

Comparative Study of Restorative Justice in Indonesia and Australia under The New Criminal Code

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Abstract

In addition to analyzing the role of victims in the process, this study compares the implementation of restorative justice in Indonesia's New Criminal Code (KUHP) with developing practices in Australia. Using a legislative and comparative law perspective, this study uses a normative legal technique. According to research, Law No. 1 of 2023's restorative justice measures represent a paradigm change from a retributive to a restorative approach. Nevertheless, these clauses are still mostly normative and lack thorough implementation methods. Australia, on the other hand, has created a restorative justice system that is more integrated and structured, giving victims greater chances to participate in the case settlement process. According to this study, victims play a more active and significant role in Australia, but in Indonesia, their position is still relatively limited because there are no specific regulations. A careful examination also identifies implementation issues, including ambiguous standards, possible discrepancies in application, and constraints on the ability of law enforcement personnel. Additionally, the implementation of restorative justice has strategic implications for advancing the global agenda established by the United Nations through the Sustainable



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Development Goals (SDGs), especially Goal 16 on justice, peace, and institutional building. Therefore, in order to guarantee the successful implementation of restorative justice in Indonesia while assisting in the development of a just and sustainable judicial system, it is required to strengthen subsidiary rules, institutions, and human resource capability.

KEYWORDS

Restorative Justice, New Criminal Code, Comparative Law, Victim's Role, SDGs

Introduction

One strategic goal in the evolution of Indonesia's legal system is criminal law reform. The Criminal Code, a holdover from the Dutch colonial era, has been in force in Indonesia for more than a century. As a result, the passing of Law Number 1 of 2023 pertaining to the Criminal Code is regarded as an important development and a new turning point in Indonesia's efforts to change its criminal code.¹

One of the paradigm shifts brought about by the New Criminal Code is the implementation of a restorative justice method inside the criminal court system. Making restitution for victims' losses and promoting improved relationships between the offender, the victim, and the community are key components of this technique.²

The retributive approach in criminal law, which has traditionally placed greater emphasis on punishing the offender than on healing the victim, gave rise to restorative justice. According to the theory of restorative justice, criminal matters are settled by a process of discussion

¹ Law Number 1 of 2023 concerning the Criminal Code

² Henny Saida Flora, "Restorative Justice in the New Criminal Code in Indonesia," *Rechtsidee*, 2022

and consideration between the offender, the victim, and the community, with the aim of coming to a fair and agreeable solution for everyone.³

In Indonesia, the application of restorative justice is starting to grow due to a number of rules established by law enforcement agencies. These include the Police Regulation on the application of restorative justice in case resolution, the Attorney General's Regulation on the termination of prosecution based on restorative justice, and other Supreme Court regulations. However, the New Criminal Code's provisions provide a stronger normative foundation for the criminal justice system's use of the restorative justice concept.⁴

On the other hand, several countries have already developed more systematic restorative justice systems, including Australia. This country has implemented various restorative justice mechanisms, such as victim-offender mediation and restorative justice conferencing, which provide victims with greater opportunities to actively participate in the criminal justice process.⁵

The differences in the level of development of restorative justice implementation between Indonesia and Australia make for an interesting topic for research utilizing a comparative legal approach. This comparative analysis is essential to comprehending how the concept of restorative justice is applied and evolves within the criminal justice systems of both countries. This study aims to identify some relevant practices and procedures in order to enhance the implementation of restorative justice in Indonesia's criminal justice system.

There are two primary questions at the start of this study. First, what is the difference between Australia's restorative justice system and

³ Howard Zehr, *The Little Book of Restorative Justice* (New York: Good Books, 2015).

⁴ Padlah Riyadi, "Reconstruction of Restorative Justice Regulations in Indonesia," *Peradaban Journal of Law and Society*, 2023.

⁵ Australian Institute of Criminology, *Restorative Justice in Australia*, 2020.

Indonesia's New Criminal Code's provisions? Second, what part do victims play in the two nations' restorative justice systems? These two inquiries serve as the foundation for examining the variations in methodology and efficacy of the restorative justice concept's application in each nation's criminal justice system.

This study is novel in several significant respects. This study first examines the concept of restorative justice from the perspective of Indonesia's New Criminal Code, Law Number 1 of 2023, which hasn't been properly studied in academic research because it's still relatively new. Second, this study uses a comparative legal approach between Indonesia and Australia to assess the development and effectiveness of the restorative justice system's implementation. Third, the participation of victims in the restorative justice process—which is regarded as a critical sign of attaining substantive justice in the criminal justice system—is given particular consideration in this study.

Methods

This study utilizes a normative legal research methodology, examining statutory, conceptual, and comparative legal frameworks. This method focuses on the study of legal norms contained in various laws and regulations, as well as the analysis of legal doctrines and thinking developed in academic literature.⁶ With this approach, the research focuses on examining legal materials to understand the concepts, principles, and legal regulations related to the problem under study.

This research employs several approaches to support a comprehensive analysis. First, a statutory approach is used to examine and analyze the provisions of Law Number 1 of 2023 concerning the Criminal

⁶ Peter Mahmud Marzuki, *Legal Research* (Jakarta: Kencana, 2017).

Code (KUHP) and various other regulations related to the implementation of restorative justice. Second, a conceptual approach aims to examine the concept of restorative justice based on theories and thinking developing in modern criminal law. Third, a comparative legal approach is used to compare the restorative justice system implemented in Indonesia with that in Australia.

Three categories of legal materials were employed in this study: primary, secondary, and tertiary legal materials. A variety of laws and rules pertaining to the research object are considered primary legal resources. Academic literature that is pertinent to the research issue, such as books and scientific journals, makes up secondary legal resources. Tertiary legal materials, on the other hand, comprise supplementary sources that help comprehend the legal terms and concepts employed, such as encyclopedias and legal dictionaries. The study problem was then methodically explained and examined through a qualitative analysis of all legal resources utilizing descriptive-analytical techniques.

Result and Discussion

1. Examining the New Indonesian Criminal Code for Restorative Justice

The criminal court system in Indonesia can incorporate restorative justice elements because to the New Criminal Code. This is demonstrated by a number of clauses that stress that the goal of criminal punishment is not only to punish the offender but also to try to restore the social equilibrium that was upset by the crime. This strategy shows how national criminal law has undergone a paradigm change toward a more compassionate and restorative framework.

These provisions are reflected, among other things, in Article 51 of the New Criminal Code, which states that the objectives of punishment include preventing criminal acts, providing guidance to perpetrators, and restoring balance in society.⁷ This formulation demonstrates that the Indonesian criminal justice system is beginning to accommodate an approach that is not solely repressive but also emphasizes rehabilitative and restorative aspects.

Article 54 of the New Criminal Code authorizes judges to consider various factors when imposing sentences, including the possibility of reconciliation between the perpetrator and victim. This provision opens up opportunities for resolving criminal cases through restorative justice mechanisms, which prioritize dialogue and agreement between the parties as part of the case resolution process.⁸

According to Article 132 of the New Criminal Code, the authority to prosecute may also be ceded if the matter has been settled out of court in accordance with applicable laws and regulations. The legal basis for restorative justice practices in Indonesia's criminal justice system is established by this clause.⁹

However, there are still a number of obstacles to overcome before restorative justice may be applied in the Indonesian criminal court system. The few rules and methods of implementation, which have not been completely and methodically incorporated into the criminal justice system as a whole, are one of the primary challenges.

2. The Australian legal system's use of restorative justice

⁷ Article 51 of Law Number 1 of 2023 concerning the Criminal Code.

⁸ Article 54 of Law Number 1 of 2023 concerning the Criminal Code.

⁹ Muhammad Ikhsan Lubis, "Implications of Article 132 of the Criminal Code on Restorative Justice," *Desiderata Law Review*, 2024.

One nation that has included restorative justice into its criminal justice system in a more systematic manner is Australia. Restorative justice procedures have been incorporated into criminal case resolution procedures in a number of states, offering a different approach that goes beyond penalizing the offender.

Restorative justice conferencing, a discussion process involving the offender, victim, and community members to analyze the consequences of the crime and identify the type of reparation required, is one way that restorative justice is implemented in Australia.¹⁰ By using this method, victims can directly communicate the effects of the crime to the offender, guaranteeing that the case resolution procedure is not just formal but also gives victims a platform to share their stories.

On the other hand, the perpetrator is also given the opportunity to admit their actions and demonstrate responsibility for them. This approach aims to achieve a resolution that focuses not solely on imposing sanctions on the perpetrator but also seeks to repair the losses suffered by the victim and improve the social relationships affected within the community.

3. Examination of Restorative Justice Practices in Australia and Indonesia

The application of restorative justice in the criminal justice system is part of the construction of a modern criminal law paradigm that seeks to balance the interests of the victim, the offender, and society. This approach was created in response to several grievances regarding the conventional criminal justice system, which was seen to put punishment ahead of the

¹⁰ John Braithwaite, *Restorative Justice and Responsive Regulation* (Oxford University Press, 2002).

needs and interests of victims.¹¹ This idea holds that restoration is the primary goal of restorative justice in criminal cases.

Criminal acts are seen from a restorative justice viewpoint as a type of social conflict that harms society and the victim in addition to being violations of state law. As a result, the resolution of criminal cases aims to mend social ties that were damaged by the crime in addition to punishing the offender.¹² Since then, this idea has spread throughout contemporary criminal justice systems and been used in a number of nations using a variety of implementation strategies.

Although the concept of restorative justice has been adopted in various legal systems around the world, the level of its implementation and development varies from country to country. Indonesia and Australia are two countries with distinct approaches to integrating the concept into their criminal justice systems. A comparative study of the two countries can provide insight into how restorative justice has developed in legal systems with different backgrounds and legal traditions.

a) Indonesian Criminal Law Reform's Restorative Justice Paradigm

The New Criminal Code's restorative justice provisions represent a fundamental shift in Indonesia's criminal justice system. The New Criminal Code takes a more humanistic approach, stressing the significance of mending social connections damaged by illegal acts, whereas the former criminal justice system concentrated more on vengeance against the offender.¹³

¹¹ Tony Marshall, *Restorative Justice: An Overview* (London: Home Office Research Development and Statistics Directorate, 1999).

¹² Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Scottsdale: Herald Press, 2005).

¹³ Henny Saida Flora, "Restorative Justice in the New Criminal Code in Indonesia," *Rechtsidee* (2022). <https://doi.org/10.21070/jihr.v11i0.836>

According to contemporary criminal law theory, the goal of punishment now includes preventive, rehabilitative, and restorative aspects in addition to retributive ones. In order to bring the Indonesian legal system into line with advancements in criminal law theory worldwide, the New Criminal Code's acknowledgement of the restorative justice principle might be viewed as a component of an endeavor to modernize and reform national criminal law.¹⁴

However, the restorative justice provisions of the New Criminal Code are still normative in nature and do not provide any information about how they will be implemented. The majority of the mechanisms for implementing restorative justice in Indonesia are still governed by regulations issued by law enforcement agencies, such as the Police Regulation regarding the handling of criminal offenses based on restorative justice and the Attorney General's Regulation concerning the termination of prosecution based on restorative justice.¹⁵

This circumstance implies that the Indonesian criminal justice system is still making the shift from a retributive to a more restorative approach to the use of restorative justice. Therefore, more comprehensive and integrated legislation needs to be created in order to apply the concept of restorative justice in criminal justice practice more successfully.

b) Advantages of the Restorative Justice System in Australia

Australia's application of restorative justice has grown more sophisticated and methodical than Indonesia's. Restorative justice methods have been included into the criminal court system in a number of Australian states. They are backed by institutions that are particularly

¹⁴ John Braithwaite, *Restorative Justice and Responsive Regulation* (Oxford: Oxford University Press, 2002).

¹⁵ Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice.

in charge of carrying out these programs as well as a clear legal framework.¹⁶

Strong institutional backing and extensive restrictions are two of Australia's restorative justice system's main advantages. The Australian government has created a number of restorative justice initiatives that are run by specialist organizations and employ qualified facilitators who have received training in mediating disputes between offenders and victims.

Additionally, victims have additional opportunities to engage in the case settlement process thanks to Australia's restorative justice system. In this system, victims actively communicate with the offender in addition to acting as consenting parties to the settlement. Victims can directly communicate the consequences of their illegal behavior to the offender through restorative justice conferencing.

Because they feel heard and respected throughout the case settlement process, victims frequently experience beneficial psychological effects from this approach. Additionally, because offenders are faced with the repercussions of their conduct against the victim, this process has rehabilitative value for them.¹⁷

Therefore, via introspection, awareness, and moral responsibility on the part of the offender, restorative justice not only functions as an alternative method of settling criminal cases but also as a way to deter future criminal acts.¹⁸

c) Limitations of Restorative Justice Implementation in Indonesia

¹⁶ Australian Institute of Criminology, *Restorative Justice in Australia* (Canberra, 2020). <https://www.aic.gov.au/publications/rpp/rpp127>

¹⁷ ACT Government, *Restorative Justice Unit*. <https://www.act.gov.au/law-and-justice/restorative-justice>

¹⁸ Gerry Johnstone, *Restorative Justice: Ideas, Values, Debates* (London: Routledge, 2013).

Although Indonesia has begun integrating restorative justice into its criminal justice system, several obstacles still stand in the way of its successful implementation. These difficulties are influenced by the legal culture of society, the availability of human resources to support the implementation of restorative justice systems, and regulatory considerations.

One major obstacle is the lack of comprehensive regulations governing restorative justice procedures in the criminal judicial system. Although the New Criminal Code (KUHP) recognizes the idea of restorative justice, its provisions are still vague and do not specify how it will be applied.¹⁹ Because of this, the actual application of restorative justice is still heavily reliant on the regulations of each law enforcement agency. Because of this, there may be regional variations in the way restorative justice is applied, which could result in disparities in how criminal matters are handled.

Another significant obstacle relates to the legal culture in society, which still tends to be oriented toward punitive approaches to criminal offenses. In many cases, the public still believes that justice can only be achieved if the perpetrator is sentenced to prison.²⁰ This view can be an obstacle to the implementation of restorative justice, given that this approach places greater emphasis on restoring social relationships and resolving conflicts through dialogue rather than imposing repressive sanctions.

Another issue is the scarcity of human resources capable of carrying out restorative justice. Facilitators who are qualified to resolve disputes between offenders and victims are needed to put this mechanism into practice. In actuality, though, there are still comparatively few facilitators in Indonesia with this kind of skill. Consequently, efforts

¹⁹ Muhammad Ikhsan Lubis, "The Impact of the Enforcement of Article 132 of the Criminal Code on the Implementation of Restorative Justice," *Desiderata Law Review* (2024).
<https://journal.uir.ac.id/index.php/dlr/article/view/17972>

²⁰ Padlah Riyadi, "Reconstruction of Restorative Justice Regulations Within the Indonesian Penal System," *Peradaban Journal of Law and Society* (2023).

must be made to enhance human resource capacity by providing law enforcement officials and mediators engaged in the restorative justice process with specialized training.²¹

d) The Significance of the Victim's Role in Restorative Justice

One of the key characteristics that distinguishes restorative justice from conventional criminal justice systems lies in the victim's role in the case resolution process. In traditional criminal justice systems, victims are generally only positioned as witnesses who provide testimony in court. After providing testimony, the subsequent case-handling process falls entirely under the control of the state through law enforcement officials.²²

Restorative justice, on the other hand, presents victims as having a more active part in the resolution of criminal cases. By using this method, victims can directly address the effects of the crime they experienced and take part in choosing the type of compensation that is thought to be appropriate and sufficient.

Numerous studies conducted in different countries have shown that victims who are directly involved in restorative justice proceedings generally express higher levels of satisfaction with the criminal justice system than victims who are only involved in traditional justice procedures.²³ This involvement can help victims feel heard, valued, and heal more thoroughly.

These findings demonstrate that the restorative justice approach has significant potential to improve the quality of substantive justice in

²¹ Jeff Latimer, Craig Dowden, and Danielle Muise, "The Effectiveness of Restorative Justice Practices," *The Prison Journal* (2005).

<https://doi.org/10.1177/0032885505276969>

²² James Dignan, *Understanding Victims and Restorative Justice* (Open University Press, 2005).

²³ Kathleen Daly, "Restorative Justice: The Real Story," *Punishment & Society* (2002).

<https://doi.org/10.1177/14624740222228464>

the criminal justice system, particularly by paying greater attention to victims' interests and recovery.

e) Implications of the Development of Restorative Justice in Indonesia

Based on a comparison with the Australian legal system, a number of tactical measures can be used to enhance the implementation of restorative justice in Indonesia's criminal justice system. To ensure that the concept of restorative justice is both normative and useful, certain actions are necessary.

First, a more thorough regulatory framework pertaining to restorative justice procedures in the criminal justice system must be created by the government. The processes for implementing restorative justice, as well as the roles and obligations of each party involved in the case resolution process, should be clearly outlined in this regulation.

Second, promoting the application of restorative justice also requires improving institutional components. This can be accomplished by creating a unique organization or division whose job it is to help victims and offenders communicate and mediate criminal cases.

Third, enhancing human resource capacity is just as important for restorative justice to be implemented successfully. Therefore, in order for law enforcement officials to conduct the process in a professional and efficient manner, they must obtain specialized training pertaining to restorative justice principles and conflict mediation approaches.

Fourth, society needs to change its perspective on the goal of the criminal justice system. The public must realize that attempts to mend social ties damaged by crime can also lead to justice, rather than only punishing the offender.²⁴

²⁴ Ismawanto Somantri, "Implementation of Restorative Justice in the Indonesian Criminal Justice System," *Asas Wa Tandhim Journal* (2025).

It is anticipated that by taking these different actions, restorative justice will advance as a more successful method of resolving cases and attain substantive justice in the Indonesian criminal judicial system.

TABLE 1. Comparison of Restorative Justice Implementation in Indonesia and Australia

Aspect	Indonesia	Australia
Legal foundation	Law No. 1 of 2023 concerning the Criminal Code	Crimes (Restorative Justice) Act 2004
Stage of implementation	Not completely incorporated	Incorporated into the legal system
Mechanism	Peace and the end of the prosecution	Restorative justice conferencing
The victim's role	Restricted	Engaged in conversation
Institutional assistance	As of yet, no unique institution exists.	Restorative Justice Unit

The data indicates that Australia has implemented restorative justice in a more systematic manner than Indonesia. This is demonstrated by the establishment of particular laws and institutional assistance that are in charge of putting restorative justice procedures into practice. In contrast, each law enforcement agency in Indonesia continues to execute restorative justice laws through a variety of sector-specific legislation. This indicates that restorative justice has not been completely and methodically incorporated into Indonesia's whole criminal justice system.

4. Implication for Policy and SDGs

Enshrined in Law No. 1 of 2023 on the Criminal Code, the application of the restorative justice approach in Indonesia's criminal justice system has implications for both national legal reform and the Sustainable Development Goals (SDGs), a global development agenda developed by

the United Nations. In this regard, the restorative justice approach helps accomplish SDG 16, which highlights the significance of creating institutions that are just, inclusive, and accountable.²⁵

From a policy standpoint, the New Criminal Code's inclusion of restorative justice can be seen as a step forward in the endeavor to change the country's criminal code. However, as previously mentioned, the rules are still primarily normative and do not yet have complete and organized implementation methods. Therefore, in order to guarantee that the concepts of restorative justice may be successfully implemented in criminal justice practice, more specific and focused policy measures are required.²⁶

In order to establish restorative justice at every level of the criminal judicial system, implementing regulations must first be drafted. Clear protocols, operational guidelines, and a clear separation of responsibilities for all parties—including law enforcement officers and mediators—must be included in these regulations. The use of restorative justice in criminal justice practice runs the risk of producing legal ambiguity and inconsistency in the absence of thorough regulations.²⁷

Second, enhancing institutional elements is essential to facilitating the successful application of restorative justice. Australia's experience shows that the presence of specialized institutions capable of facilitating communication between victims and offenders has a significant impact on the success of this strategy. As a result, Indonesia ought to think about

²⁵ United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development* (2015), <https://sdgs.un.org/2030agenda>

²⁶ Henny Saida Flora, "Restorative Justice in the New Criminal Code in Indonesia," *Rechtsidee* (2022), <https://doi.org/10.21070/jihr.v11i0.836>

²⁷ Muhammad Ikhsan Lubis, "The Impact of Article 132 of the New Criminal Code on the Implementation of Restorative Justice," *Desiderata Law Review* (2024), <https://journal.uir.ac.id/index.php/dlr/article/view/17972>

creating or bolstering organizations that are especially in charge of incorporating restorative justice within the criminal justice system.²⁸

Third, increasing the capability of human resources is essential to assisting in the application of restorative justice. Law enforcement personnel must possess both adequate knowledge of restorative justice principles and conflict resolution techniques. This is crucial to ensuring that the restorative justice process moves forward in a fair, open, and therapeutic manner for all parties.²⁹

Fourth, the implementation of restorative justice has strategic implications for increasing access to justice and bolstering public confidence in legal institutions from the standpoint of the Sustainable Development Goals (SDGs). The restorative justice method can strengthen the criminal justice system's legitimacy and advance the development of a more inclusive justice system by expanding victim engagement options.³⁰ Additionally, via initiatives to mend social ties and reintegrate offenders into society, restorative justice supports long-term social development. Through a process of introspection and moral culpability on the part of the offender, this technique not only functions as a short-term conflict resolution mechanism but also plays a preventive role in lowering the likelihood of future criminal acts.³¹

But in order to accomplish these objectives, society's conception of justice must change. Justice is now viewed as an endeavor to heal victims and mend social ties damaged by criminal activity, rather than just

²⁸ Australian Institute of Criminology, *Restorative Justice in Australia* (2020), <https://www.aic.gov.au/publications/rpp/rpp127>

²⁹ Gerry Johnstone, *Restorative Justice: Ideas, Values, Debates*, 2nd ed. (London: Routledge, 2013), <https://doi.org/10.4324/9781843926194>

³⁰ United Nations Development Programme, *Access to Justice and the SDGs* (2019), <https://www.undp.org/publications/access-justice>

³¹ John Braithwaite, *Restorative Justice and Responsive Regulation* (Oxford: Oxford University Press, 2002), <https://global.oup.com/academic/product/restorative-justice-and-responsive-regulation-9780195136398>

punishing perpetrators. This paradigm change offers Indonesia's restorative justice system both a problem and an opportunity.³²

Therefore, the relationship between the Sustainable Development Goals (SDGs) and restorative justice principles shows that criminal justice reform is inextricably linked to global development. As a result, Indonesian restorative justice policy development should prioritize both enhancing the criminal justice system's efficacy and its role in advancing the attainment of inclusive and equitable sustainable development objectives.³³

Conclusion

The restorative justice provisions in Law No. 1 of 2023 on the Criminal Code of Indonesia represent a paradigm shift from a retributive approach toward a more humane and restoration-oriented approach, according to the research findings. However, compared to Australian practices, Indonesia's restorative justice laws are still mainly normative and lack adequate implementation tools. Restorative justice has been more methodically incorporated into the criminal justice system in Australia, particularly through penal mediation procedures that provide victims more chances to take part in the case resolution process.

From the standpoint of the victim's role, this study shows that victims have a more active role and contribute significantly to the case resolution process under Australia's restorative justice system. On the other hand, although the New Criminal Code in Indonesia has allowed for the use of

³² Padlah Riyadi, "Reconstruction of Restorative Justice Regulation in Indonesian Criminal Law," *Peradaban Journal of Law and Society* (2023), <https://journal.uinsgd.ac.id/index.php/pjls/article/view/12345>

³³ Tony Marshall, *Restorative Justice: An Overview* (London: Home Office, 1999), <https://restorativejustice.org.uk/resources/restorative-justice-overview>

restorative techniques, specific regulations pertaining to the victim's participation have not yet been developed, which may limit the efficacy of restorative justice implementation. This situation suggests that improving laws and victim protection measures is essential to the development of Indonesia's restorative justice system.

A critical examination of the New Criminal Code shows that there are still a number of obstacles in the way of restorative justice implementation, especially with regard to the vagueness of legal standards, possible discrepancies in application, and the restricted ability of law enforcement personnel. The use of restorative justice runs the risk of becoming just symbolic and failing to have a meaningful impact on criminal justice practice in the absence of clear implementing rules and sufficient institutional strengthening.

Additionally, the application of restorative justice has strategic ramifications on a global scale, especially when it comes to advancing the UN's agenda through the Sustainable Development Goals (SDGs), particularly Goal 16, which emphasizes justice, peace, and institutional strength. This strategy promotes a more inclusive and restorative justice system, increases victim engagement, and broadens access to justice.

Therefore, to guarantee the successful implementation of restorative justice in Indonesia, specific strategic measures are required, such as the creation of more thorough implementing rules, institutional strengthening, and capacity building for law enforcement authorities. Therefore, restorative justice contributes to the realization of a sustainable, inclusive, and just judicial system within the framework of global development, in addition to being a tool for the reform of national criminal legislation.

References

- ACT Government. *Restorative Justice Unit – Justice and Community Safety Directorate*. <https://www.act.gov.au/law-and-justice/restorative-justice>
- Attorney General of the Republic of Indonesia Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. <https://peraturan.go.id/id/peraturan-jaksa-agung-no-15-tahun-2020>
- Australian Association for Restorative Justice. *Restorative Justice Principles*. <https://www.aarj.org.au/restorative-justice>
- Australian Institute of Criminology. *Restorative Justice in Australia*. Canberra: AIC, 2020. <https://www.aic.gov.au/publications/rpp/rpp127>
- Bairuroh, Ickbal Hofifi., Sarman., and Husein Manalu. “Restorative Justice in Criminal Cases Based on Supreme Court Regulation Number 1 of 2024: A Development Law Theory Perspective.” *Pelita Law Journal* 6, no. 2 (2024). <https://doi.org/10.37366/jhp.v6i2.6378>
- Braithwaite, John. *Restorative Justice and Responsive Regulation*. Oxford: Oxford University Press, 2002. <https://doi.org/10.1093/acprof:oso/9780195136398.001.0001>
- Crimes (Restorative Justice) Act 2004 (Australian Capital Territory). <https://www.legislation.act.gov.au/a/2004-46>
- Daly, Kathleen. “Restorative Justice: The Real Story.” *Punishment & Society* 4, no. 1 (2002): 55–79. <https://doi.org/10.1177/1462474022228464>
- Dignan, James. *Understanding Victims and Restorative Justice*. Berkshire: Open University Press, 2005. <https://www.mheducation.co.uk/understanding-victims-and-restorative-justice-9780335219486-emea>
- Flora, Henny Saida. “Restorative Justice in the New Criminal Code in Indonesia: A Prophetic Legal Study.” *Rechtsidee* 11 (2022). <https://doi.org/10.21070/jihr.v11i0.836>
- Gerry Johnstone. *Restorative Justice: Ideas, Values, Debates*. 2nd ed. London: Routledge, 2013. <https://doi.org/10.4324/9781843926194>
- Supreme Court Regulation of the Republic of Indonesia Number 1 of 2024 concerning Guidelines for Adjudicating Criminal Cases Based on Restorative Justice. <https://peraturan.bpk.go.id/Details/288275/perma-no-1-tahun-2024>
- Latimer, Jeff., Craig Dowden., and Danielle Muise. “The Effectiveness of Restorative Justice Practices: A Meta-Analysis.” *The Prison Journal* 85, no. 2 (2005): 127–144. <https://doi.org/10.1177/0032885505276969>
- Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code.

- State Gazette of the Republic of Indonesia 2023 Number 1.
<https://peraturan.bpk.go.id/Details/222684/uu-no-1-tahun-2023>
- Listiyanto, Apri., Mompang L. Panggabean., and Rospita Adelina Siregar. "Community Work Punishment in the New Criminal Code: Challenges and Hopes for the Realization of Restorative Justice in Indonesia." *Mimbar Justitia Law Journal* 11, no. 1 (2024).
<https://doi.org/10.35194/jhmj.v11i1.5461>
- Lubis, Muhammad Ikhsan., Nahfa Koivina Humario., and Sufi Airani Mukti. "The Impact of the Enforcement of Article 132 of Law Number 1 of 2023 on the Implementation of Restorative Justice by the Prosecutor's Office." *Desiderata Law Review* (2024).
<https://doi.org/10.25299/dlr.2024.17972>
- Marshall, Tony. *Restorative Justice: An Overview*. London: Home Office Research Development and Statistics Directorate, 1999.
<https://restorativejustice.org.uk/resources/restorative-justice-overview>
- Mubarok, Husni, and Yeni Yulianti. "Opportunities and Challenges of the New Era of the Indonesian Penal System." *Restorative: Journal of Indonesian Probation and Parole System* 1, no. 1 (2023).
<https://doi.org/10.61682/restorative.v1i1.6>
- Rifa'id, Muhammad., Abdul Haris., M. Jasuli Ramadhan., and Hajairin. "Transformation of Indonesian Criminal Justice Paradigm: Analysis of the Integration of Restorative Justice Principles in the National Criminal Code." *Lex Journal: Kajian Hukum dan Keadilan* 9, no. 3 (2024). <https://doi.org/10.25139/lex.v9i3.10823>
- Riyadi, Padlah. "Reconstruction of Restorative Justice Regulations Within the Indonesian Penal System Post-Law No. 1 of 2023." *Peradaban Journal of Law and Society* 3, no. 2 (2023).
<https://doi.org/10.59001/pjls.v3i2.241>
- Somantri, Ismawanto. "Implementation of Restorative Justice in the Indonesian Criminal Justice System in a Substantive Justice Review." *Asas Wa Tandhim: Journal of Law, Education and Social Religion* 5, no. 2 (2025). <https://doi.org/10.47200/awtjhpsa.v5i2.3476>
- Supreme Court Regulation of the Republic of Indonesia Number 1 of 2024 concerning Guidelines for Adjudicating Criminal Cases Based on Restorative Justice.
<https://peraturan.bpk.go.id/Details/288275/perma-no-1-tahun-2024>
- Tony Marshall. *Restorative Justice: An Overview*. London: Home Office, 1999. <https://restorativejustice.org.uk/resources/restorative-justice-overview>
- United Nations Development Programme. *Access to Justice and the Sustainable Development Goals*. New York: UNDP, 2019.
<https://www.undp.org/publications/access-justice>
- United Nations. *Transforming Our World: The 2030 Agenda for Sustainable Development*. New York: United Nations, 2015.
<https://sdgs.un.org/2030agenda>

- Victims Services NSW. *Restorative Justice Conferencing*.
<https://victimsservices.justice.nsw.gov.au/restorative-justice>
- Zehr, Howard. *The Little Book of Restorative Justice*. New York: Good Books, 2015.
<https://www.goodbooks.com/the-little-book-of-restorative-justice/>
- Zehr, Howard. *Changing Lenses: A New Focus for Crime and Justice*. Scottsdale: Herald Press, 2005.
<https://www.heraldpress.com/books/changing-lenses/>