



## Concept of restorative justice towards light criminal acts perspective of criminal objectives

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### Abstract

The concept of restorative justice is a concept that aims to restore the psychology of both victims, perpetrators, families and communities to restore a state of life that is friendly and based on a sense of justice. The research method uses descriptive qualitative analytical techniques, in which this research describes and analyzes systematically, factually, and accurately about the application of the concept of restorative justice. In society against minor crimes in the perspective of the purpose of punishment. Settlement of cases using a healthy justice approach is one of the concepts in the criminal justice system in Indonesia, where the design focuses more on the compensation system rather than using the criminal sanction system because it sees it as more effective and minimizes new conflicts.

**Keywords:** justice; criminal; restorative; penalty

### Introduction

In Indonesia, many criminal cases, especially minor crimes, in 2020 there are 151 (one hundred and fifty-one) minor criminal cases that have been decided by district courts throughout Indonesia (Kepaniteraan Mahkamah Agung Republik Indonesia, 2020). However, learning from the experience some time ago, which had stirred the public about the theft of cocoa, which was worth Rp. 2,500.00, which befell Aminah's grandmother (Flora, 2018) <sup>[5]</sup>, as well as several other similar cases, Should not be prosecuted and go to court. It was said that because the public criticized the judges' decisions in these cases and other similar cases because they were deemed not fulfilling a sense of justice.

In line with previous research, conducted by (Flora, 2018) <sup>[5]</sup>, regarding "restorative justice as an alternative in solving criminal acts and its effects in the criminal justice system in Indonesia", where society is still paradigmatic that the sanctions given to perpetrators are still retributive (Widiartana, 2017) <sup>[19]</sup>, which still provides a deterrent effect on perpetrators and prevents crime, but this paradigm has not been able to restore the losses and conditions experienced by victims. In contrast, the restorative justice paradigm offers another way of dealing with crime. Responding to the problems, an alternative has emerged in recent developments, namely by implementing the concept of *restorative justice*. The idea of restorative justice is a popular alternative in various parts of the world for handling illegal acts (against the law in the formal sense) because it offers comprehensive and effective solutions (Dewi & Syukur, 2011; O'Brien & Bazemore, 2005) <sup>[2, 13]</sup>. Restorative justice aims to empower victims, perpetrators, families and communities to improve a tort by using awareness and conviction to improve social life (Dewi & Syukur, 2011; Pavlich, 2002) <sup>[2, 14]</sup>.

Departing from the above explanation that criminal

sanctions and the process of resolving criminal cases in the criminal law system, which is based on a disciplinary paradigm, are still lacking. They do not even pay attention to the interests of victims. Still, they are more concerned with the needs of the state so that its citizens are in lawful order and the interests of officials to exercise their authority in enforcing the law. Justice that is produced is only normative justice or procedural justice, not substantive justice. One way to make the principle of justice simple, fast, and low cost-effective in criminal justice is by applying the concept of restorative justice to the courts of the first level and the courts of the last level Supreme Court of the Republic of Indonesia. The concept of restorative justice is simple, the measure of justice is no longer based on equal retribution from the victim to the perpetrator (whether physical, psychological, or punitive). However, this painful act was healed by providing support to the victim and holding the perpetrator to account, with family and community help if needed (Laksana, 2017) <sup>[10]</sup>. Restorative justice creates an obligation to make things better by involving victims, perpetrators, and society to find solutions to improve, reconcile, and reassure hearts. The model of case settlement outside of court proceedings is not new to the Indonesian legal system. In the field of criminal law, solving cases through peaceful means is still difficult to carry out. In comparison, customary law in several regions recognizes weak institutions in criminal cases whose principles align with the concept of restorative justice. Whatever model is chosen, restorative justice is directed at the recovery of victims, perpetrators and society at the same time. Therefore, judges need to understand the concept or philosophy (Angkasa *et al.*, 2009) <sup>[1]</sup>. Based on the description in the background of the problem above, this research aims to describe, what is the concept of restorative justice in the Indonesian criminal justice system? and how

valuable is the idea of restorative justice against minor crimes in the prospect of the purpose. Of punishment?

### Research Method

The research method uses the *statute approach* to find the suitability of the research problem and the prevailing laws and regulations, with descriptive-analytical techniques supported by the *sr study of literature*. Then a qualitative analysis is carried out, which this research describes and analyzes systematically, factual and accurate regarding applying the concept of *restorative justice* to minor crimes in the perspective of the purpose of punishment.

### Results and Discussion

#### Restorative Justice in the Indonesian Criminal Justice System

Latin proverb says, "*Fiat justitia ruat coelum*", which means "even though the sky is falling, justice must be upheld". This proverb then became very popular because it was often used as a basis for justifying arguments in the implementation of a legal, regulatory system. In its application, the adage seemed to be implemented in a narrow frame of mind masked as the pretext of law enforcement and certainty (Hambali, 2020; Hulu & Saputra, 2020) <sup>[6, 7]</sup>. The order of criminal and criminal procedural law instruments in Indonesia regulates the formal procedures that must be followed in resolving a criminal case (Hambali, 2020; Kasim, 2020) <sup>[6, 8]</sup>. But unfortunately, this formal system is often used as a repressive tool for those who wear law enforcement attributes (Hambali, 2020) <sup>[6]</sup>. The restorative justice approach is a paradigm that can be used as a frame for a strategy for handling criminal cases that aim to answer dissatisfaction with the functioning of the current criminal justice system. Restorative justice is a concept of thought that responds to the development of the criminal justice system by focusing on the need for community involvement and victims who are considered marginalized by the mechanisms that work in the current criminal justice system. On the other hand, restorative justice is also a new frame of mind that can be used in responding to a crime for law enforcers and workers (Puteri Hikmawati, 2016) <sup>[15]</sup>. The restorative justice approach in the criminal law system is also one of the agendas in the 2020–2024 RPJMN (Ruhama & Nugraha, 2021) <sup>[17]</sup>. "Improving criminal justice with restorative justice is one of our agendas," said Prahesti Pandanwangi. The urgency became even more urgent after Prahesti, and the team saw that the Penitentiary was too full (*over-crowded*), which according to him, was no longer relevant because it focused more on "guarding" not punishment. Regarding the role of victims in the criminal justice system in Indonesia, Rocky Marbun borrows the term Heidegger to describe the condition of criminal justice in Indonesia as *agowerfenseinin*, the myth of modernity. This modern myth is *common-sense* without criticism, which has always existed in the criminal justice system in Indonesia. This myth has been thickened and has had power for a long time. "Society alone is not included in the components of the criminal justice system, let alone victims," he said. Zainal Abidin also added the urgency of a restorative justice approach in the criminal justice system in Indonesia. According to him, this approach changes the concept of just punishing and isolating the perpetrator. He explained that this approach acts as *healing justice*, which is a way of approaching the

problem of crime by dealing with damage with the aim of reducing damage, with a holistic process, respecting the parties, repairing damage and creating change. This restorative justice approach is actually very close and closely related to justice for crimes against children and women. In Indonesia, various efforts have been made as a first step towards fulfilling the human rights of children and women. One of them is the existence of the Supreme Court Regulation Number 4 of 2014 concerning Guidelines for the Implementation of Diversion in the Criminal Justice System for Children and Perma No. 3 of 2017 concerning Guidelines for Adjudicating Women's Cases Against the Law. Legally normative criminal procedural Law in Indonesia is regulated in Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP). Based on the aquo regulation, law enforcement authority is exercised by the police, prosecutors and courts at all levels. These legal institutions have the authority to administer criminal justice processes, from the investigation stage to the verdict stage in court. However, lately, along with the times, we can find a different criminal justice process from the Criminal Procedure Code. In other words, there are laws and regulations that regulate themselves (*lex specialis*) the provisions of the proceedings, including the administrators of the criminal court. One of the regulations that are interesting to observe and discuss is Law Number 11 of 2012 concerning the Child Criminal Justice System (SPP Anak). The quo regulation has uniqueness when compared to the Criminal Procedure Code. It can even be said to introduce new legal institutions in criminal justice, namely diversion and *restorative justice*. A developing concept that involves victims is called *restorative justice*.

The concept of diversion and *restorative justice* is a legal concept that has not been recognized since the Criminal Procedure Code was enacted, but legislators are fully aware that there must be a different approach in the criminal justice process on certain subjects, such as crimes that do not cause sufficient effect. Major and criminal acts committed by children. This is confirmed when reading and understanding the section on weighing the quo rule. First, that children are a mandate and a gift from God Almighty, who has dignity as a whole human being. Second, to maintain their dignity, children have the right to special protection, especially legal protection in the judicial system. Third, Indonesia, as a state party to the *Convention on the Rights of the Child*, which regulates the principle of legal protection for children, has an obligation to provide special protection for children who are in conflict with the law. Fourth, Law Number 3 of 1997 concerning Juvenile Court is no longer in accordance with the development and legal needs of the community because it has not comprehensively provided protection for children who are in conflict with the law, so it needs to be replaced with a new law.

In short, the concept of restorative justice that is pursued through diversion in juvenile justice is an effort to provide legal protection to children who are facing legal problems. Legal protection in question is the settlement of cases of children from the criminal justice process to processes outside the criminal court (Article 1 point 1 of the law on the Child Criminal Justice System). Thus, for children who commit criminal acts, the paradigm of justice changes, initially being positioned as the perpetrator of a crime as in general, but through the quo regulation, juvenile justice is different from that of adults. Children who commit criminal

acts are only considered lost (naughty children), so that they need to be rehabilitated.

The punishment for a child who commits a crime must be lighter than that of an adult. This is in line with the adage *delinquens periram provocatus puniri debet mitius*. In essence, criminal justice accommodates the objectives of punishment from retributive to restorative. From retaliation to restoration or restitution. This basic idea is the stimulant in the quo rule. However, it must be said that not all criminal acts committed by children are subject to diversion or *restorative justice*. There are at least two conditions that must be met when referring to Article 7 Paragraph (2) of the Law on the Juvenile Criminal Justice System, namely first, the criminal act is punishable by under 7 (seven) years. Second, not a repeat offence (recidivist). Strictly speaking, both diversion and *restorative justice* are new institutions in Indonesian criminal justice, so that it requires further and comprehensive studies.

### **The Usefulness of the Concept of Restorative Justice against Minor Crimes in the Prospect of Criminal Objectives**

There are no guidelines or standards on how to calculate the burden of fair punishment in imposing criminal sanctions, especially imprisonment in deciding criminal cases in Indonesia, it makes sense of justice, and legal certainty is not measurable or uncertain. There are only minimum or maximum guidelines for imposing imprisonment and fines. However, this is still far from the expectation of justice and certainty because apart from the minimum and maximum distance, it is still very wide so that judges can differ from one another and also not go into detail. Some of them provide directions for understanding, or concepts, or criteria for minor crimes, namely: "Whereas a minor crime is a criminal offence punishable by imprisonment or imprisonment for a maximum of three months and/or a maximum fine of Rp 7,500. Seven thousand five hundred rupiahs) and light insults (Muhaimin, 2019) <sup>[11]</sup>.

Hidayatullah further said that in practice, criminal procedural law is known as "Tipiring" (Minor Crime), which stands for the term contained in CHAPTER XVI, Examination at Court Sessions, Part Six Quick Examination, Paragraph I Mild Crime Examination Procedure, Criminal Procedure Code (Mujib, 2015). Based on Article 205 Paragraph (1) of the Criminal Procedure Code, the criteria for minor criminal acts are those which are punishable by imprisonment or imprisonment for a maximum of three months or a maximum fine of IDR 7,500 (seven thousand and five hundred rupiahs) and minor humiliation unless specified in paragraph These two parts.

Meanwhile, based on the Supreme Court Regulation Number 2 of 2012 concerning Adjustment of Minor Crime Limits and the number of fines in the Criminal Procedure Code that "the amount of the value of the loss as stated in the above the law is not in accordance with the current currency exchange rate". Based on Article 2 Paragraph (2), this PERMA determines the loss value of IDR 2,500,000 (two million five hundred thousand rupiahs). With the issuance of PERMA No. 2 of 2012, it is hoped that there will be proportionate handling with a rapid examination of cases of minor crimes regulated in the Criminal Code, such as (i) minor theft (Article 364); (ii) light embezzlement (Article 373); (iii) petty fraud by the seller (Article 384); (iv) minor damage (Article 407 paragraph (1)) and light

detention (Article 484).

In criminal law trials, confusion over legal objectives, between certainty, justice and legal benefits also occurs. When Mbok Minah, an old grandmother who was convicted of stealing three cocoa beans in her employer's garden and at the same time a Mayor was sentenced to 6 months for billions of rupiah of corruption, for a moment we asked, is this the essence of justice that is carried out by law? Several years ago, there was a case in the city of Palu, Central Sulawesi, when AAL, a young vocational school student, was arrested, accused and tried for stealing flip-flops belonging to a police officer. The decision of sole judge Rommel F. Tampubolon in a trial at the Palu District Court, Central Sulawesi, which judged AAL to be guilty and gave his guidance to his parents. AAL was accused of stealing the number 43 Eiger flip-flops belonging to Brigadier Ahmad Rusdi Harahap, a member of the Central Sulawesi Police Mobile Brigade. However, at the trial, what was used as evidence was the Ando sandal number 9.5. The judge's decision also did not mention that the sandals belonged to Ahmad. Judge Rommel's verdict may not be legally problematic. However, given the low treatment and sentencing of the perpetrators of corruption, the verdict does not fulfil the people's sense of justice.

Some of the above cases and other cases have become common sights in our law enforcement process. Responding to such law enforcement conditions, the authors record three opinions. First, the view that whoever is guilty legally must go through a legal settlement process as stipulated in the provisions of laws and regulations. In the context of the AAL case, for example, this group argued that because AAL had indeed stolen sandals, it was only proper for AAL to be processed legally. In the context of criminal law in the AAL case. For this view group, *equality before the law*, everyone has an equal position before the law. This view is generally understood by most of our law enforcers in this country, namely advocates, police, prosecutors and police. The law is statutory regulation, so they work and implement Standard Operating Procedures in accordance with statutory provisions because by implementing laws, legal certainty will be achieved.

The second view is that in addition to enforcing the rules, in cases like the one experienced by AAL, law enforcers should pay attention to the justice side of the law for a child who "only" steals sandals. Justice for this group arises because considering there are still many cases and other legal cases that are bigger and more dangerous than stealing flip-flops but are not legally resolved by law enforcers due to the influence of power, money and other legal factors. The value of justice is also encouraged considering that there are allegations that the AAL case was processed legally, considering that the stolen sandal belonged to a member of the police. According to the advocates of the value of justice, the law has been moving faster and sharper when legal cases are related to small people and question the interests of big people, including those with power. However, if a case links or the alleged perpetrators are people of great power and power, then the law seems paralyzed and blunt. The law is unable to touch on the grounds that there is insufficient evidence, no offence etc. In this context, this group encourages law enforcement to prioritize the values of justice, of course, universal justice. Legal justice in this context is a process of a legal settlement that goes beyond the text of legislation (*beyond the law*) and

puts forward the substance of the value of justice for a case. It is at this point that the view that calls for the process of finalizing the law by prioritizing the substance of the value of justice is always at odds with the principle of legal certainty and the principle of legality, which prioritizes legal rules and statutory texts.

The third view is that in addition to wanting legal certainty and justice, a legal settlement must also have useful values. The value of the benefit must be an important indicator in law enforcement and settlement, namely the benefit for the actors as well as the more important benefit for the community in general. So far, the focus of law enforcement has emphasized more on legal certainty but has forgotten other legal objectives, namely justice and benefit. Law enforcement that forgets useful values results in the lack of legal values in society. The weak legal culture and legal awareness in society today are due to the absence of the value of legal benefits in law enforcement. The public does not feel much about the purpose of the existence of law because the values of benefit are not reflected in the judge's decision or in the implementation of statutory regulations.

In the AAL case, for example, the police and prosecutors can process the settlement and examination of the case, but for the sake of legal interests and benefits, the police and prosecutors should not proceed to court. The value of legal benefit if the case is terminated is to provide benefits to AAL's young future. Many cases should not have been forwarded to the court adhering to the principle of legal benefit.

### The Interests of Victims and Perpetrators

In the case that has been experienced by LBH Mawar Saron Jakarta, as stated above, the position of the perpetrator and the victim who has made peace seems to have been ignored as the basis for terminating the case. It is as if the law enforcement agencies do not see the fact that the victim here has stated that his interests are being violated because what happened was only a misunderstanding involving the perpetrators, who are still junior high school students. This formal process must continue to be rolled out because it is included in the realm of the *criminal justice system*, according to law enforcers in general.

It is a concept like this that does not provide protection and respect for the interests of the victim or the perpetrator. This is a conventional mechanism that is based on the enforcement of *criminal justice systems* without seeing the reality in society, without looking at the interests of the community, and without seeing the benefit in society—an adequate introduction in promoting the concept of *Restorative Justice* in the process *Criminal Justice System* in Indonesia. When referring to the definition of restorative justice, along with the principles contained therein as expressed by Bazemore and Walgrave or by Van Ness and Strong, we will find a shift in the paradigm of punishment which originally focused on retribution (retributive) to restoration (restorative). Therefore restorative justice departs from several fundamental values, namely:

1. Restorative justice is far more concerned about the restoration of the victim and victimized community than with ever more costly punishment of the offender.
2. Restorative justice elevates the importance of the victim in the criminal justice process through increased involvement, input and services.
3. Restorative justice requires that offenders be held

directly accountable to the person and/or community that they victimized.

4. Restorative justice encourages the entire community to be involved in holding the offender accountable and promoting a healing response to the needs of victims and offenders.
5. Fifth, restorative justice places greater emphasis on the offender accepting responsibility for his or her behaviour, and making amends whenever possible, than on the severity of punishment.
6. Restorative justice recognizes a community responsibility for a social condition that contribute to offender behaviour (Dressler, 2002).

In implementing these values, James Dignan offers five approaches (*types of restorative justice approach*) for restorative justice to be successful in its implementation:

1. Court based restitutive and reparative measures;
2. Victims offender mediation programmes;
3. Conferencing initiatives;
4. Community reparation boards and panels;
5. Healing sentencing circles. (Dignan, 2004).

Based on the description above, there are several things that can be concluded when talking about restorative justice. First, restorative justice emphasizes efforts to encourage perpetrators to think about and provide solutions (to be responsible) for the crimes they have committed to the victim. Second, the first party to think about when a crime occurs is the victim because it is the victim who feels the consequences of the crime directly. Third, the perpetrators and victims of crime can then sit together to discuss steps that can be taken to recover the problems that occur. Fourth, the state or government must ensure that the recovery process for victims runs according to mutual agreement between the perpetrator and the victim so that it does not cause a prolonged conflict. Fifth, society is an inseparable part of the implementation of restorative justice between perpetrators and victims.

The community will play an important role in encouraging and supporting problem-solving by emphasizing the recovery or improvement of the consequences of the crime committed by the perpetrator. Apart from *restorative justice*, there are still several other forms of justice in the literature, such as *community justice* put forward by Todd R. Clear; transitional justice (*transitional justice*) initiated by Ruti G. Teitel; and *transformative justice* was pioneered by M. Key Harris. Apart from these forms of justice, there are two other forms of justice, namely *corrective justice* put forward by Ernest J. Weinrib, and *distributive justice and procedural justice* was initiated by Kjell Tornblom and Riel Vermunt. Even in this modern century, around 1971, a philosopher from Harvard University named John Rawls wrote his ideas in a book entitled *A Theory of Justice and Justice as Fairness*. These two books are adequate literature when discussing the theory of justice, especially its relationship with the foundations of political philosophy in order to realize social welfare (Rawls, 2009) <sup>[16]</sup>.

Linking the emergence of restorative *justice* with retributive theory or retaliation in criminal law. According to Cragg, the theory of retaliation is basically less successful in suppressing crime. Even worse, it is unable to repair the losses suffered by the victims. Therefore there is an attempt to change the paradigm of punishment from retaliation to

restorative or restorative. In its development, the concept of restorative *justice* continues to evolve with various terms and has become the dominant model in criminal justice in most of the history of mankind from all nations. Likewise, John Braithwaite stated that *restorative justice* was initially considered an alternative model aimed at juvenile justice. It is said so because this model focuses on justice and welfare or between rehabilitation and retribution.

Punishing the perpetrator of a crime is important, but one must not forget to improve the mentality of the perpetrator. On this idea, Kathleen Daly mentions restorative justice is a set of ideas about justice that assumes a generous, empathetic, supportive, and rational human spirit.

### Restorative Justice Approach

The concept of the restorative justice approach is an approach that focuses more on the conditions of creating justice and balance for the perpetrators of criminal acts and the victims themselves. The procedural and criminal justice mechanisms that focus on punishment are transformed into a dialogue and mediation process to create an agreement on the settlement of criminal cases that is more just and balanced for the victim and the perpetrator (Setiyawan & Mahmud, 2018) [18]. Restorative justice itself has the meaning of restoring justice. What is actually being restored? In the conventional criminal justice process, restitution or compensation for victims is known, while restoration has a broader meaning. Restoration includes restoring the relationship between the victim and the perpetrator. This rapprochement can be based on mutual agreement between the victim and the perpetrator. The victim can convey about the losses they have suffered, and the perpetrator is given the opportunity to make amends through compensation, peace, social work, and other agreements. Why is this important? Because the conventional criminal process does not provide space for the parties involved, in this case, victims and perpetrators to actively participate in solving their problems. Every indication of a criminal act, regardless of the escalation of the act, will continue to be rolled into the realm of law enforcement, which is only the jurisdiction of law enforcers. The active participation of the community does not seem to be important anymore, and everything only comes down to a verdict of a punishment without seeing the essence.

In a conventional criminal procedure process, for example, if there has been a feeling of peace between the perpetrator and the victim, and the victim has forgiven the perpetrator, then this will not be able to influence the authority of law enforcement to continue the case to the criminal realm which will lead to the conviction of the criminal offender. The formal criminal process, which takes a long time and does not provide certainty for both the perpetrator and the victim, will not necessarily fulfil or restore the relationship between the victim and the perpetrator. The concept of restorative justice offers a recovery process that involves the perpetrator and the victim directly in solving the problem. The conventional criminal process only makes the victim later as a witness at the trial level, which does not significantly affect the criminal verdict, the task of prosecution is still given to the prosecutor who only accepts the investigation files to be processed later to become the basis for criminal charges, without knowing and understanding the real conditions of the problem. And the perpetrator is in the prison seat, ready to accept the

punishment that will be imposed on him.

The authority to set aside a criminal case itself is known as a manifestation of the principle of opportunity that only the Attorney General has. In practice, at the level of investigation, the police often collide with formal criminal procedures if they want to rule out a criminal case, the discretion held by the police does not cover its authority to judge a case to be continued or terminated, the measure is only limited to sufficient evidence of a criminal act. If there is evidence that a criminal act has occurred, the police will continue the case. Therefore, in the latest KUHAP Bill, it is necessary to encourage a more humane approach to handle criminal acts, emphasizing and prioritizing the restorative justice approach rather than formal, legalistic considerations.

Former Chief Justice of the Supreme Court, H. Bagir Manan, once wrote that the obstacles in implementing peace between victims and perpetrators often stem from the very formalistic attitude of law enforcers, saying that the legal process will continue even though there has been peace, the nature of being against the law will not be removed because of peace. According to him, is there any purpose of punishment that has not been achieved if the parties have reconciled with each other? The purpose of law enforcement is not to apply the law but to achieve order, peace, tranquillity in a harmonious and just society.

In resolving a criminal case, both the pattern of law enforcement and the personnel of law enforcement officers, it is not fair if solving a criminal problem only takes into account one of the interests, both the perpetrator and the victim. So a criminal theory is needed that represents all aspects of the settlement of a case, both victims, perpetrators and society. Therefore it is necessary to have a combination of one theory and another theory. For this reason, a multi-dimensional approach that is fundamental to the impact of punishment is needed, both concerning the impact of an individual nature and the necessity to choose an integrative theory of the purpose of the punishment, which can affect its function in overcoming the damages caused by a criminal act. Restorative justice is a new legal philosophy that is a combination of existing criminal theories. Restorative justice is oriented towards solving cases that focus attention on perpetrators, victims and society. Here, restorative justice contains the value of a classic criminal theory that focuses on the efforts to recover the victim, which is contained in the theory of retributive punishment, *deterrence, rehabilitation, and resocialization*. Apart from focusing on restoring restorative justice, actors also pay attention to the interests of victims and society. The characteristics of the implementation of restorative *justice* in responding to a crime are as follows:

- a. Identify and take steps to correct the losses created;
- b. Involving all related parties;
- c. There are efforts to transform the existing relations between the community and the government in responding to criminal acts. (Flora, 2018) [5].

Thus the essence of restorative justice is healing, learning, morals and community participation and attention, dialogue, forgiveness, responsibility, and making changes, all of which are guidelines for the restoration process in the perspective of restorative justice. Restorative justice aims to empower victims, perpetrators, families, and the community to correct an act against the law by using awareness and

conviction as a basis for improving social life. According to Wright, the concept of restorative justice is basically simple. The measure of justice is no longer based on reprisal in kind from the victim to the perpetrator (either physically, psychologically, or punishment), but the painful act is healed by providing support to the victim and holding the perpetrator to account with the help of the family and the community if necessary.

### Conclusion

The concept of restorative justice in the Indonesian criminal justice system is an effort taken as a first step towards the fulfilment of human rights. Wrong A concept that has been developing involving victims in it is called restorative justice. The settlement of restorative justice cases is generally carried out by applying for compensation by the perpetrator and his family to the victim and/or his family as well as to the community.

The usefulness of the concept of restorative justice against minor crimes in the prospect of the purpose of punishment, there are several things that can be concluded when talking about restorative justice, namely regarding the accountability of the perpetrator to the victim, which is carried out in deliberation and consensus, in front of the victim's family and the perpetrator's family, who are assisted by the government so that the process of finding a way out does not cause new problems and is in accordance with mutually agreed procedures because punishment and imprisonment are not the only best solutions in solving crimes or criminal acts in particular crimes or minor crimes that cause losses can still be restored so that the condition of the injured party can be returned to its original state. This restoration allows for the elimination of bad stigma from society towards individual perpetrators. The punishment paradigm is known as restorative justice. The perpetrator is obliged to repair the losses caused to the victim, the community, and other parties who feel they have been harmed.

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