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Restorative Justice in Settling Criminal Case: A Normative-Empirical Study of the Law

Article

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Abstract

Restorative justice offers an alternative framework for addressing the needs of both victims and offenders in Indonesia. While it presents a more hopeful solution compared to traditional punitive measures, concerns about fairness remain. Specifically, victims may feel that the response to the offense does not match the seriousness of the crime, leading to a sense of being undercompensated. This article explores how restorative justice is integrated into Indonesia's criminal justice system through both normative and empirical legal research. Bandar Lampung serves as the primary focus of this study due to its establishment of a Restorative Justice House and its reputation as a leading practitioners of restorative justice in the country. The research involved observing practices at the District Prosecutor's Office in Bandar Lampung, allowing for an empirical understanding of how legal regulations are enacted in practice. Additionally, the study reviews the normative aspects of the law related to restorative justice, particularly focusing on the Attorney General's Regulation No. 15 of 2020 and its Circular No. 1 of 2021 concerning the termination of prosecution based on restorative justice. The findings indicate that restorative justice is primarily applied to lesser criminal cases that fit specific criteria. These cases often involve first-time offenders, crimes that carry potential sentences of at most five years, and financial damages up to Rp 2,500,000. Of the 13 cases examined, 10 were effectively resolved using restorative justice methods. This highlights the potential of restorative justice on repairing harm, addressing victims' needs, ensuring that offenders take responsibility, and fostering social cohesion. What sets this study apart is its combination of doctrinal legal analysis and fieldwork, enabling a comprehensive evaluation of how restorative justice norms are operationalized within prosecutorial practices in Indonesia.

Keywords: Restorative justice; criminal prosecution; legal policy.

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INTRODUCTION

Restorative justice plays a crucial role in fostering a more human and recovery-focused approach to resolving criminal conflicts.¹ Unlike traditional legal methods that mainly concentrate on punishing offenders, restorative justice offers a broader solution that addresses the needs of both victims and perpetrators.² This approach is particularly beneficial in protecting children³ and recognizing the importance of healthy relationships within communities.⁴ Traditional legal systems, which often emphasizes punishment, may overlook the needs and experiences of victims and offenders alike, leaving root causes of crime unaddressed.

Emerging as an alternative, restorative justice prioritizes restoring what victims have lost, encouraging reconciliation, and preventing future offenses,⁵ often integrating local wisdom in its practices.⁶ By emphasizing dialogue, restorative justice views crimes not only as a violation of the law but also as an offense against individuals and the community. Consequently, resolving problem issues involves more than just mere imprisonment; it is about compensating victims, ensuring offender accountability, and restoring social harmony.⁷

This approach has found application in various contexts, such as minor criminal cases, mediation efforts, and situations involving child offenders.⁸ In Indonesia, the principles of restorative justice are gradually being incorporated into the legal system,⁹ supported by regulations from the Supreme Court¹⁰ and initiatives by police and prosecutors. The District Prosecutor's Office in Bandar Lampung has taken significant steps towards implementing restorative justice in various cases, Contributing to its recognition as the second-best implementer of restorative justice in the country in 2022. The establishment of a Restorative Justice House in Bandar Lampung highlights the city's commitment to this approach and makes it an important case study for exploring practical implementation.

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- ¹ Lasmin Alfies Sihombing, "Restorative Justice, Kejahatan, Hukuman, Dan Peradilan Pidana: Sebuah Analisis Kesejarahan, Peluang Dan Tantangan," *Unes Law Review* 6, no. 3 (2024): 8902–9, <https://doi.org/10.31933/unesrev.v6i3>.
 - ² L A McDowell, M C Braswell, and B D Edwards, "RESTORATIVE JUSTICE AND ETHICS: Real-World Applications," in *Justice, Crime, and Ethics, 11th Edition*, 2023, 250–78, <https://doi.org/10.4324/9781003342885-17>.
 - ³ Pangestika Rizki Utami, "Konsep Diversi Dan Restorative Justice Sebagai Pergeseran Tanggung Jawab Pidana Pada Sistem Peradilan Pidana Anak," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 1, no. 1 (2018): 95–106, <https://doi.org/10.24090/volksgeist.v1i1.1691>.
 - ⁴ Henny Saida Flora, "Perbandingan Pendekatan Restorative Justice Dan Sistem Peradilan Konvensional Dalam Penanganan Kasus Pidana," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 2 (2023): 1933–48, <https://doi.org/10.37680/almanhaj.v5i2.3812>.
 - ⁵ Irfan Ramli, Wahab Aznul Hidayat, and Muharuddin Muharuddin, "Penghentian Perkara Berdasarkan Restorative Justice Dalam Perkara Tindak Pidana Pencurian Di Kota Sorong," *Journal of Law Justice (JLJ)* 1, no. 2 December (2023): 89–108, <https://doi.org/10.33506/jlj.v1i2.2868>.
 - ⁶ Gandhi Liyorba and Fathul Mu, "Family Conflict Resolution Based on Lampung Customary Local Wisdom and Its Implications for Household Harmony," *Fikri: Jurnal Kajian Agama, Sosial Dan Budaya*, 2024, 1–14.
 - ⁷ K Ambos, "Crimes against Humanity and the International Criminal Court," in *Forging a Convention for Crimes Against Humanity*, 2011, 279–304, <https://doi.org/10.1017/CBO9780511921124.015>.
 - ⁸ Indi Nuroini, "Efektivitas Penerapan Restorative Justice Dalam Kasus Pidana Di Indonesia" 5, no. 1 (2016): 1–23, <https://doi.org/https://doi.org/10.36312/jcm.v5i2.3179>.
 - ⁹ Fauzan, "Alternatives to Criminal Conviction in a Comparative Analysis of Positive Law and Islamic Criminal Law," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 1 (2022): 183–202, <https://doi.org/10.29240/jhi.v7i1.4308>.
 - ¹⁰ M. Yasin al Arif, "Implementation of Ministerial Regulations Based on Attribution Power in the Administration of Government," *Mulawarman Law Review*, 17 Agustus 2023, 45–56, <https://doi.org/10.30872/mulrev.v8i1.1074>.

The implementation of restorative justice in Bandar Lampung has shown promising results: out of 13 cases submitted for restorative justice consideration at the Attorney General's Office, 10 were successfully resolved through restorative measures. However, the application of restorative justice has sparked both support and criticism within the community, Presenting challenges for legal aid organizations responsible for ensuring justice.¹¹

One of the primary benefits of restorative justice is its focus on victim recovery, enabling victims to achieve compensation or other forms of restitution directly for offenders. This approach can also alleviate court backlogs, enhance legal efficiency, and encourage offenders to take responsibility for their actions, thus preventing future crimes. However, concerns have been raised about potential unfairness, particularly if victims feel distressed or dissatisfied with mediation outcomes.

There is also the risk that offenders may exploit this approach to evade punishment, particularly when they hold greater economic or social power than the victim. Moreover, restorative justice is limited to minor offenses¹² and cannot address serious crimes such as murder or sexual assault. The lack of consistent implementation standards poses further challenges, raising questions about its effectiveness in deterring future criminal behavior.

Investigating restorative is particularly relevant in the context of Indonesia's ongoing efforts to develop a more just, inclusive, and recovery-oriented legal system. To ensure that restorative justice operates effectively and fairly, strict oversight and the establishment of clear regulations are to prevent abuse.

Several studies have examined restorative justice, including one by Devi Triasari, Willy Naresta Hanum, and Viddy Firmandiaz titled "Mapping Restorative Justice in Information and Electronic Transaction Criminal Regulation."¹³ This research highlights the importance of implementing restorative justice within Indonesian criminal cases related to information and electronic transactions. Fauzan's study, "Alternatives to Criminal Conviction in a Comparative Analysis of Positive Law and Islamic Criminal Law,"¹⁴ shows that alternative punitive measures, including fines and restorative justice, are outlined in the Criminal Code, and Islamic law principles also incorporate restorative elements.

Research by Risnawati Br Ginting, Ediwarman Ediwarman, Edi Yunara, and Marlina explored the "Termination of Prosecution through the Application of Restorative Justice at the Prosecutor's Office Level."¹⁵ Their work emphasizes that prosecution termination should take into account various factors, such as the subject matter, the nature of the criminal acts, and its moral implications.

¹¹ Zainudin Hasan et al., "Rehabilitasi Sosial Pecandu Narkoba Melalui Terapi Musik Dalam Perspektif Hak Asasi Manusia," *As-Siyasi: Journal of Constitutional Law* 2, no. 1 (2022): 59–73, <https://doi.org/10.24042/as-siyasi.v2i1.12781>.

¹² A Ollino and M Pertile, "RESTORATIVE JUSTICE AS A TOOL TO ADDRESS VIOLENCE AGAINST WOMEN? AN ASSESSMENT OF THE ITALIAN CASE IN LIGHT OF THE PRACTICE OF INTERNATIONAL MONITORING BODIES," *Italian Yearbook of International Law* 33, no. 1 (2024): 349–75, <https://doi.org/10.1163/22116133-03301018>.

¹³ Devi Triasari dkk., "Mapping Restorative Justice in Information and Electronic Transaction Criminal Regulation," *Journal of Human Rights, Culture and Legal System* 3, no. 1 (2023): 1–16, <https://doi.org/10.53955/jhcls.v3i1.75>.

¹⁴ Fauzan, "Alternatives to Criminal Conviction in a Comparative Analysis of Positive Law and Islamic Criminal Law," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 1 (2022): 183–202, <https://doi.org/10.29240/jhi.v7i1.4308>.

¹⁵ Risnawati Br Ginting et al., "Penghentian Penuntutan Melalui Penerapan Restorative Justice Di Tingkat Kejaksaan," *Locus Journal of Academic Literature Review* 2, no. 10 (2023): 789–806, <https://doi.org/https://doi.org/10.56128/ljoalr.v2i10.233>.

Another study by Muhammad Siddiq Armia concludes that cases involving minors, even those deemed immoral, should be eligible for restorative justice.¹⁶

This research contributes novelty in three key areas: its focus location, methodological approach, and practical implications. The study centers on the District Prosecutor's Office of Bandar Lampung, recognized as a leading implementer of restorative justice that has established a Restorative Justice House. This makes it a valuable model for examining restorative justice applications in Indonesia. Unlike prior studies by Devi Triasari et al.,¹⁷ Fauzan,¹⁸ Risnawati Br Ginting et al.,¹⁹ and Muhammad Siddiq Armia²⁰ that primarily adopt normative approaches, this study takes an empirical and policy-oriented perspective, analyzing restorative justice's implementation in resolving minor criminal cases within the social context and institutional framework, as well as the challenges faced. In its contributions, this study presents a new paradigm in law enforcement—one that is more humanistic and equitable, positioning restorative justice as not just an alternative dispute resolution method but as an evolving cultural shift in law that seeks to balance legal demands with human values.

RESEARCH METHODS

This study employs a normative-empirical legal approach to analyze restorative justice in Indonesia. The normative approach focuses on examining the legislative provisions that form the legal basis for implementing restorative justice, while the empirical aspect evaluates how these provisions are enacted in practice by the District Prosecutor's Office in Bandar Lampung. On the normative side, the research is anchored in key legal regulations, specifically the Attorney General's Regulation of the Republic of Indonesia Number 15 of 2020, which outlines the procedures and requirements for terminating prosecution based on restorative justice. Additionally, the Circular Letter of Attorney General Number 1 of 2021 serves as a guidance for implementation. These regulations are crucial for understanding the processes through which prosecutions can be terminated and for identifying the principles of restorative justice within the prosecutorial framework.

The study adopts a descriptive-prescriptive method. Descriptively, it aims to clarify and explain the legal framework and the application of restorative justice practices in Bandar Lampung. Prescriptively, the research strives to develop conceptual and practical recommendations designed to optimize the use of restorative justice as a fair and socially responsible approach to the law. Data for this study are collected from two primary sources. Primary data consist of interviews with a range of informants, including officials from the Bandar Lampung District Prosecutor's Office, the mayor, legal academics, and individuals who have participated in restorative justice processes,

¹⁶ Muhammad Siddiq Armia et al., "Criticizing the Verdict of 18/JN/2016/MS.MBO of Mahkamah Syar'iyah Meulaboh Aceh on Sexual Abuse against Children from the Perspective of Restorative Justice," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 1 (2022): 113–35, <https://doi.org/10.19105/al-lhkam.v17i1.4987>.

¹⁷ Devi Triasari dkk., "Mapping Restorative Justice in Information and Electronic Transaction Criminal Regulation," *Journal of Human Rights, Culture and Legal System* 3, no. 1 (2023): 1–16, <https://doi.org/10.53955/jhcls.v3i1.75>.

¹⁸ Fauzan, "Alternatives to Criminal Conviction in a Comparative Analysis of Positive Law and Islamic Criminal Law."

¹⁹ Risnawati Br Ginting, Ediwarman Ediwarman, dkk., "Penghentian Penuntutan Melalui Penerapan Restorative Justice di Tingkat Kejaksaan," *Locus Journal of Academic Literature Review*, 10 Oktober 2023, 789–806, <https://doi.org/10.56128/ljoalr.v2i10.233>.

²⁰ Muhammad Siddiq Armia dkk., "Criticizing the Verdict of 18/JN/2016/MS.MBO of Mahkamah Syar'iyah Meulaboh Aceh on Sexual Abuse against Children from the Perspective of Restorative Justice," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 1 (2022): 113–35, <https://doi.org/10.19105/al-lhkam.v17i1.4987>.

whether as victims or offenders. Secondary data are gathered from various documentary sources, such as legal texts, academic literature, scientific papers, and relevant prior research. The analysis is qualitative, involving a thorough review of descriptive information obtained from statements, documents, and observed practices. This information is interpreted within the context of legal theory and public policy. By utilizing this approach, the research aims to provide a comprehensive understanding of how restorative justice is practiced and its contributions to the development of the criminal justice system in the City of Bandar Lampung.

ANALYSIS AND DISCUSSION

Restorative Justice in Criminal Cases at the Prosecutor's Office

In Indonesia, the public prosecutor is a vital part of the justice system, as stipulated by Law No.16/2004. It is this body that carries our state power while prosecuting crimes, etc.²¹ Its role is to provide legal certainty, safeguard order and justice as well as acquiescence with societal customs like moral or religious values. In performing these tasks, the prosecutions needs to be intellectually and emotionally connected with human values, legal doctrines, and social justice.²²

The for applying restorative justice in the attorney's office is arranged and stipulated by the Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020. This rules gives prosecutors the authority to discontinue criminal prosecutions if it serves considerations of justice, public interest, or reconciliation among people.²³ This new focus on restoration, rather than punishment, constitutes a major motivation in the criminal justice system.²⁴ Practically, the Attorney General's Circular Letter Number 1 of 2021 explains the various steps in restorative justice initiatives—which includes mediation processes and internal actions to ensure that power is never abused. In addition, the Changes to Law Number 11 of 2021 strengthens even more the power of prosecutors to terminate prosecutions in the cause of justice, and specifically with a view towards restorative justice practices.

Prosecutors are key players in the justice system because they alone have the power to decide whether a criminal case goes forward or stop. The criteria for choosing are based on the principles of opportunity, although discretion can be used according to the circumstances.²⁵ One innovative method that is catching on in many prosecutor's offices is restorative justice, which has been established in Prosecutor's Regulation No. 15 of 2020. The objective of this approach is to deal with criminal business inviting together all of the offenders and victims, not excluding their families, and other involved parties. It is about creating a field of dialogue and understanding, to

²¹ Ario Feby Ferdika et al., "Kedudukan Kejaksaan Di Indonesia: Perspektif Fiqih Siyasa," *As-Siyasi : Journal of Constitutional Law* 2, no. 1 (2022): 39–58, <https://doi.org/10.24042/as-siyasi.v2i1.12778>.

²² Husein Pohan et al., "Penyelesaian Tindak Pidana Dengan Pendekatan Restorative Justice Yang Dilakukan Oleh Kejaksaan," *Locus: Jurnal Konsep Ilmu Hukum* 3, no. 1 (2023): 52–62, <https://doi.org/10.56128/jkih.v3i1.41>.

²³ Femmy Silaswaty Faried, Hadi Mahmud, and Suparwi, "Mainstreaming Restorative Justice in Termination of Prosecution in Indonesia," *Journal of Human Rights, Culture and Legal System* 2, no. 1 (2022): 66–77, <https://doi.org/10.53955/jhcls.v2i1.31>.

²⁴ Setya Wahyudi et al., "Recomposing the Handover and Return to Parents in the Juvenile Justice System in Indonesia: Dilemma between Best Interest of the Juvenile and Legal Shadow," *Volkgeist: Jurnal Ilmu Hukum Dan Konstitusi* 8, no. 1 (June 30, 2025): 263–84, <https://doi.org/10.24090/VOLKSGEIST.V8I1.13130>.

²⁵ Syamsuddin Muchtar et al., "Juvenile Criminal Responsibility in Justice Systems: A Comparative Study of Judicial Interpretations in Indonesia and Australia," *Jambe Law Journal* 7, no. 2 (November 27, 2024): 371–94, <https://doi.org/10.22437/HOME.V7I2.387>.

restore harm rather than inflict punishment. Restorative justice is focused on repairing relationships and addressing the harm caused by criminal behavior.²⁶

When practicing restorative justice, prosecutors proceed from the logic of equity in addition to maintaining the public interest and insisting upon proportionality. They see punishment as both retribution and a constructive means of addressing bad behavior. There are certain requirements that a case must meet to be mediated through restorative justice. These criteria include: 1) the suspect should be a first-time offender; 2) the crime would be punishable by a fine or imprisonment for up to five years; 3) any damage or loss will not exceed IDR 2,500,000. In case of property or criminal-type nature or against life, health and freedom losses, the financial limits could also be raised under some conditions. This presents flexibility that permits the justice system to account for specifics of individual cases, and focus on healing rather than punishment.

In deciding when to discontinue prosecution, profound factors influence the prosecutor, such as subject of an act, object of an act, class and penalty nature.²⁷ Furthermore, prosecutors need to be sensitive to the nature of the criminal act, damage done, loss sustained or impact caused and cost/benefit in processing cases. These factors guarantee that the process has regulatory end in respect of justice and also to protect public interest.

Procedurally, the prosecutor initiates preliminary enquiry on whether the case is fit for restorative resolution. Restorative justice involves correspondence and agreement between the victim and offender.²⁸ When the survivor is eligible, mediation will be arranged by the prosecutor's office. This mediation may involve the offender, victim, and other stakeholders, for example, family or village leaders.²⁹ The perpetrator can show that they are sorry for what they have done and willing to take responsibility during mediation. Meanwhile, the victim is also allowed to describe how the criminal behavior has impacted them physically, financially and emotionally.

The purpose of this mediation shall be to achieve an agreement that has its focus on the remedy of the victim's loss-injury by, where appropriate, compensation, a direct apology, or other forms of amends, as mutually acceptable. If an agreement is reached, the prosecutor will file a formal report written detailing the disposition of the agreement. This report provides the basis for requesting that the prosecution be terminated by the Public Prosecutor with order of the Chief State Prosecutor.³⁰

The watchdog by the head of the District Attorney's Office reviews and approves or declines the recommended prosecution stop. The case is closed, and the assailant does not have to attend court if found guilty. But the prosecution dismissal is still included in the internal review of prosecutions, so that implementation comports with applicable regulations.

(1) Voluntarism requires that the parties come to an agreement about the restitution voluntarily and without coercion; (2) Whole seeks primarily to address the needs of victims and restore

²⁶ Dian Ekawaty Ismail, Avelia Y Rahmah Mantali, and Mohamad Rivaldi Moha, "The Concept of Revitalizing Traditional Institutions in the Criminal Law System to Realize Restorative Justice," *Jambura Law Review* 5, no. 2 (June 3, 2023): 220–34, <https://doi.org/10.33756/JLR.V5I2.11682>.

²⁷ Ginting, Ediwarman, dkk., "Penghentian Penuntutan Melalui Penerapan Restorative Justice di Tingkat Kejaksaan."

²⁸ Rahma Resta dkk., *Penyelesaian Tindak Pidana Penganiayaan Ringan Melalui Pendekatan Restoratif Justice Di Wilayah Hukum Polresta Pekanbaru*, 2024.

²⁹ A A E Putri and A F Azhari, "Implementasi Prinsip Restorative Justice Tindak Pidana Penganiayaan Pada Tingkat Penyidikan (Studi Kasus Di Polresta Surakarta)," *UNES Law Review* 6, no. 3 (2024): 8539–53.

³⁰ Hendra Meylana and Aan Asphianto, "The Implementation of Restorative Justice In The Prosecutor's Office As A Protection For Victims of Domestic Violence" 2, no. 2 (2024).

relationships between themselves; offenders, and society; and (3) Offender accountability implies that those who engage in criminal wrongdoing must know what these actions mean for them and take responsibility for them.³¹ Moreover, the respect for the rights of all parties is an essential ingredient in order to prevent any party from being prejudiced by implementation when reconciling with or without reparation.³²

The use of the restorative justice approach in prosecutions has many advantages. It also enables justice to be administered more humanely and lightens the load on the criminal courts, especially as regards petty offenses.³³ Restorative justice is a more efficient solution than spending time and money through the courts. Additionally, it renews social cohesion among victims, offenders, and the community.

The process also has a deterrent effect as it enables offenders to contemplate their offense and learn from the experience. It is therefore more than an alternative to adversarial law; it is also a tactical choice in the struggle for a fair and restorative justice system.

Transparency forms a central theme of legitimacy and public confidence in the final outcome of any stage of the restorative justice programme.³⁴ Clear procedures guarantee that every dismissal decision must be made from a position of legality, and is both open to administrative sanction and moral censure. There must be room within the prosecution service for internal and external oversight, through shoring up the mediation process with detailed documentation; publishing what has been agreed to; regularly reporting up to leadership as well as outwards to the public. This transparency will make the application of restorative justice more just and hold law enforcement authorities in greater account before the public.

Transparency in practice of restorative justice is also used as a tool to curb the abuse of power, offers one form of social control over the police process. The public needs to know that discontinuance of a prosecution is not an act of impunity but a demonstration of justice promoting healing and social equilibrium. This open principle will allow all the process—whether mediation, the decision on eligibility for cases, to termination of prosecution—to be process-tailored controlled and objectively evaluated. Lastly, transparency serves as the linchpin between law, morality and public trust to guarantee that restorative justice is truly administered in the name of justice, and not just by going through the motion.

Restorative Justice in an Out-of-Court Settlement of Criminal Cases in Bandar Lampung

The Bandar Lampung District Attorney's Office is now a role model in the development of restorative justice, having twice been named as the second-best national implementer of this approach in 2022. That same devotion to increasing community justice has seen them open to Restorative Justice House in every district office, an achievement honored by the Mayor of Bandar

³¹ Yuspar, "Kewenangan Kejaksaan Penghentian Penuntutan Dalam Perkara Pidana Berdasarkan Restorative Justice," *Unes Law Review* 6, no. No.2 (2024): 7071–81, <https://doi.org/https://doi.org/10.31933/unesrev.v6i2.1595>.

³² Rizanizarli Rizanizarli et al., "The Application of Restorative Justice for Children as Criminal Offenders in the Perspective of National Law and Qanun Jināyat," *Samarah* 7, no. 1 (2023): 21–39, <https://doi.org/10.22373/sjhk.v7i1.15633>.

³³ Nuroini, *Efektivitas Penerapan Restorative Justice Dalam Kasus Pidana Di Indonesia*.

³⁴ Abdikadir Abdullahi Mo'allim Ahmed dkk., "The Effect of Judicial Transparency on Public Trust: A Case Study of Mogadishu Courts," *Journal of Somali Studies : Research on Somalia and the Greater Horn of African Countries* 11, no. 3 (2024): 27–42, <https://doi.org/10.31920/2056-5682/2024/v11n3a2>.

Lampung.³⁵ This move does more than simply make the city more attractive—it makes Bandar Lampung a potential national model on restorative justice. The aim of the Bandar Lampung District Attorney's Office are, in providing restorative justice, to contribute to a more humane and legacy creating approach to law. This philosophy encourages collaborative efforts between the offender, victim and each of their families to heal from crime. Rather than concentrating on punishment, restorative justice attempts to repair relationships and restore the social order in the community.

When a criminal case arises, the Bandar Lampung Prosecutor's Office initiates the restorative justice process after receiving relevant files and suspect information from the local police. A public prosecutor is then appointed to guide the resolution. They conduct a thorough case analysis and consult with team members to develop a path toward reconciliation. In this collaborative effort, the suspect and victim are invited to participate, and the police are kept informed through the process. Following discussions, a report detailing the reconciliation efforts is created. If a peaceful resolution is achieved, the Bandar Lampung District Prosecutor's Office submits a formal request to the Lampung High Prosecutor's Office for the termination of prosecution. Consequently, a decree regarding the perpetrator or suspect is issued.

In 2022, the Bandar Lampung District Attorney's Office took significant steps toward implementing restorative justice by submitting 13 cases to the Attorney General's Office for resolution through this approach. Out of these, ten cases were successfully settled without the need for prosecution, thanks to the collaborative efforts of all parties, who were satisfied with the outcomes. The Bandar Lampung District Attorney's Office follows five key principles and requirements when applying restorative justice, which are outlined in the table below.

Table 1. Principles, Conditions, and Types of Cases for Restorative Justice in Bandar Lampung

No	Principles of Restorative Justice	Condition	Numbers/Types
1	Emphasizing the harm and consequences of criminal acts	First-time offender	Ten cases
2	Protecting families and communities	Punishment is less than 5 years	Theft
3	Encouraging an inclusive, collaborative process	Loss value not exceeding IDR 2,500,000.	Robbery
4	Righting wrongs		Defamation

Sources: Researchers' interview result

Restorative justice was found to be applied effectively by the Bandar Lampung District Attorney's Office on ten cases in accordance with its principles. For a start, the method put focus on consequences and impact of crime: not only for victims but also for offenders and the society. Second, it was imperative to keep everyone safe—victims' families, offenders' families, and even the community. Third, the procedure was intended to be both inclusive and consultative. Fourth, there was a need to include those who had been victimized. Finally, the principle of error correction was central to all processes.

³⁵ "Peresmian Rumah Restorative Justice Dihadiri Walikota Bandar Lampung," Kelurahan Kedamaian Kecamatan Kedamaian Kota Bandar Lampung, diakses 29 Oktober 2025, <https://kedamaian.bandarlampungkota.go.id/artikel/2022/12/5/peresmian-rumah-restorative-justice-dihadiri-walikota-bandar-lampung>.

In order to qualify for restorative justice, two conditions must be met: the suspect has not been involved in any prior crimes for criminal activities and the committed crime is punishable by a maximum of five years of imprisonment or monetary sanction rather than prosecution, and does not exceed IDR 2.5 million as per loss. But it is also worth noting that more serious offenses, including corruption, cannot be resolved through restorative justice and still must go through the courts.³⁶

Restorative justice is the process of bridging all stakeholders in a crime—the offender, the victim and their family members, and any other affected parties—together on attempting to find just and equitable resolution. Rather than punishing and retaliating (for example, imprisonment) it is an attempt to make the situation right again and healing over harm.

“In the Bandar Lampung District Prosecutor’s Office, restorative just has been very effective. It provides a real solution to bridging criminal cases to quick and just resolution. It has been a successful way of reestablishing social relationships between offenders, victims and the community, without going through prolonged court encounters coupled with dialogue and deliberation. One of the major successes of restorative justice is its prevention of re-offending. The offenders have the opportunity to face up-to their actions, to make a direct reparation and this leads to responsibility taking. The victims, meanwhile, are not only given moral support but also material restitution that helps ensure sustainable peace in the community. This is what makes restorative justice in Bandar Lampung an example of a humane, inclusive and socially repairing model to resolve cases.”³⁷

The Attorney General’s Office has expressed its appreciation for the impressive implementation of restorative justice by the Bandar Lampung District Attorney’s Office. Notably, this office has achieved the second-highest performance in restorative justice across Indonesia, demonstrating its capability to effectively administer justice while meeting community needs.

“The approach to restorative justice here goes beyond just efficiently handling cases; it emphasizes humanity, fairness, and fostering social harmony. By establishing Restorative Justice Houses in various districts, community members can resolve legal conflicts through dialogue and peaceful discussions. This initiative also enhances collaboration among law enforcers, local government, and the community, working together towards a more compassionate justice system.”³⁸

Restorative justice offers many advantages and plays a significant role in achieving fair outcome. Its main aim is to heal harmful relationships that arise from conflict or crime.³⁹ This approach centers on both the offender and the victim while actively involving the community in the healing process. It allows those who have made mistakes to take responsibility and recognize their actions without facing harsh social repercussions, helping to ease their reintegration into society.

“Restorative justice is valuable because it encourages offenders to acknowledge their actions and the impact they have had on others, while also providing victims with a sense of healing and justice. By prioritizing peaceful solutions over punitive measures and minimizing the stigma against offenders, this approach can lighten the load on the Indonesian justice system and its correctional facilities. Additionally, restorative justice fosters better social interactions among offenders, victims, and the community, promoting a more inclusive and harmonious society. Ultimately, it supports social healing, lowers the risk of future crime, and empowers communities to engage meaningfully in the justice process.”⁴⁰

³⁶ Zuhrauni Zuhrauni, Abdul Qodir Zaelani, and Fathul Mu’in, “Dynamics of Dismissal of Regional Heads in Lampung Province Perspective of Law and Fiqh Siyasah,” *Jurnal Ilmiah Al-Syir’ah* 21, no. 2 (2023): 202, <https://doi.org/10.30984/jis.v21i2.2443>.

³⁷ Helmi, Head of the Bandar Lampung District Attorney’s Office, Interview, 2024

³⁸ Sigit Yulianto, Head of the Bandar Lampung District Attorney’s Office, Interview, 2024

³⁹ Zico Junius Fernando, “Pentingnya Restorative Justice Dalam Konsep Ius Constituendum,” *Al Ijarah : Jurnal Pemerintahan Dan Politik Islam* 5, no. 2 (2020): 253, <https://doi.org/10.29300/imr.v5i2.3493>.

⁴⁰ Maudin, General Criminal Section Head of Bandar Lampung District Attorney’s Office, Interview, 2024

Restorative justice allows victims to describe the emotional and social consequences that a crime has had on their lives, which fosters greater understanding and respect.⁴¹ Through open dialogue, as led by an impartial intermediary, the victim and offender can actually hear each other out and work together on ways of restoring justice. Such an approach not only increases social consciousness and responsibility but helps the offender reorient themselves into society, leading to a safer environment for both. Ultimately, restorative justice aims to give back some balance and repair relationships broken by crime for the good of both individuals and the wider community.

The social benefits, of the restorative justice movement are great as it helps people in developing a supportive family-like approach to resolving problems. Complementing to this, City Government of Bandar Lampung has opened a Restorative Justice House at the service to support law enforcement in its effort to institutionalize fairness.

“This restorative justice approach is necessary, that it resolves this case through dialogue and consensus. It provides a lot of justice for the offenders, and it offers victims closure and peace in the community as well. Our commitment, as a local government in conjunction with the prosecutor’s office is to introduce the idea of restorative justice to the people,” said a local official.⁴²

One of the offenders who experienced restorative justice in Bandar Lampung said:

“I am thankful for the opportunity to address this matter through restorative justice as I continue to work to make amends. It enabled me to apologize in person to the victim and mend things, without having to sit it out behind bars. This is all teaching me about my duties and what my actions mean to others.”⁴³

A victim participant of the restorative justice described their relief: “At first, I was angry and ruined over it, but after participating in restorative justice, I realized that the offender had wanted to make it right. I decided to forgive because it paved the way for a genuine dialogue between us and helped us reconcile and resolve the matter amicably. And now, I feel such much at peace knowing that justice is not only about punishment; it’s also about healing and restoring.”⁴⁴

Yet, restorative justice has also been called into question for its vagaries in practice. And the process is highly reliant on law enforcers’ interpretation of its criteria—a discrepancy that can result in inconsistent treatment across cases.⁴⁵

“Some complainants feel pressured to accept reconciliation, especially when there is an imbalance of power between the complainant and the accused. This makes it difficult for their emotional and psychological needs to be fully met. This problem is exacerbated by a focus on rehabilitating perpetrators, and can in some instances give the impression that victims’ rights are forgotten.”⁴⁶

Critics also say restorative justice will not work with more serious crimes, like robbery or sexual violence, because the community—and especially victims—would see milder consequences for offenders as unjust.

⁴¹ A M Nascimento, J Andrade, and A de Castro Rodrigues, “The Psychological Impact of Restorative Justice Practices on Victims of Crimes—a Systematic Review,” *Trauma, Violence, and Abuse* 24, no. 3 (2023): 1929–47, <https://doi.org/10.1177/15248380221082085>.

⁴² “Eva Dwiana, Wali Kota Bandar Lampung, Interview, 2025.”

⁴³ “AM, Pelaku Kejahatan, Interview, 2025.”

⁴⁴ “FA, Korban Kejahatan, Interview, 2025.”

⁴⁵ Tofik Yanuar Chandra, “Penerapan Restorative Justice Dalam Sistem Peradilan Pidana Anak Di Indonesia,” *Al-Mashlahah: Jurnal Hukum Islam Dan Pranata Sosial Islam*, no. 11 (2023): 179–90, <https://doi.org/10.30868/am.v11i01.3827>.

⁴⁶ Fauzi Furqon, Criminal Law Academic, Interview, 2024

“Given that these dimensions of justice are realized in ways that don’t always reflect the underlying principle of retributive justice, restorative and retributive forms of justice will not necessarily co-occur. Retributive justice requires that the punishment of a criminal should fit the crime committed and that some but not excessive punishment will deter works. But healing and commerce isn’t the same thing as justice. Restorative justice on the other hand does not focus solely on punishment, but is more concerned with healing and rebuilding our communities.”⁴⁷

Offenders, as a rule, are given lenient treatment or even escape punishment in the legal sense, which may induce victims to feel that justice has not been done. So many people who are assaulted may feel that their pain and suffering is not acknowledged and will feel this sense of injustice when they see the perpetrators not have the same, suffer in a similar manner to how their victims do. This can give the impression that criminal behavior does not actually warrant punishment and contribution to the legal system’s role in establishing justice.⁴⁸

In addition, there are worries that restorative justice would not sufficiently dissuade criminals, particularly repeated offenders.⁴⁹ Critics also note that the absence of specific regulations governing such an approach could allow for a loophole to be exploited. In order to do justice to all involved, restorative justice needs a sound structure, wide community education and good training of those involved, as well as strong oversight. These are necessary in order to make the process a useful and fair resolution for all parties involved.

CONCLUSION

This research provides insights into the application of restorative justice by the Prosecutor’s Office based on Regulation of Attorney General No. 15 of 2020, that is termination of prosecution based on restorative justice principle. In Bandar Lampung, the Prosecutor Office revitalized 10 of the 13 cases submitted. It has to satisfy certain conditions, like the offender being a first-time offender, with the sentence below five years and the loss of money not more than Rp 2.5 million. Take note that this excludes cases dealing with heinous crimes as murder, rape, and plunder. The application of restorative justice in the Bandar Lampung District Prosecutor’s Office focuses on moral responsibility and recovery of victim rights by applying open, transparent and fair trial. Offenders are encouraged to demonstrate true regret, take direct steps to make amends with the victims and over their behavior, all in the presence of the prosecutor and community leaders who act as moral witnesses to the process. The agreements between offenders and victims are recorded voluntarily in an official record that becomes the basis for the terminating prosecution. Transparency is one of the hallmarks of restorative justice process in Bandar Lampung, every process — from determining cases to making a ruling — carried out and recorded meticulously to avoid power abuse. These findings indicate that the practice of restorative justice in Bandar Lampung do not only have an aim to solve cases but also to facilitate the sense of accountability and provide meaningful rule of law for society. In order to assist in the development of an effective restorative justice, we recommend standardization of process, better training for law enforcement officers and

⁴⁷ Dani Amran Hakim, Criminal Law Academic, Interview, 2024

⁴⁸ Y Boriboonthana and S Sangbuanglum, “Effectiveness of the Restorative Justice Process on Crime Victims and Adult Offenders in Thailand,” *Asian Journal of Criminology* 8, no. 4 (2013): 277–86, <https://doi.org/10.1007/s11417-013-9160-8>.

⁴⁹ Indah Maya Sari Ritonga and Budi Sastra Panjaitan, “Kritik Restorative Justice Dalam Kasus Pelecehan Seksual Di Pesantren: Analisis Undang-Undang No. 12 Tahun 2022,” *Legalite: Jurnal Perundang Undangan Dan Hukum Pidana Islam* 9, no. 1 (2024): 100–116.

multiple layers of oversight to prevent unjust or irregular prosecutorial terminations. Furthermore, increasing public education and awareness is critical to have a better-informed community on restorative justice. For future research, it is recommended to extend the geographic area in order to contrast different implementations in prosecutor's office and analyze crime prevention and the social reintegration of offenders as an outcome of restorative justice programs.

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