



Reformulation Of Restorative Justice Arrangements That Oriented Towards Victim Protection

Deasy Mariana Ma'ruf

Jenderal Soedirman University

Email: deasymarianamaruf70@gmail.com

Info Artikel

Accepted: July 1, 2025

Received: August 1, 2025

Published: September 1, 2025

Keywords:

Restorative Justice; Victims' Rights; Indonesian Criminal Code (KUHP); Legal Reform; Victim Protection; Normative Juridical Research.

Corresponding Author: Deasy Mariana Ma'ruf, e-mail:

deasymarianamaruf70@gmail.com

Abstract

The newly enacted Indonesian Criminal Code (KUHP) introduces significant reforms, including the incorporation of restorative justice. This approach prioritizes resolving criminal cases through dialogue involving the offender, victim, families, and community, aiming for relationship restoration and substantive justice. Although its inclusion is a progressive step, the current regulation remains limited particularly in its lack of victim-centered orientation. This normative juridical research explores: (1) the construction of victims' rights in the restorative justice framework under the new KUHP; (2) weaknesses in current restorative justice regulations within Indonesia's positive law; and (3) reformulation strategies to ensure victim protection. Findings show that restorative justice in the KUHP lacks clear standards for victim protection, such as the right to refuse, to receive consultation, and to obtain legal or psychological support. Its fragmented, sectoral application across institutions causes inconsistencies in interpretation and practice, ultimately hindering the fulfillment of victims' rights.

INTRODUCTION

The concept of the rule of law as mandated in Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI Tahun 1945), which states that Indonesia is a state of law, has not been fully implemented. As the term "the rule of law" proposed by Dicey in his book entitled *Introduction to The Study of The Law of The Constitution* has emphasized that a state based on law always has 3 (three) important characteristics, namely the supremacy of law, equality before the law, and due process of law.

The implementation of the concept of the rule of law that is not running well is due to the non-optimal enforcement of criminal law, otherwise known as criminal law or penal law. Black's Law Dictionary defines criminal law as part of the law that regulates offenses against society, regulates how suspects are examined, charged, and tried, and determines punishment for convicts, considering that crimes are acts that are punishable by law and/or are violations of a legal obligation. The non-optimal enforcement of criminal law is due to the punishment system adopted by Indonesia which is only oriented towards the perpetrators of crimes, so that if a crime occurs against another person, the criminal law only focuses on punishing the perpetrators as severely as possible [2]. This is inseparable from the dominance of the classical school which is retributive and repressive towards criminal acts based on three pillars. First, the principle of legality, which states that there is no criminal offense without a law regulating the act. Second, the principle of culpability, which states that only criminal offenses that are committed intentionally or by mistake can be punished. Third, that the concrete punishment is not imposed with the intention of achieving a beneficial result, but in proportion to the severity of the act committed [3]. Related to the third foundation regarding the principle of retaliation for the actions committed by the perpetrators of crime, the punishment imposed on the perpetrators is a process of retaliation as the basis for the legitimacy of punishment, in the sense of punishment as just deserts that criminals deserve to be punished for their despicable behavior [4]. This means that just deserts in retribution is defined with reference to the understanding that the ill-desert of the offender can be fulfilled through a system of revenge with a punishment [5]. Moving on from this thought, it can be understood that in the current criminalization system, the imposition of punishment only pays attention to the retaliation against the perpetrator's actions without considering the interests of the victim, even though the victim of the crime that occurred is the party most affected by the crime that occurred [6].

The National Criminal Code accommodates a different approach from Law Number 1 Year 1946 on the Criminal Code (later referred to as the WvS Criminal Code) which refers to the "daad-dader strafrecht" selected from the neoclassical school. This model is a realistic model that pays attention to the interests that must be protected, namely the interests of the state, the interests of the individual, the interests of the criminal, and the interests of the victims of crime [7]. Approach can be seen from the formulation of Articles 51, 54, 98, 99, and Articles 600 to 604 of the National Criminal Code which by Barda Nawawi Arief, the formulation has changed the paradigm of retributive justice into restorative justice [8]. Article 51 of the National Criminal Code discusses the prerequisites for punishment by considering the recovery efforts, Article 54 aims at the recovery of victims, Articles 98 and 99 talk about alternative criminal settlement by considering the

interests of victims and restorative justice, and Articles 600 to 604 discuss the specificity of solving minor crimes outside the court.

The idea and application of restorative justice has actually become an important part of the National Criminal Code. This National Criminal Code reflects Indonesian values. Restorative justice is part of the legal culture in Indonesia which is based on the values of Pancasila, human rights, moral norms, as well as a balance between the interests of the state, protection of victims, and individuals. However, the rules on the implementation of restorative justice in the National Criminal Code have not been explained in depth. In addition, the implementation is also regulated by each law enforcement agency. As in the formal requirements referred to in Police Regulation No. 8 of 2021 (Perpol No.8 of 2021) which in Article 6 of Perpol No.8 of 2021, regulates, there are formal requirements in the form of peace between the two parties and the fulfillment of victims' rights, along with the existence of material requirements, namely compensating for losses and damage caused by criminal acts.

Then in the Prosecutor's Office institution, there is a Prosecutor's Regulation (Perja) No. 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. In the regulation, the public prosecutor has the authority to close a case in the public interest if it fulfills several provisions, one of which is that there has been an out-of-court settlement (*afdoening buiten proces*), this out-of-court settlement can be carried out with 2 (two) provisions, namely for certain criminal offenses, the maximum fine is paid voluntarily in accordance with the provisions of the law and restores it to its original state using a restorative justice approach, this approach opens space for the public prosecutor to stop prosecution.

Furthermore, the judiciary also has its own regulations such as Supreme Court Regulation (Perma) No.1 of 2024 concerning Guidelines for Adjudicating Criminal Cases Based on Restorative Justice. The striking difference between the Perma and the Perpol and Perja is that restorative justice does not aim to eliminate the criminal responsibility of the perpetrator, but emphasizes restoring the victim of the crime, the relationship between the victim, the defendant, and the community, as well as advocating for accountability on the part of the defendant.

Based on the description above, it can be clearly seen that there are juridical problems, namely that Indonesian positive law does not have uniformity in the regulation of restorative justice, the regulation is only sectoral in institutions which will lead to differences in perception, which will have implications for the non-fulfillment of victims' rights. Although it has been regulated in the National Criminal Code as a form of codification of regulations, which only alludes to restorative justice, there are several weaknesses that have not been fully covered by the National Criminal Code, such as normatively there are no details regarding victim protection standards in the restorative process, including the right to refusal, consultation, and assistance during the criminal process, so that the restorative justice mechanism in the National Criminal Code is not yet oriented towards victim protection. Thus, the research formulation in this paper is first, how is the construction of victims' rights in the restorative justice approach according to the provisions of the National Criminal Code? Second, how is the weakness of Restorative Justice arrangements in positive law in Indonesia at this time? Third, how is the reformulation of the concept of Restorative Justice oriented towards the protection of crime victims in Indonesia?

RESEARCH METHOD

Legal research conducted in examining this research by examining library materials or secondary data known as normative legal research or library research [9]. This research is conducted by collecting legal materials both primary, secondary and or tertiary. In order to obtain answers or solutions to the problems in this study, the approaches used are statute approach, comparative approach, conceptual approach [10].

RESULTS AND DISCUSSION

Restorative Justice in the National Criminal Code

Donald H.J. Hermann emphasized that there is no agreed upon definition of restorative justice [11]. However, in order to provide a basic understanding of restorative justice, the researcher outlines several definitions related to restorative justice, namely Tony Marshal, "Restorative justice is a process whereby all the parties with a stake in a particular offense come together to resolve collectively how to deal with the aftermath of the offense and its implications for their future" [12].

The restorative justice approach is one of the most recent shifts in the current criminal justice system. The United Nations (UN) through the Basic Principles considers that the restorative justice approach is an approach that can be used in a rational criminal justice system. This means that criminal law enforcement has shifted from retributive justice to restorative justice. According to Hibnu Nugroho, the shift is because the punishment imposed by the criminal justice system has little effect on the recovery of victims. Restorative justice is practiced on the grounds that criminals do not only break the law; they also harm victims and society. Therefore, any issues resolved using this restorative justice approach should, as far as possible, benefit both the offender and the victim [13].

Furthermore, there are many forms of approaches used in applying the concept of restorative justice. However, in general, these models are classified into 3 (three) main forms, namely, first, Victim Offender Mediation (VOM) is one of the three forms of restorative justice approach where a forum or room is created to facilitate meetings between victims and offenders, assisted by an intermediary as a facilitator and coordinator of the meeting. Second, Conferencing Case resolution with this model does not only involve the victim and perpetrator (primary victim), but also involves indirect (secondary) victims, namely family, community, close friends of the perpetrator and newspapers and others. Of the various types of meetings that have developed, a model called the Family Group Meeting (FCG) has developed in relation to handling cases of crimes committed by children. Third, Circles is a form of restorative approach adapted from Canadian practice that involves victims, perpetrators, families of perpetrators/victims, and other parties, including law enforcement. Unlike the previous two models (mediation and victim-offender conference), this model allows all interested citizens to participate [14].

Basically, the establishment of the National Criminal Code has carried the spirit of restorative justice. This spirit has been embodied through the formulation of the purpose of punishment which is not regulated in any other legal product [15]. This is regulated in Article 51 letter c, which illustrates restorative justice by stating that the purpose of punishment is to "resolve the conflict caused by the criminal offense, restore balance, and bring a sense of security and peace in society". Even Article 52 rejects the retributive concept altogether by saying "punishment does not aim to degrade human dignity". With this concept of punishment, judges are then equipped with the Sentencing Guidelines with one of the ammunition in the form of *rechterlijk pardon* or known as judge forgiveness. Article 54 paragraph (2) states "The severity of the act, the personal circumstances of the perpetrator, or the circumstances at the time of the crime and what happened later can be used as a basis for consideration not to impose punishment or not to impose measures by considering aspects of justice and humanity". With this authority, even though the formulation of the offense is fulfilled, the judge can not impose punishment and action at all. Judge's pardon or *rechterlijke pardon* or judicial pardon or *dipensa de pena* is the idea of judge's pardon and forgiveness. This concept authorizes judges to forgive and not impose criminal penalties or measures even though criminal acts and wrongdoing have been proven. The restorative concept is also reflected in Article 70 of the National Criminal Code where there are guidelines for not imposing imprisonment in several conditions. One of the conditions that demonstrate the restorative concept is when "the defendant has paid compensation to the Victim". This concept places the resolution of criminal offense between the perpetrator and the victim which is reflected in the concept of restorative justice. In addition, if "the defendant does not realize that the criminal act committed will cause great harm", imprisonment is also not appropriate to be imposed.

The foregoing has an impact on substantial changes related to victim protection that shift the paradigm of national criminal law in which out-of court problem solving efforts (restorative justice) are taken into consideration in the criminal law implementation system that provides a balance of legal treatment for criminal offenders and victims of criminal acts can be achieved properly, without having to always use criminal sanctions (imprisonment) in the final settlement [16]. This approach helps offenders to avoid committing other crimes in the future [17]. The restorative justice movement initially began as an effort to rethink the needs that were not met in the ordinary justice process. Restorative justice expands the circle of stakeholders or parties involved in the event or case where it is not just the government and perpetrators, but victims and community members are also involved in the problem solving process.

Weaknesses of Legal Institutions to Realize Victim Protection in Indonesia

Victimology theory is the study of people who are victims of crime, which aims to improve the welfare of society and assist human development. The goal is for people to avoid becoming victims in a broader sense. Mendelsohn states that, "..., this theory should be made a separate and independent science, have its own institutions and be given the opportunity to develop for the good and progress of mankind." [18]. This is also in line with the thoughts of victimologists such as Ellias and Separanovic who researched victimology

to emphasize the importance of human rights as well as from the perspective of human suffering to convey, 'the right to life, freedom and security' [19].

Furthermore, there is a victim-oriented theory of victimology because there is suffering and/or loss experienced as a result of the criminal act committed. This is in line with the opinion of angkasa who stated that: [20]. "... what is meant by victim is a person individually or collectively suffering losses, including physical or mental injuries, emotional suffering, economic losses or damage to basic rights, caused by the actions of other parties who violate the criminal law in a country either intentionally or due to negligence. The definition of victim also includes, where possible, the immediate family of the perpetrator as well as persons who have suffered suffering and/or loss as a result of their participation in helping a victim in distress while preventing the victimization".

The operation of criminal justice in both its legal institutions and institutions is more offender oriented. The existence of victims is subordinated and eliminated as risk secondary victimizations in the operation of the criminal justice system [21]. Not without reason, the position of victims has been neglected because when examined from the objectives of punishment in positive law in Indonesia, criminals seem to get more "attention" from the state, for example criminal offenders get rehabilitation, treatment of offenders, social readaptation, correctional, and others [22]. Furthermore, the weakness of legal institutions in providing victim protection can be reviewed using Lawrence M. Friedman's legal system theory.

From legal substance, it covers all existing regulations, both written and unwritten, including material law and formal law [23]. Although the National Criminal Code has become a "bridge" for restorative justice regulation, there are several weaknesses that have not been fully covered by the National Criminal Code, such as normatively there are no details regarding the standard of victim protection in the restorative process, including the right to refusal, claiming compensation, consultation, and assistance during the criminal process, so that the restorative justice mechanism in the National Criminal Code is not fully oriented towards victim protection. This can be critically seen from the formulation of article that regulates compensation to the victim as stated in Article 70 paragraph (1) letter e Jo Article 94 of the National Criminal Code which places the compensation as an additional punishment. The provision of additional punishment does not guarantee that the victim will automatically receive compensation if the judge determines that the main punishment is not accompanied by additional punishment (facultative), meaning that it can be imposed but is not mandatory. Then, the absence of guidelines in providing compensation to victims is a weakness of the Criminal Code in general, because it does not provide guidelines for judges in determining the level of compensation imposed. This absence causes uncertainty for the victim to obtain compensation suffered as a result of the defendant's actions.

The aforementioned is reaffirmed by the provisions on the incorporation of compensation claims in criminal cases as stated in Articles 98 to 101 of the Criminal Procedure Code. These provisions are civil in nature, even though they are provided through the criminal process. On the other hand, it must also be recognized that the regulation on the implementation of compensation, namely Implementing Regulation No.

27 of 1983, only determines the amount of material compensation for costs that have been incurred, and does not cover immaterial compensation. The National Criminal Code and KUHAP are also unable to regulate what happens if the perpetrator is unwilling or unable to pay restitution to the victim. The process of combining this compensation case is still facultative, namely from Article 99 paragraph 1 "the judge may determine to combine the compensation case in the criminal case." Therefore, the judge is given the opportunity to reject or accept the request to merge the compensation case filed by the victim or reject the request

These weaknesses seem to be covered by sectoral regulations that regulate restorative justice, but these non-uniform sectoral regulations actually weaken victim protection. This will have an impact on the weak participation of victims and the absence of supervision and accountability for the implementation of restorative justice. The sectoral regulation starts from the investigation stage which is regulated in the Indonesian Police Regulation Number 8 of 2021 concerning Handling Crimes based on Restorative Justice. The regulation emphasizes that the implementation if it has gone through an investigation can be completed with SP3. The second part of the regulation discusses the termination of investigations and inquiries. In addition, Article 7 of the Perpol regulates three special criminal offenses that can be stopped, namely ITE, Narcotics, and Traffic Crimes. However, these arrangements differ from the Attorney General's regulation (Perja) at the prosecution level. In Perja No. 15/2020, which is a further regulation of the Criminal Procedure Coderegarding the Termination of Prosecution Authority owned by the Public Prosecutor. Article 140 paragraph (2) of KUHAP provides three reasons for the public prosecutor to terminate prosecution, namely that the act is not a criminal act, there is insufficient evidence, and it is closed for the sake of the law. There are several notes that can be given to the regulation. First, this regulation has not touched on victimless crimes, so for cases that meet the requirements but there are no victims who feel harmed, the restorative justice approach cannot be applied. Then there are still arrangements that do not have clear indicators, such as the use of the term *casuistic* in one of the provisions of the application requirements. Furthermore, due to the hierarchical channels adopted by the Prosecutor's Office, the bureaucracy that must involve the High Prosecutor's Office and even the Attorney General in certain cases will be a challenge. And finally, there are still things that are not clearly regulated, such as if there is a complaint in the future or if the agreement is only partially implemented. Amendments to the Criminal Procedure Code (KUHAP) as the parent and guideline in law enforcement in Indonesia need to be carried out immediately in order to accommodate restorative justice, especially to emphasize the settlement of cases outside the court (*afdoening buiten proces*) which has never been regulated in it. While at the court stage as formulated by the Supreme Court Regulation (Perma) Number 1 of 2024 which focuses on implementing restorative justice by judges and emphasizes victim responsibility and recovery. The Perma has the advantage of affirming victim protection and active participation in the legal process, then, emphasizing the prohibition of power relations that often occur in gender cases. Even so, there are some shortcomings, such as only applying to the trial stage, not touching on the investigation and prosecution stages.

Legal structure (Law Enforcement), includes legal arrangements, legal instruments and law enforcement systems. Law enforcement is closely related to the judicial system whose implementation is carried out by law enforcement officials, namely investigators, prosecutors, judges and advocates. According to Sudarto, APH often places the position and existence of victims in criminal justice as people who are harmed has no meaning: Victims are abstracted. In the process of examining criminal cases, it is as if the victim is not humanized, only positioned as a witness who is only to provide information about what the perpetrator did as incriminating evidence [24]. At the police stage, there is no obligation to inform victims of their rights or to assist victims, at the prosecution stage there is no obligation to inform victims of their rights, and provisions to pay attention to victims in the sequence through the examination, and at the court examination stage, there are no guidelines related to the imposition of compensation so that victims are positioned as forgotten persons. At the level of legal culture, it describes the overall cultural aspects, including habits, views, and ways of behaving and thinking that influence social forces in society. According to Mardjono as quoted by Steven Box, the position of the victim is like an undetected crime, namely, the victim knows that he has become a victim, but is not willing to report because the police or the community thinks it is inefficient or will not care about the report, considers that the incident is a private matter, because it will be resolved directly outside the court with the perpetrator (extrajudicial), then feels embarrassed and is not willing to be a witness in the police or court (for example in crimes of decency or experiencing fraud because of his ignorance). Then the victim does not know that he/she has been the victim of a crime (e.g. in subtle fraud and in cases of neat embezzlement of money or goods). "Officially" not a victim, because of the authority of "police discretion" to determine what events and which are crimes (this concerns policy in law enforcement) [25]. The opinion of Mardjono Reksodiputro also emphasizes a phenomenon of criminality that exists in society, but is not revealed in official criminal statistics with a situation commonly referred to as the existence of 'dark numbers of crime'. The author argues that this phenomenon is also a criticism of the "selective process in the administration of justice"

On the basis of these three advantages, it is appropriate for Indonesia to start victim offender mediation. This advantage is reflected in the practice of several countries such as New Zealand, which is the country that most consistently applies victim offender mediation. The state policy applies more penalties that are oriented towards restoring conditions rather than imprisonment, the sanctions given are community based sentence, the offender is allowed to live a normal life and do routine work but is obliged to restore the victim's losses, the offender is also required to participate in programs related to the criminal offense [26]. Some of the crimes that are solved with this model are child abuse, drugs, theft, and other crimes that can be restored. New Zealand has the Department of Corrections of New Zealand, an agency tasked with ensuring the implementation of sentences and reducing crime. Europeans such as Finland and Norway have been pioneers in the application of victim offender mediation. In Finland, restorative justice is integrated into the criminal justice system with a mediation program that puts victims and offenders to negotiate with the supervision of trained mediators. The results of these mediations are

often taken into consideration in the imposition of sanctions by judges, the program reduces recidivism rates and improves social relations. Norway implements restorative justice with a focus on offender rehabilitation and victim recovery, creating a more open and humane prison environment for offender social reintegration after sentence expiry and reducing prison operating costs. Nevertheless, the idea of victim offender mediation needs to be based on several criteria, namely (1) the offender admits the act and realizes the mistake (2) commits not to repeat the crime (3) is willing to return the victim's loss in full.

Furthermore, the National Criminal Code accommodates the concept of recovery-based punishment, but has not provided a detailed mechanism to protect victims' rights. The right to refuse, active consultation, and assistance during the restorative process have not been explicitly implied in these articles. The ideal restorative justice concept must meet the criteria, namely, Victims as the main subject of the process, not a complement, The victim's right to refuse or accept mediation must be protected, Free legal and psychosocial assistance is available, The process must be transparent, documented, and can be monitored The results of the agreement must include real recovery for the victim (compensation, sincere apology, and guarantee of non-repetition). Thus, there is a need for norm reformulation that requires centralized regulation and codification of RJ norms in one regulation across law enforcement agencies, the preparation of standard fixed procedures (SOPs) that guarantee victim involvement and rights, and the establishment of an independent RJ oversight institution to ensure accountability and justice.

Reformulation of Restorative Justice Concept Oriented to Victim Protection in the Future

The ideal reformulation according to the researcher for the settlement of criminal acts involving perpetrators, victims, and the community, at the practical level is the Victim Offender Mediation (VOM) model which is one type of restorative justice program that is most ideally used in Indonesia. This argument is supported by Howard Zehr, who is also a Mennonite, who promotes the program as an ideal form of restorative justice concept, and is often used in America. The goals of VOM are, first, to support the healing process by giving victims the opportunity to meet with the offender and talk with him or her about ways to address the offense that has been committed. Second, it supports offenders to take direct responsibility by requiring them to listen to the victim's account of the impact on the victim as a result of the offender's offense and giving the offender the opportunity to discuss how to address the offense. Third, facilitate and encourage a process that is emotionally empowering and satisfying for both parties. Fourth, balancing the public interest and the private interest most impacted by the offense. Fifth, it enables the parties to agree on a way out of the breach. Starting from the existing model, victim offender mediation is an ideal model for the implementation of restorative justice that is oriented towards victim protection. The choice of VOM has advantages over other restorative models. First, this model does not involve many parties in the sense that the parties involved in mediation are limited to those who have a direct interest, namely the offender-victim and the mediator. Second, the limitation of the involvement of the parties will

reduce friction of opinion and will and will have implications for accelerating the peace process. Third, the international practice of this model has proven successful in reaching legal agreements without going to court and avoiding the accumulation of cases.

CONCLUSION

Based on the explanation above, the researchers can conclude that the settlement of criminal offenses or criminal cases through the Indonesian criminal justice system is still unable to reach a point of balance between the perpetrators and victims. Now there is a concept of resolving criminal cases outside the court (nonlitigation) called the concept of restorative justice which is regulated in the National Criminal Code. This restorative justice concept based on the explanation above can better guarantee the rights of citizens to obtain justice and equal treatment, because it is for the recovery of both victims and perpetrators. And in the process of resolving the concept of restorative justice will bring together the perpetrator, victim and family of the perpetrator / victim to convey the wishes of each other. Thus, the rights of citizens (victims and perpetrators) to obtain justice and equality are more guaranteed. Even so, there are shortcomings that cannot be covered by the National Criminal Code such as not strong enough in regulating victims' rights and lack of partiality to victims and more inclined to the efficiency of the criminal justice system. Then, at the legal substance level, the standard of victim protection in the restorative process, including the right to refusal, claiming compensation, consultation, and assistance during the criminal process. Legal structure APH often places the position and existence of victims in criminal justice as people who are harmed has no meaning: Legal culture, lack of attention from law enforcement and society to the position of victims in Indonesia. Thus, reform is needed both in terms of legal substance, the structure of law enforcement institutions, and the legal culture of society so that the application of restorative justice does not forget the principles of inclusive and participatory justice for all parties, especially victims. Thus, legal and institutional reformulation is needed to realize restorative justice that is fair and just for victims.

RECOMMENDATION

The recommendation for a Restorative Justice approach to resolving criminal offenses oriented towards ideal victim protection is to use the victim offender mediation model because it prioritizes dialogue techniques and direct participation between the perpetrator and the victim which focuses on awareness of the perpetrator's guilt and payment of compensation and recovery of victims of crime. The pattern of implementation of victim offender mediation is carried out by mediation between the perpetrator, victim, and law enforcement to ask for awareness of the perpetrator to restore the victim, the mediation is assisted by a professional and neutral mediator to help the success of the process as well as a supervisor. The implementation is applied in stages from the investigation stage, prosecution to the court which emphasizes dialogue to accommodate the legal interests of the parties until an agreement is reached, then ends with the signing of a peace deed which becomes the formal basis for terminating the case. The victim

offender mediation model must be reaffirmed in the implementing regulations of the National Criminal Code which regulates the technical implementation of victim offender mediation with the principle of protecting victims' rights. Therefore, there is a need for legal substance reformulation, namely the establishment of laws by the government that specifically regulate integrated restorative justice. Then, legal structure in the form of special training for law enforcement officials related to victim protection in a restorative approach. And legal culture, the active participation of civil society and victim protection organizations in every restorative justice process

DAFTAR PUSTAKA

- [1] Dicey, A.V.: Introduction to The Study of The Law of The Constitution. Elibron Classics, London (2013) p.100
- [2] Arief, B.N.: Masalah Penegakan Hukum dan Kebijakan Hukum Pidana dalam Penanggulangan Kejahatan. Kencana Media Group, Jakarta (2007) pp.78-79
- [3] Muladi, Arief, B.N.: Teori-teori dan Kebijakan Pidana. Alumni, Bandung (1998) p.25
- [4] Azhar, A.F.: Penerapan konsep keadilan restoratif (restorative justice) dalam sistem peradilan pidana di Indonesia. Mahkamah: Jurnal Kajian Hukum Islam 4(2), 135 (2019)
- [5] Hiariej, E.O.S.: Prinsip-Prinsip Hukum Pidana, Edisi Revisi. Cahaya Atma Pustaka, Yogyakarta (2020) p.38
- [6] Aryaputra, M.I., Triwati, A.: Arah kebijakan sistem pemidanaan bagi korporasi dalam KUHP nasional. Jurnal Masalah-Masalah Hukum 52(2), 210 (2023)
- [7] Failin: Sistem pidana dan pemidanaan di dalam pembaharuan hukum pidana Indonesia. Jurnal Cendekia Hukum 3(1), 15 (2017)
- [8] Arief, B.N.: Bunga Rampai Kebijakan Hukum Pidana: Perkembangan Konsep KUHP Baru. Prenadamedia Group, Jakarta (2017) p.30
- [9] Soekanto, S., Mamudj, S.: Penelitian Hukum Normatif: Suatu Tinjauan Singkat. Raja Grafindo Persada, Jakarta (2001) pp.13-14
- [10] Herlambang, Z.J.F., Rahmasari, H.: Kejahatan memperkaya diri sendiri secara melawan hukum (illicit enrichment) dan aparatur sipil negara: Sebuah kajian kritis. Jurnal Rechtsvinding 11(2), 250 (2022)
- [11] Herman, D.H.J.: Restorative justice and retributive justice: An opportunity for cooperation or an occasion for conflict in the search for justice. Seattle Journal for Social Justice 16(1), 170 (2017)
- [12] Marshall, T.: Restorative justice in Britain. In: Messenger, H., Otto, H. (eds.) Restorative Justice on Trial: Pitfalls and Potentials of Victim-Offender Mediation – International, pp. 15-28. Kluwer Academic Publications
- [13] Ariefulloh, A., Nugroho, H., Angkasa, A., Ardhanariswari, R.: Restorative justice-based criminal case resolution in Salatiga, Indonesia: Islamic law perspective and legal objectives. Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan 23(1), 22 (2023)
- [14] Agustina, V., Tisnata, H.S., Muhtadi: Restorative justice as an effort to fulfill the constitutional rights of citizens. Jurnal Konstitusi 21(2), 17 (2024)
- [15] Akbar, M.F.: Pembaharuan keadilan restoratif dalam sistem peradilan pidana Indonesia. Jurnal Masalah-Masalah Hukum 51(2), 207 (2022)
- [16] Flora, H.S.: Pendekatan restorative justice dalam penyelesaian perkara pidana dalam sistem peradilan pidana di Indonesia. Jurnal Law Pro Justitia 2(2), 48 (2017)
- [17] Chandra, S.: Restorative justice: Suatu tinjauan terhadap pembaharuan hukum pidana di Indonesia. Jurnal Rechtsvinding: Media Pembinaan Hukum Nasional 2(2), 264 (2023)
- [18] Mendelsohn, B.: Victimology and Contemporary Society Trends. Viano, E. (ed.) Visage Press, Washington DC (1974) p.11

- [19] Paul, Z.S.: *Victimologi Studies at Victims*. Pravani Fakultet, Zagreb (1985) p.43
- [20] Angkasa: *Viktimologi*. PT RajaGrafindo Persada, Depok (2020) p.73
- [21] Yuniati, N.: Perlindungan hukum terhadap korban kejahatan. *Jurnal Ilmu Hukum, Humaniora, dan Politik* 4(6), 2420 (2024)
- [22] Hartono, B.: Analisis keadilan restoratif (restorative justice) dalam konteks ultimum remedium sebagai penyelesaian. *Jurnal Pranata Hukum* 10(2), 23 (2016)
- [23] Friedman, L.M.: *The Legal System: A Social Science Perspective*. Russell Sage Foundation, New York (1975) pp.12–16
- [24] Sudarto: *Hukum dan Hukum Pidana*. PT Alumni, Bandung (2007) pp.192–193
- [25] Reksodiputro, M.: *Kemajuan Pembangunan Ekonomi dan Kejahatan*. Pusat Pelayanan Keadilan dan Pengabdian Hukum, Lembaga Kriminologi UI, Jakarta (1994) pp.37–38
- [26] Mahmud, A.: Model victim offender mediation dalam penyelesaian korupsi dengan kerugian negara kategori ringan. *Jurnal Masalah-Masalah Hukum* 53(1), 38 (2023)