitalizing Justice: Empowering Juvenile Sexual Offenders Through a Restorative Approach in Indonesia," *Journal of Judicial Review* 25, no. 1 (2023): 17, <https://doi.org/10.37253/jjr.v25i1.7537>.

<sup>73</sup> Nikolaus A Pratama and Elza Q Pangestika, "Peran Aparat Penegak Hukum Dalam Mendukung Kebijakan Restorative Justice Di Indonesia," *Jurnal Ilmu Hukum Humaniora Dan Politik* 5, no. 1 (2024): 545–54, <https://doi.org/10.38035/jihhp.v5i1.3049>.

<sup>74</sup> Vohra and Ahuja, "The Role of Mediation in Restorative Justice for Juvenile Offenders."

<sup>75</sup> Aji Triantoro et al., "Penerapan Restorative Justice Sebagai Upaya Pencegahan Tindak Kriminalitas Di Papua Barat Daya," *Ahmad Dahlan Legal Perspective* 5, no. 1 (2025): 1–15, <https://doi.org/10.12928/adlp.v5i1.10769>.

<sup>76</sup> S R -. Manu, "Adoption of the Restorative Criminal Justice System in India," *International Journal for Multidisciplinary Research* 5, no. 5 (2023), <https://doi.org/10.36948/ijfmr.2023.v05i05.14009>.

among law enforcement personnel.<sup>77</sup> Nevertheless, collaborative models between community actors and legal authorities have created space for practices that are more responsive to local needs. In India, while institutional support is more structured—through compensation schemes and judicial policies—implementation is often hindered by a lack of policy harmonization across agencies.<sup>78</sup> These contrasts highlight that the success of Restorative Justice implementation is highly contingent upon the synergy between national policies and local dynamics. Thus, despite sharing similar end goals, the operationalization of Restorative Justice in Indonesia and India is shaped by differing institutional architectures and strategies for community engagement<sup>79</sup>

To fully understand the developmental dynamics of Restorative Justice in Indonesia and India, it is essential to examine the regulatory and implementation disparities between the two. Although both countries demonstrate a commitment to more humanistic justice approaches, their legal, procedural, and institutional frameworks differ markedly. Indonesia tends to adopt a more flexible, community-based model, whereas India relies more heavily on formal and judicial mechanisms. The following table provides a summary of the key differences in Restorative Justice policies and implementation between the two countries.

**Table 5.** Key Differences in Restorative Justice Policy and Implementation in Indonesia and India

Aspect	Indonesia	India
Legal Framework	Specific legislation exists (Law No. 11 of 2012), Police Regulation No. 8/2021, and prosecutor circulars	No dedicated national restorative justice law; limited recognition under JJ Act and CrPC
Legal Culture	More adaptive to restorative values through customary law and communal dialogue	Predominantly retributive; slow and sporadic acceptance of restorative justice
Procedural Flexibility	Applicable from investigation to prosecution stages	Generally limited to court stage and juvenile cases
Implementation Approach	Participatory, community-based with police, prosecutors, and Restorative Justice Houses	Procedural, judiciary-driven, mainly within juvenile justice system

<sup>77</sup> Dewi Sartika et al., “Penyuluhan Tentang Penyelesaian Restorative Justice Terhadap Anak Berhadapan Hukum Dalam Masyarakat Di Desa Gegerung,” *Jurnal Risalah Kenotariatan* 2, no. 2 (2021), <https://doi.org/10.29303/risalahkenotariatan.v2i2.56>.

<sup>78</sup> Singh, “Theoretical Analysis of Restorative Justice and Social Healing in India: A Sociological and Legal Perspective.”

<sup>79</sup> Nurani A T Utami, Alef M Rahmah, and Setya Wahyudi, “Kebijakan Penerapan Keadilan Restoratif Dalam Penegakan Hukum Di Indonesia Demi Terwujudnya Keadilan,” *SLR* 5, no. 2 (2023), <https://doi.org/10.20884/1.slr.2023.5.2.14197>.



Aspect	Indonesia	India
Institutional Support	Relies on local initiatives; faces resource and awareness challenges	More structured but lacks inter-agency policy harmonization
Scope of Application	Juvenile, domestic violence, and minor offenses	Primarily juvenile cases; limited to certain jurisdictions

## IV. Challenges and Opportunities in the Development of Restorative Justice in Indonesia and India

### IV.I. Policy and Implementation Challenges in the Restorative Justice Approach in Indonesia and India

The development of Restorative Justice in Indonesia and India faces significant normative and structural challenges that affect the overall effectiveness of its implementation. In both countries, this approach has not yet been fully integrated into national legal systems, which continue to be dominated by retributive paradigms.<sup>80</sup> Although there are opportunities to strengthen Restorative Justice through the incorporation of local values and increased policy support from governments, legal and institutional barriers remain major obstacles.<sup>81</sup> In this context, regulatory reform and institutional capacity-building are essential prerequisites for ensuring the sustainability of Restorative Justice as an alternative, recovery-oriented, and community-participatory approach.

The normative challenges confronting the implementation of Restorative Justice include fragmented legal frameworks and inconsistent policy application. In Indonesia, key regulations such as Law No. 11 of 2012 and the Prosecutor General's Regulation No. 15 of 2020 continue to face implementation discrepancies across various law enforcement institutions. In cases beyond juvenile offenses—commonly referred to as children in conflict with the law—the ambiguity of regulatory language often leads to confusion in practical application.<sup>82</sup> Similarly, India grapples with comparable issues, particularly due to policy disparities among states, which hinder the harmonization of a unified Restorative Justice approach.<sup>83</sup> The punitive nature of

<sup>80</sup> Eko Syaputra, "Penerapan Konsep Restorative Justice Dalam Sistem Peradilan Pidana Di Masa Yang Akan Datang," *Lex Lata* 3, no. 2 (2021), <https://doi.org/10.28946/lexl.v3i2.1209>.

<sup>81</sup> Swati Mohapatra, Sonali Swetapadma, and Shrabani Kar, "Analyzing the Restorative Approach of Policing," in *Rethinking the Police for a Better Future* (Cham: Springer Nature Switzerland, 2025), 325–35, [https://doi.org/10.1007/978-3-031-83173-7\\_22](https://doi.org/10.1007/978-3-031-83173-7_22).

<sup>82</sup> Ahmad Jamaludin and Dandi D Saputra, "Unifikasi Regulasi Keadilan Restoratif Melalui Sistem Peradilan Pidana Indonesia," *Legal Standing Jurnal Ilmu Hukum* 7, no. 2 (2023): 417–35, <https://doi.org/10.24269/lis.v7i2.7315>.

<sup>83</sup> Debarati Halder, "A Critical Commentary on Rehabilitation of Offenders in India," in *The Palgrave Handbook of Global Rehabilitation in Criminal Justice* (Cham: Springer International Publishing, 2022), 257–70, [https://doi.org/10.1007/978-3-031-14375-5\\_15](https://doi.org/10.1007/978-3-031-14375-5_15).

India's legal system further undermines efforts to construct a coherent normative framework to support Restorative Justice.<sup>84</sup>

Structurally, the most prominent obstacles involve limited institutional capacity and a lack of human resource development. In Indonesia, inadequate training for law enforcement personnel and insufficient technical understanding of Restorative Justice principles and procedures present serious barriers to effective implementation.<sup>85</sup> Furthermore, low levels of community engagement in the process diminish public support and legitimacy for the approach.<sup>86</sup> In India, the dominance of formal judicial mechanisms, constrained financial resources, and the absence of institutional infrastructure pose significant structural challenges.<sup>87</sup> Cross-agency collaboration, budgetary support, and capacity-building initiatives for justice actors are therefore crucial for the advancement of Restorative Justice in the Indian context.<sup>88</sup>

Nonetheless, Indonesia has demonstrated significant progress in integrating the principles of Restorative Justice into its criminal justice system, particularly through regulations focused on the protection of children and the handling of minor offenses.<sup>89</sup> However, implementation at the regional level remains uneven and inconsistent, reflecting weak coordination among stakeholders and a lack of uniform understanding of Restorative Justice principles. Conversely, locally rooted approaches such as *Restorative Justice Houses* exemplify legal innovation by promoting synergy between customary values and the national legal system.<sup>90</sup> This integration not only enhances the legitimacy of legal processes within communities but also provides a foundation for strengthening a more contextualized and sustainable model of participatory justice.

In contrast, the adoption of Restorative Justice principles in India has proceeded at a relatively slower pace, despite some progress through the development of mediation mechanisms and reconciliation practices, particularly within the juvenile justice system. Mediation is recognized for its strategic potential in fostering social

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<sup>84</sup> Ritika Sharma and Arvind Jasrotia, "Securing Rights by Following Duties: A Substantial Conceptualization Reinforcing Gandhian Credence," in *Relevance of Duties in the Contemporary World* (Singapore: Springer Nature Singapore, 2022), 65–73, [https://doi.org/10.1007/978-981-19-1836-0\\_5](https://doi.org/10.1007/978-981-19-1836-0_5).

<sup>85</sup> Galuh N Kencana, Triono Eddy, and Ida Nadirah, "Penerapan Restorative Justice Dalam Penyelesaian Perkara Tindak Pidana Pencurian Ringan (Studi Kejaksaan Negeri Binjai)," *Syntax Literate Jurnal Ilmiah Indonesia* 8, no. 2 (2023): 841, <https://doi.org/10.36418/syntax-literate.v8i2.11340>.

<sup>86</sup> Pratama and Pangestika, "Peran Aparat Penegak Hukum Dalam Mendukung Kebijakan Restorative Justice Di Indonesia."

<sup>87</sup> Akash Nath and S. Sri Ganesh Prasad, "Validating the Commutation of Death Sentence Using Human 'Capabilities,'" *Discover Global Society* 2, no. 1 (December 7, 2024): 100, <https://doi.org/10.1007/s44282-024-00116-x>.

<sup>88</sup> Halder, "A Critical Commentary on Rehabilitation of Offenders in India."

<sup>89</sup> Husaini, "The Role of the Prosecutor's Office of the Republic of Indonesia in Optimizing Restorative Justice Policy in Indonesia."

<sup>90</sup> Satria D Raharja and Ade Saptomo, "Reconstruction Discourse Justice Criminal Law as an Ideal Model for Implementing Restorative Justice," *Jurnal Impresi Indonesia* 3, no. 12 (2024): 924–32, <https://doi.org/10.58344/jii.v3i12.5732>.

healing and advancing a more inclusive form of participatory justice.<sup>91</sup> Nevertheless, the complexity of India's legal landscape—marked by the coexistence of codified law and customary legal traditions—poses significant challenges to the consistent and comprehensive application of Restorative Justice.<sup>92</sup> Therefore, the expansion of this approach requires adaptive implementation strategies that take into account the diversity of socio-cultural contexts and ensure a balanced consideration of justice for both victims and offenders.

The comparison between Indonesia and India reveals that both countries demonstrate a clear commitment to Restorative Justice, albeit through different trajectories shaped by their respective legal structures and cultural contexts. Indonesia tends to adopt a more centralized approach in the implementation of Restorative Justice policies, whereas India faces challenges of fragmentation and the prevailing dominance of judicial mechanisms. In Indonesia, the primary challenge lies in ensuring consistent implementation across institutions<sup>93</sup>, while in India, Restorative Justice is perceived as a cultural shift in legal thought, requiring a gradual and incremental approach.<sup>94</sup> Therefore, both countries must pursue structural and normative reforms to enable Restorative Justice to fully contribute to the realization of a more humane and inclusive criminal justice system.

To gain a more comprehensive understanding of the barriers to implementing Restorative Justice, it is essential to compare the challenges faced by Indonesia and India across normative, structural, and institutional dimensions. While both nations express a commitment to Restorative Justice, differences in legal systems, cultural frameworks, and institutional capacities produce distinctive implementation obstacles. The following table outlines the various types of challenges that affect the effectiveness of Restorative Justice practices in each country. By identifying these divergences, more accurate and context-sensitive reform strategies can be formulated.

**Table 6.** Policy and Implementation Barriers to Restorative Justice in Indonesia and India

Type of Challenge	Indonesia	India
<b>Normative</b>	- Unsynchronized regulations among institutions	- No unified national legal framework
	- Not yet comprehensive across all criminal types	- Policy variations across states
	- Ambiguity in complex cases (e.g., corruption)	- Strongly punitive legal system

<sup>91</sup> Singh, "Theoretical Analysis of Restorative Justice and Social Healing in India: A Sociological and Legal Perspective."

<sup>92</sup> Yadav, "Realizing Restorative Justice Through Compensation: Bridging the Rights of Victims and the Financial Capacities of the Accused in the Indian Criminal Justice System."

<sup>93</sup> Albertinus P Napitupulu et al., "Law Enforcement of Corruption Crimes: Theoretical Study of the Restorative Justice Approach," *International Journal of Religion* 5, no. 12 (2024): 484–97, <https://doi.org/10.61707/q3j6of40>.

<sup>94</sup> Manu, "Adoption of the Restorative Criminal Justice System in India."

Type of Challenge	Indonesia	India
<b>Structural</b>	<ul style="list-style-type: none"> <li>- Limited training for law enforcement</li> <li>- Low operational understanding</li> <li>- Weak community participation</li> </ul>	<ul style="list-style-type: none"> <li>- Limited budget allocation</li> <li>- Dominance of formal judicial system</li> <li>- Institutional infrastructure unprepared</li> </ul>
<b>Legal Culture</b>	<ul style="list-style-type: none"> <li>- More open to local values and consensus traditions</li> </ul>	<ul style="list-style-type: none"> <li>- Dominance of retributive principles</li> <li>- Slow and sporadic restorative justice acceptance</li> </ul>
<b>Institutional</b>	<ul style="list-style-type: none"> <li>- Strong local initiatives but uneven distribution</li> <li>- Suboptimal inter-institutional coordination</li> </ul>	<ul style="list-style-type: none"> <li>- Structured support but poor inter-agency harmonization</li> <li>- Dependent on judicial and local discretion</li> </ul>
<b>Implementation Consistency</b>	<ul style="list-style-type: none"> <li>- Inconsistencies across regions and agencies</li> </ul>	<ul style="list-style-type: none"> <li>- Wide disparities across state jurisdictions</li> </ul>

#### IV.II. Opportunities for the Development of Restorative Justice in Indonesia and India

Despite persistent normative and structural challenges, the development prospects of Restorative Justice in Indonesia and India demonstrate strong potential to steer their legal systems toward more inclusive and rehabilitative models. In Indonesia, policy support and growing public acceptance of Restorative Justice principles serve as a crucial foundation. The successful implementation of Restorative Justice in Blitar, for instance, has been driven by active community participation and the commitment of law enforcement officials.<sup>95</sup> In India, increasing awareness of the importance of victim rights and the need for a more humane justice system has opened new avenues for expanding Restorative Justice practices.<sup>96</sup> These developments signify a shift from a retributive paradigm to one grounded in restoration and rehabilitation.

The demand for more inclusive and collaborative conflict resolution mechanisms further strengthens the prospects for Restorative Justice in both countries. In Indonesia, although the understanding of core Restorative Justice values remains limited, community-based mediation practices are emerging and gaining

<sup>95</sup> Ahmedhio Rahmadhani and Cekli S Pratiwi, "Implementasi Restorative Justice Dalam Penyelesaian Tindak Pidana Kasus Bullying Di Blitar (Studi Putusan No : 449/ PID.SUS / 2012 / PN.BLT.)," *Jurnal Restorative Justice* 6, no. 1 (2022): 76–100, <https://doi.org/10.35724/jrj.v6i1.4216>.

<sup>96</sup> Halder, "A Critical Commentary on Rehabilitation of Offenders in India."

acceptance.<sup>97</sup> In India, the successful incorporation of Restorative Justice principles into policing practices has fostered active participation from both offenders and victims, thereby enhancing public trust in legal institutions.<sup>98</sup> Approaches such as restorative policing have proven effective in creating dialogical spaces that respect the dignity of all parties involved, aligning with the fundamental essence of Restorative Justice.

The integration of Restorative Justice values into national legal policies is progressively being strengthened in Indonesia. The Agency for the Implementation of Pancasila Ideology (BPIP) is regarded as playing a pivotal role in mainstreaming Pancasila values—aligned with the principles of Restorative Justice—into the national legal system.<sup>99</sup> Restorative Justice offers a means to expedite legal proceedings through simple and cost-effective methods without compromising legal certainty. However, challenges such as the prevailing dominance of retributive approaches, particularly in cases of domestic violence, remain significant barriers.<sup>100</sup> Consequently, addressing institutional and societal resistance is essential to ensure a more comprehensive implementation of Restorative Justice.

Community-based applications of Restorative Justice and policy reforms present significant opportunities for both countries to advance this approach. In Indonesia, the success of local Restorative Justice programs, such as in Kelurahan Bedoyo, highlights the critical role of communities in facilitating social healing.<sup>101</sup> In India, strengthening institutional capacities and enhancing civil society participation are seen as crucial for establishing an inclusive and adaptive Restorative Justice.<sup>102</sup> By reinforcing the normative, structural, and sociocultural dimensions, both Indonesia and India are well-positioned to become leading models of Restorative Justice implementation in the Asian region.

The development potential of Restorative Justice is increasingly evident through the integration of local values into national legal policies. In Indonesia, regulations concerning traffic accidents that incorporate Restorative Justice principles have proven successful in alleviating the burden on the judiciary.<sup>103</sup> Restorative Justice approaches that prioritize the restoration of victims' rights and the strengthening of

<sup>97</sup> Kurniawan T Wibowo and Wahyu Hadingrat, "Tantangan Dan Hambatan Penerapan Keadilan Restoratif Pada Sistem Peradilan Pidana Di Indonesia," *Iblam Law Review* 2, no. 3 (2022): 56–81, <https://doi.org/10.52249/ilr.v2i3.95>.

<sup>98</sup> Manu, "Adoption of the Restorative Criminal Justice System in India."

<sup>99</sup> Isroni M M Mirza and Adrian P Zen, "Strategi Internalisasi Asas Restorative Justice Dalam Sistem Peradilan Indonesia," *Pancasila Jurnal Keindonesiaan* 2, no. 2 (2022): 149–62, <https://doi.org/10.52738/pjk.v2i2.45>.

<sup>100</sup> Feri Alwi and Bahrul I Yakup, "Penanganan Perkara Tindak Pidana Kekerasan Dalam Rumah Tangga Melalui Restorative Justice Di Kota Prabumulih," *Sol Justicia* 6, no. 2 (2023): 11–25, <https://doi.org/10.54816/sj.v6i2.759>.

<sup>101</sup> Rizqullah Abimanyu and Fanny R Mukarramah, "Analisis Pelaksanaan Restorative Justice Di Kelurahan Bedoyo Gunung Kidul Dalam Rangka Pemenuhan Keadilan Bagi Masyarakat Desa," *Binamulia Hukum* 12, no. 1 (2023): 25–38, <https://doi.org/10.37893/jbh.v12i1.449>.

<sup>102</sup> Nath and Prasad, "Validating the Commutation of Death Sentence Using Human 'Capabilities.'"

<sup>103</sup> Kresna A Perkasa, "Penerapan Restorative Justice Penyelesaian Perkara Kecelakaan Lalu Lintas Yang Melibatkan Anak Dibawah Umur," *Jurnal Impresi Indonesia* 2, no. 9 (2023): 828–35, <https://doi.org/10.58344/jii.v2i9.3502>.

community participation are particularly relevant within Indonesia’s socio-cultural context.<sup>104</sup> In India, community-based peace resolution practices exhibit significant potential as a foundation for expanding the scope of Restorative Justice.<sup>105</sup> These approaches have demonstrated particular effectiveness in juvenile cases and minor offenses, which necessitate reconciliation-based and socially integrative solutions.

Both countries, however, face the challenge of developing a clearer and more comprehensive legal framework for Restorative Justice. The formulation of a robust legislative foundation is essential to align Restorative Justice practices with existing legal structures and to enhance accountability.<sup>106</sup> Support from multiple stakeholders—including the government, legal authorities, and civil society—is a critical factor in the successful implementation of such frameworks. Globally, Restorative Justice emerges as a response to legal systems overly focused on retribution, which often overlook victims' rights.<sup>107</sup> Therefore, by fostering cross-sector collaboration and value-based education rooted in Restorative Justice, both Indonesia and India hold the potential to establish more humane and transformative justice systems.

To better understand the concrete potential for expanding Restorative Justice, it is important to identify the opportunity structures available in both Indonesia and India. Both countries demonstrate positive indicators in terms of growing social acceptance, the expansion of mediation practices, and the integration of local values into legal policymaking. Moreover, institutional capacity-building and a clear trajectory of inclusive legal reform are key elements for supporting the success of Restorative Justice. The following table summarizes the primary opportunities that can be leveraged to strengthen its implementation in each country.

**Table 7.** Opportunities for the Development of Restorative Justice in Indonesia and India

Opportunity Aspect	Indonesia	India
Public Acceptance	Increasing support from local communities and law enforcement	Growing awareness of victims' rights and the need for a more humane justice system

<sup>104</sup> Josua N Pardede and Wahyu Y Santoso, “Refleksi Kritis Terhadap Konsep Restorative Justice Dalam Perlindungan Dan Pengelolaan Lingkungan Hidup Di Indonesia,” *Jurnal Hukum Lingkungan Indonesia* 8, no. 2 (2022): 263–86, <https://doi.org/10.38011/jhli.v8i2.390>.

<sup>105</sup> Manu, “Adoption of the Restorative Criminal Justice System in India”; Henny S Flora, “Restorative Justice in the Resolution of Sexual Crimes in Medan City,” *Journal of Law and Sustainable Development* 12, no. 3 (2024): e2459, <https://doi.org/10.55908/sdgs.v12i3.2459>.

<sup>106</sup> Muhammad Nashir, Nabila Maharani, and Aisyah Zafira, “Urgensi Pembentukan Undang-Undang Restorative Justice Dalam Rangka Reformasi Keadilan Dan Kepastian Hukum Di Indonesia,” *Sapientia Et Virtus* 9, no. 1 (2024): 344–57, <https://doi.org/10.37477/sev.v9i1.501>.

<sup>107</sup> Singh, “Theoretical Analysis of Restorative Justice and Social Healing in India: A Sociological and Legal Perspective.”

<b>Opportunity Aspect</b>	<b>Indonesia</b>	<b>India</b>
<b>Police Practices &amp; Mediation</b>	Community mediation is developing despite limited understanding	Restorative policing encourages participation of both victims and offenders
<b>Integration of Local Values</b>	Pancasila values and customary law support the implementation of restorative justice	Community-based peaceful resolution practices align with restorative justice principles
<b>Policies &amp; Regulations</b>	Regulations support the diversification of restorative justice in the justice system	No national restorative justice law yet, but local and judicial practices are evolving
<b>Institutional &amp; Community Capacity</b>	Community involvement in social recovery is increasingly active	Institutional capacity and civil society support need strengthening
<b>Legal Reform Direction</b>	Proposals for a comprehensive restorative justice law are under development	Legal fragmentation highlights the need for national policy harmonization

## Conclusion

The policies and implementation of Restorative Justice in Indonesia and India reflect a strong initial commitment to building a more humanistic and participatory model of justice. Both countries have incorporated key principles of Restorative Justice—such as mediation, victim participation, and the restoration of social relationships—into their justice systems, particularly in cases involving juveniles and minor offenses. However, integration into national legal frameworks remains incomplete and requires further strengthening, especially in terms of regulatory clarity and institutional capacity. Comparatively, Indonesia demonstrates a more adaptive and flexible approach to the application of Restorative Justice, supported by explicit legal instruments and community-based practices such as *Rumah Restorative Justice*. India, on the other hand, faces challenges including policy fragmentation across states and the persistence of a retributive legal culture, which limit the wider adoption of restorative principles. These differences underscore that while both countries share similar goals, their trajectories are shaped by distinct legal structures, socio-cultural contexts, and levels of institutional support. Despite these challenges, significant opportunities exist in both countries to advance Restorative Justice as a viable alternative paradigm. Community-based initiatives, legal reforms, and the integration of local values into national policy provide strong foundations for development. At the same time, collaboration with civil society and comparative learning from other



jurisdictions offer further prospects for strengthening this approach. Building on the findings of this study, several policy recommendations can be put forward. First, both countries should consider developing comprehensive national legal frameworks to ensure consistency in the application of Restorative Justice across all regions and types of cases. Second, continuous capacity-building programs for law enforcement officials are necessary to equip them with the knowledge and skills required to implement restorative principles effectively. Third, the expansion of community-based mechanisms—such as Restorative Justice Houses in Indonesia and mediation centers in India—should be prioritized to encourage wider public participation and legitimacy. Fourth, international collaboration, including exchanges of best practices with countries such as New Zealand and Canada, would provide valuable insights and practical models for adoption. By pursuing these strategies, Restorative Justice can evolve from a complementary mechanism into a central paradigm of criminal justice systems in Indonesia and India. This transformation would not only reduce reliance on retributive approaches but also contribute to building more inclusive, humane, and sustainable models of justice that resonate with the values and needs of society.

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All data used in this study are available and accessible to interested parties. The data can be obtained from the authors upon direct request. The authors are also willing to provide additional information related to the data if required for the purpose of replication or verification of the research findings.

**Reproducibility Statement**

The methods, data sources, and analytical procedures used in this study have been clearly described to ensure transparency and reproducibility. All relevant materials are available upon request, and the authors are committed to providing any additional information necessary to support the replication of the study by other researchers.