



The dilemma of restorative justice in the new criminal code: Opportunities for rehabilitation and the threat of normative uncertainty

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ABSTRACT

This study analyzes the regulatory space for restorative justice within the new Criminal Code (KUHP) and its implications for legal certainty, sentencing effectiveness, and social acceptance. Employing a normative juridical method, the research relies on statutory, conceptual, and analytical approaches and uses document analysis of the KUHP and related legal instruments as secondary legal materials. The study specifically examines the general principles stipulated in Articles 2 and 3, the alternative sentencing provisions in Articles 52 to 54, and the regulation of minor offenses in Articles 234 and 235 to systematically assess the normative design, coherence, and operational feasibility of restorative justice mechanisms. Previous research has largely focused on the conceptual justification or policy discourse of restorative justice without systematically examining the specific normative structure and internal coherence of restorative provisions within the new KUHP. The findings show that although the new KUHP provides a philosophical and normative foundation for implementing a restorative approach, the existing legal formulations still contain normative gaps, unclear criteria, and potential ambiguities that may trigger disparities in law enforcement. The analysis also reveals sociocultural barriers, including the strong retributive paradigm prevalent among both the public and law enforcement officers. These findings affirm that the success of restorative justice requires more detailed implementing guidelines, harmonization with other regulations, and the strengthening of a legal culture that supports restoration. Thus, while the new KUHP holds the potential to promote a more humanistic penal reform, it requires regulatory and institutional refinement to ensure consistent and effective implementation.

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1. Introduction

The enactment of the new Criminal Code (KUHP) marks a significant shift in Indonesia's criminal law system through the explicit recognition of restorative justice, which previously

lacked a strong normative basis. Article 51 positions restoration of social relations, balance of interests, and offender reintegration as key objectives of punishment, signaling a transition from a retributive toward a more humanistic penal paradigm. The main problem addressed in this research is whether the normative construction of restorative justice in the new KUHP is sufficiently clear, coherent, and operational to ensure legal certainty, consistent sentencing practices, and effective protection of victims' rights.

Articles 52 and 53 provide opportunities for restorative justice, particularly for offenses with limited harm, by allowing settlements based on agreements between offenders and victims (Djanggih et al., 2023; Elfin & Fahmiron, 2025). Such mechanisms support rehabilitation, reduce reliance on imprisonment, and align with modern penal policy (Nurwantoko, 2024). However, significant normative uncertainty remains. Article 54 lacks clear technical indicators limiting discretion, creating risks of inconsistent application and undermining legal certainty. Victim protection is also insufficiently regulated, as Article 55 does not specify mechanisms to ensure voluntary and balanced consent, potentially weakening victims' positions (Nasution et al., 2022). Discretionary authority under Article 75 further amplifies these risks in the absence of procedural guidance, threatening transparency and consistency in enforcement (Dwiprigitaningtias et al., 2024).

At the judicial level, Article 100 allows consideration of restorative agreements in sentencing but provides no standards for assessing their legitimacy, increasing the potential for divergent judicial interpretations. Implementation is further constrained by the absence of provisions on facilitators, certification, and mediation procedures, indicating that the KUHP does not yet offer a complete operational framework (Gultom, 2025; Isba et al., 2024).

Sociological factors compound these normative challenges. A deeply rooted retributive legal culture leads restorative justice to be perceived as lacking deterrence or signaling state leniency (Angelina, 2024; Fitriani & Muhammad, 2021; Sulung, 2023). Misunderstandings of restorative justice as absolution rather than accountability persist (Adinda et al., 2024; Rahman et al., 2023; Sugama et al., 2024), while high-profile cases often intensify public demands for severe punishment (Ariyani et al., 2023; Zulfiani, 2023). Without broader cultural readiness, restorative mechanisms risk rejection and ineffective reintegration.

This study identifies three key research gaps. Existing post-ratification studies remain largely conceptual, lack integrated analysis of relevant KUHP provisions, and insufficiently address victim protection. Accordingly, this research asks to what extent the KUHP's restorative justice norms ensure legal certainty and what normative gaps hinder fair and effective implementation. Unlike prior studies, it systematically examines the coherence, legal certainty implications, and operational feasibility of restorative provisions across multiple KUHP articles within a single normative framework. The findings aim to inform the development of technical guidelines and derivative regulations necessary to ensure consistent, equitable, and goal-aligned implementation of restorative justice under the new KUHP.

2. Method

This study employs a normative juridical approach as its primary method because the research focuses on analyzing the normative provisions of the new Criminal Code (KUHP) concerning restorative justice, particularly Articles 51–55, 75, and 100. Through this approach, the study examines the internal consistency, rationality, and adequacy of these norms in providing a clear legal basis for restorative mechanisms, while also exploring how restorative concepts are integrated into Indonesia's sentencing framework. The normative approach is considered sufficient to address implementation related problems because the primary obstacles identified in this study, namely legal uncertainty, discretionary ambiguity, and the absence of technical standards, originate from the formulation of legal norms rather than from enforcement behavior or institutional capacity. In this context, implementation is treated as a normative issue insofar as it depends on the clarity, coherence, and completeness of statutory provisions.

The research relies entirely on secondary data (legislation, academic works, legislative debates, court decisions, and prior studies) which are collected through a systematic literature review to map the historical and doctrinal evolution of restorative justice in Indonesian criminal law. The theoretical framework underlying this normative analysis is grounded in legal positivism combined with purposive and integrative theories of punishment. The selection of Articles 51 to 55, Article 75, and Article 100 is based on their direct normative relevance to restorative justice across the stages of criminal law application. Article 51 defines the objectives of punishment. Articles 52 to 55 regulate alternative sanctions and restorative considerations. Article 75 governs discretionary authority. Article 100 addresses judicial consideration of restorative agreements. Other provisions of the KUHP are excluded because they do not explicitly regulate restorative mechanisms or materially affect their normative operation.

Data analysis is conducted using qualitative normative interpretation, consisting of grammatical, systematic, and teleological methods. Grammatical interpretation is used to understand the wording of the provisions, systematic interpretation connects the restorative-related articles within the KUHP, and teleological interpretation assesses them against the aims of punishment in Article 51. A systematic literature review is conducted by identifying, selecting, and critically evaluating scholarly works published after the ratification of the new KUHP using predefined inclusion criteria such as relevance to restorative justice, focus on KUHP provisions, and doctrinal or normative orientation. The review process involves classification of sources into conceptual, doctrinal, and evaluative studies, allowing the researcher to identify dominant trends, normative gaps, and unresolved issues.

A limited comparative law approach is also applied to contextualize Indonesia's model by comparing it with restorative justice practices in other jurisdictions, helping determine whether the KUHP's normative construction aligns with international developments in modern criminal law reform. Court decisions are used in this normative research not as empirical evidence of implementation frequency, but as interpretive materials that reveal how judges construe restorative norms, exercise discretion, and operationalize statutory objectives. Judicial reasoning is analyzed to identify emerging interpretive patterns and potential inconsistencies with the KUHP's normative framework.

To ensure analytical rigor, the study uses source triangulation, comparing multiple legal and academic materials to verify consistency and strengthen validity. This is crucial given the absence of primary data. To minimize interpretive bias, the analysis adheres to structured interpretive methods, cross references multiple authoritative sources, and explicitly distinguishes descriptive interpretation from normative evaluation. Where multiple interpretations are possible, the study presents competing readings before justifying the preferred interpretation based on established legal principles. Through this methodological framework, the study provides a comprehensive assessment of the strengths and weaknesses of the KUHP's restorative justice provisions and formulates both theoretical and practical implications for legal certainty, regulatory effectiveness, and Indonesia's readiness to adopt a more restorative penal paradigm.

3. Analysis and Results

3.1. Conceptual Reconstruction of Restorative Justice in the New Criminal Code

Restorative justice in the new Criminal Code (KUHP) occupies a central position as a manifestation of a paradigm shift in Indonesia's criminal law policy. The provisions of the KUHP no longer position punishment merely as a means of retribution, but as an effort to achieve balance between the interests of offenders, victims, and society. This transformation is evident in Article 52, which stipulates that the objectives of sentencing include restoration and social reintegration, rather than punishment alone. This formulation reflects the new KUHP's more humanistic and progressive orientation. Such an approach aligns with the principles of

restorative justice, which emphasize dialogue-based and agreement-based resolution as an alternative to conventional case handling.

Within the normative framework of the new KUHP, restorative principles are accommodated through the provisions on conditional sentencing as regulated in Articles 60 and 61. These provisions allow judges to impose penalties with specific obligations oriented toward restoring harm or repairing social relationships. Moreover, the availability of alternative sanctions such as community service, as stipulated in Article 69, can serve as an important instrument for promoting a more structured and directed restorative mechanism. Thus, the new KUHP provides a normative foundation for integrating restorative values into the sentencing system.

However, analysis of secondary sources indicates that these provisions do not fully address practical needs. The new KUHP does not provide clear limitations on the criteria of cases eligible for restorative mechanisms. Its general nature leaves a wide margin of interpretation for law enforcement officers (Malau, 2023). Without explicit parameters regarding the types of offenses, the level of harm, or the subjective conditions of offenders and victims suitable for restorative processes, implementation risks becoming inconsistent. Such divergent understandings often lead to disparities in case handling, particularly when similar cases are treated differently across regions or institutions.

Juridical analysis further shows that the new KUHP tends to place restorative justice as a principle or orientation of sentencing rather than as a fully operational mechanism. Several provisions appear merely as basic concepts requiring follow-up regulation to be implemented concretely (Setiawan & Afita, 2025). At this point, the presence of implementing regulations, guidelines from the Supreme Court, prosecutorial and police directives, and harmonization with the Criminal Procedure Code (KUHP) becomes crucial. Without these operational instruments, the KUHP provisions serve only as general direction and cannot adequately resolve implementation challenges in practice.

In another aspect, restorative mechanisms require adequate institutional infrastructure (Ramadhani, 2024). Secondary data show that Indonesia does not yet have an evenly distributed restorative institutional system. The absence of official bodies or specialized units to facilitate dialogue, penal mediation, and victim support means that implementation often depends on the initiative of law enforcement actors or localized programs. This structural irregularity affects the consistency of case handling quality and creates a significant gap between the restorative concept in the statute and its practice in the field.

Furthermore, the effectiveness of restorative justice is highly dependent on procedural clarity. Yet the new KUHP does not outline operational steps such as initiation stages, verification mechanisms for voluntary victim consent, mediation procedures, indicators of successful restoration, or the standard format of restoration agreements acceptable under the law. This regulatory gap can trigger interpretive conflict among law enforcement institutions, each of which may formulate different procedures. Such inconsistencies may undermine fundamental principles of restorative justice and increase the risk of malpractice, such as coerced agreements or compromises that fail to reflect substantive justice.

Restorative justice also requires balance between flexibility and legal certainty. Article 1 of the KUHP adopts a strict legality principle, whereas restorative mechanisms rely on adaptable approaches tailored to the social and moral nuances of individual cases. This tension between flexibility and certainty is a critical issue in norm formation (Ardiansyah et al., 2024). Flexibility without clear boundaries risks reducing the predictability of legal decisions, while overly rigid legal certainty could restrict the dialogical space necessary for effective restoration.

Thus, although the conceptual reconstruction of restorative justice in the new KUHP reflects the state's formal policy commitment to a more humanistic and restorative-oriented sentencing model, this commitment remains largely aspirational and weakly institutionalized. From a policy perspective, the absence of clear eligibility criteria, standardized procedures, and a

dedicated institutional framework exposes restorative justice to inconsistent application, discretionary abuse, and unequal access across jurisdictions. The lack of coordination mechanisms among law enforcement agencies, prosecutors, courts, and correctional institutions further indicates a fragmented policy design rather than an integrated justice strategy. Without comprehensive implementing regulations, budgetary support, capacity-building, and inter-agency governance structures, restorative justice under the KUHP risks functioning as a symbolic policy instrument rather than an effective tool for restoration, victim recovery, and sustainable social reintegration.

3.2. Norm Uncertainty and Implementation Challenges in the New Criminal Code

A deeper review of the new Criminal Code shows that the main obstacle to implementing restorative justice is normative uncertainty. Although the Code introduces principles that open opportunities for restorative settlement, the provisions are not supported by clear parameters. Phrases such as “minor loss” and “danger of the act” in articles on alternative measures and conditional punishment lack firm quantitative or qualitative criteria, leading to different interpretations among law enforcement and creating the risk of unequal treatment for similar cases.

Uncertainty also appears in the requirement for agreement between the parties, which is essential for restorative mechanisms. The Code does not explain how such consent should be obtained, whether it must be written or how to ensure it is given voluntarily. Without clear standards, there is a real risk that restorative settlements may be misused, applied disproportionately, or serve as a way to bypass judicial processes at the expense of victims’ substantive justice.

Profound accountability deficiencies stem from the Code’s failure to provide explicit mechanisms for monitoring and enforcing restorative agreements. In the absence of institutionalized oversight, restorative justice risks devolving into a purely rhetorical exercise, offering little assurance that offenders will meaningfully comply with their commitments. Furthermore, the lack of a systematic and periodic evaluation framework precludes any rigorous assessment of whether restorative measures genuinely reduce recidivism or effectively restore victims’ conditions, thereby undermining the legitimacy, reliability, and overall credibility of the restorative justice framework itself.

Normative gaps are also seen in the relationship between restorative mechanisms and the minor offense provisions in Articles 234 and 235. These provisions do not indicate whether minor offenses automatically fall within the scope of restoration or still require formal processing. Without operational guidance, law enforcement must interpret this relationship independently, resulting in potentially inconsistent implementation across regions.

The Code also fails to regulate when restorative justice can be initiated, during investigation, prosecution, or trial, creating uncertainty about the limits of authority at each stage. If restoration is allowed during investigation, investigators need a clear legal basis to terminate cases after an agreement. If at the prosecution stage, prosecutors need unambiguous guidelines to decide on diversion. Without these, overlaps of authority and institutional friction become likely.

Serious accountability concerns arise from the Code’s failure to establish clear mechanisms for monitoring and enforcing restorative agreements. Without structured oversight, restorative justice risks becoming merely symbolic, as there is no guarantee that offenders will comply with their obligations. Moreover, the absence of a systematic and periodic evaluation framework undermines any meaningful assessment of whether restorative practices actually reduce recidivism or adequately address victims’ restoration, calling into question the credibility and effectiveness of the entire approach.

These challenges are compounded by the lack of alignment between the new Criminal Code and KUHP, which has not yet integrated restorative justice procedures. Without adjustments

to KUHAP, restorative implementation lacks a procedural foundation, making it difficult for law enforcement to conduct restorative dialogues, verify agreements, or terminate cases based on restorative outcomes. This disharmony may raise legality concerns and hamper consistent implementation.

Overall, although the new Criminal Code incorporates restorative principles, persistent normative uncertainty limits their practical application. Clear parameters, boundaries of authority, and detailed procedural guidance are needed to ensure restorative mechanisms operate fairly, consistently, and with accountability. Implementing regulations and harmonization with KUHAP are essential to fill these gaps and strengthen restorative justice in the criminal justice system.

3.3. The Absence of Procedural and Institutional Frameworks in the Implementation of Restorative Justice

An examination of the new Criminal Code reveals that its endorsement of restorative justice remains predominantly normative and conceptual, lacking the procedural architecture necessary for effective implementation. While the Code establishes value-based legitimacy and broad policy orientation, it fails to translate these commitments into operational guidance capable of directing institutional practice. Although Articles 52–54 reflect a rhetorical shift toward a more humane penal policy, they omit essential regulatory elements such as defined implementation stages, procedural timelines, standardized agreement formats, and compliance-monitoring mechanisms. This regulatory void leaves restorative justice vulnerable to fragmented interpretation, discretionary inconsistency, and uneven enforcement, thereby reducing restorative principles to largely declarative norms rather than a coherent and reliable policy instrument.

This condition becomes more problematic when considering the need for uniform operational standards. In many jurisdictions, restorative justice is accompanied by structured penal mediation procedures, such as screening, readiness assessments, trained facilitators, and post-process evaluation. The new Criminal Code does not regulate these elements, leaving each law enforcement agency to create its own processes. Such variation increases disparity in case handling and undermines the principle of legality in Article 2, which demands normative clarity and predictability.

The procedural gaps are also linked to the absence of specialized institutions responsible for administering restorative processes (Pramita, 2025). Restorative justice requires mediation units, trained facilitators, and support mechanisms for both victims and offenders. Yet the Code does not assign institutional responsibility, allowing police, prosecutors, and courts to interpret their roles independently, with no coordinated structure. This fragmentation makes implementation inconsistent and overly dependent on individual initiative, weakening public trust.

Accountability issues also arise. Without standardized procedures, it becomes unclear who is responsible when agreements fail or processes are manipulated. The Code does not indicate whether unfulfilled agreements should lead to case reopening, immediate sentencing, or reassessment by a specific institution. This ambiguity leaves room for abuse, particularly in cases involving economic or power imbalances. Procedural uncertainty likewise affects how restorative outcomes relate to other penal objectives. Although the Code regulates imprisonment, fines, specific measures, and community service, it does not clarify whether successful restorative outcomes replace or merely reduce these penalties. The absence of clear rules risks significant judicial variation, creating unequal consequences for similar offenders.

The analysis further indicates that the lack of procedures weakens victim protection. The Code does not regulate informed consent, safeguards against coercion, psychosocial support, or victims' right to withdraw from the process. Without these protections, restorative mechanisms may expose victims to pressure or harm, suggesting that victim-oriented considerations have not been fully incorporated. Additionally, the absence of a procedural framework hinders the

integration of restoration into the broader criminal justice system. Ideally, restorative processes should be documented, verified, and monitored through a formal information system (Nuralifia et al., 2022). Yet the Code provides no guidance on administrative documentation or how restorative data should connect with judicial information systems. This gap complicates evaluation, prevents policy learning, and shows that restoration is not yet treated as an integral part of the penal system.

Overall, the absence of coherent procedural rules and institutional architecture demonstrates that restorative justice under the new Criminal Code remains structurally underdeveloped. Although the Code articulates restorative values at the philosophical and normative levels, these principles lack enforceability in the absence of detailed procedures, clearly designated institutions, and mechanisms of oversight. Implementing regulations are therefore not merely complementary, but indispensable to regulate restorative processes, define institutional authority, establish specialized units, and impose uniform standards across law-enforcement agencies. Without such regulatory completion, restorative justice risks remaining a symbolic reform rather than a functional component of Indonesia's criminal justice system.

3.4. Discussion

This study emphasizes that the regulation of restorative justice in the new Criminal Code (KUHP) represents a progressive step in reforming Indonesia's criminal law policy, yet its realization still faces structural, normative, and institutional obstacles. The new KUHP provides space for case resolution based on restoration through several articles that highlight the principles of substantive justice and proportionality. Article 2 on the principle of legality and Article 3 on the principle of justice provide a philosophical foundation for punishment that prioritizes not only retribution but also restoration. Meanwhile, Articles 52 to 54 explicitly reflect a direction toward sentencing that opens opportunities for alternative measures, conditional punishment, and more humanistic approaches. However, the analysis demonstrates that these general provisions do not provide binding standards, implementing institutions, or mechanisms of supervision, leaving restorative justice practices vulnerable to fragmentation and inconsistent application across the criminal justice system.

When restorative norms are formulated in general terms, law-enforcement officers face difficulties in determining the limits of their application. The absence of definitive parameters regarding the types of crimes eligible for restoration, what constitutes minor harm, or the subjective requirements of offenders, such as level of danger and intent, creates the potential for unequal treatment between regions. This uncertainty fundamentally compromises substantive justice by enabling systemic inconsistency and *de facto* inequality, allowing restorative justice to operate as a privilege rather than a right. The lack of operational definitions of agreements, the absence of enforceable mechanisms to verify voluntary victim consent, and the failure to set objective standards for assessing offender readiness collectively render restorative justice vulnerable to discretionary abuse.

In addition, the findings indicate that the new KUHP has not successfully synchronized the restorative mechanism with the provisions of the criminal procedure law. The current Criminal Procedure Code (KUHAP) does not explicitly regulate restorative procedures, including the initiation of penal mediation, the role of investigators and prosecutors in facilitating agreements, or the legal basis for terminating cases once restoration is completed. Without reformulating KUHAP or drafting specific implementing regulations, restorative mechanisms remain procedurally weak. Law-enforcement officers must operate within a broad interpretive space that contradicts the legality principle requiring certainty.

The study further highlights that the absence of a procedural framework makes restorative justice difficult to implement consistently. The lack of standardized procedures for mediation stages, such as screening the readiness of victims and offenders, meeting protocols, documentation, evaluation of restoration outcomes, and oversight of offender obligations, creates the risk of deviation in practice. Moreover, without a dedicated institution to handle

penal mediation, the restorative process becomes highly dependent on the initiative of individual officials or local programs. In the context of restorative justice, the presence of neutral professional facilitators is essential to ensure that the mediation outcome reflects the victim's interests and does not merely accommodate the offender.

Beyond normative and institutional issues, this study also reveals sociological obstacles. Indonesian society generally still views punishment as a means of retribution, especially for crimes considered to disturb public order (Barus & Lubis, 2024; Zakir et al., 2024). In this context, the restorative approach is often misunderstood as weakening law enforcement. Limited public legal literacy regarding restorative mechanisms increases the risk of resistance, especially in cases that are emotionally tied to public interests. Without legal education strategies or intensive socialization, restoration is difficult to accept as a legitimate part of sentencing even though it is regulated in the new KUHP (Anggelina, 2024; Sihombing, 2024).

A deeper examination also shows that restoration faces challenges regarding victim protection. The KUHP does not regulate victims' rights in detail within restorative processes. The absence of guidelines on voluntary victim consent, protection from social pressure, psychological assistance, and mechanisms to refuse restorative processes may place victims in vulnerable positions. In some cases, victims may be subtly pressured by their social environment or by offenders with stronger social standing. Restorative justice that does not consider the victim's perspective may create new injustices and risk undermining the very purpose of restoration.

Finally, this study affirms that although the new KUHP has established a philosophical foundation for a restorative approach, its regulatory structure is not yet adequate for building an operational, transparent, and accountable restorative system. The declarative nature of the provisions requires additional legal frameworks in the form of government regulations, Supreme Court regulations, prosecutorial guidelines, and technical instructions for the police so that all law-enforcement institutions share uniform understanding and mechanisms (Amalia et al., 2024). Without these subsequent regulations, restorative justice in the new KUHP may remain an ideal concept that is difficult to implement in practice.

Overall, it can be stated that the new KUHP has initiated an important step toward more humanistic punishment, but the success of restorative justice implementation depends heavily on the structuring of procedural regulations, the establishment of competent institutions, and the social and cultural readiness of society to accept the paradigm of restoration as an integral part of modern criminal justice.

4. Conclusion

This study concludes that the restorative justice framework embedded in the new Criminal Code (KUHP) constitutes a substantive normative shift from retributive legality toward a humanistic and proportional model of punishment, but that this shift has not yet been completed at the level of legal design and institutional operability. The analysis demonstrates that the principal weakness of restorative justice under the KUHP lies not in the absence of recognition or philosophical grounding, but in the lack of normative operability, namely the failure to translate restorative principles into coherent criteria for case selection, structured procedures for settlement, and enforceable safeguards capable of constraining discretion and ensuring legal certainty. From a theoretical standpoint, this research contributes to criminal law scholarship by showing that restorative justice cannot function as an effective penal paradigm unless purposive punishment theory is integrated with a systematic regulatory architecture that aligns penal objectives, discretionary authority, and procedural standards. Normative ambiguity, when combined with a persistently retributive legal culture within both society and law-enforcement institutions, magnifies the risk of inconsistent application, regional disparities, and diminished public trust in restorative outcomes. To address these limitations, this study recommends the adoption of detailed implementing regulations that define measurable thresholds for minor harm and culpability, standardize restorative procedures and mechanisms

for verifying voluntary consent, clarify the evidentiary and normative status of restorative agreements in sentencing decisions, and harmonize the KUHP with criminal procedure and sectoral legislation. Without such regulatory completion, restorative justice risks remaining a symbolic expression of penal reform; with it, the KUHP has the potential to institutionalize restorative justice as a predictable, equitable, and substantive component of Indonesia's evolving criminal justice system.

References

- Adinda, D., Sari, M., Miftahurrahmah, M., Simeulu, A., & Julian, F. (2024). Konsep Restorative Justice Dalam Penyelesaian Kasus Pidana. *Jimmi: Jurnal Ilmiah Mahasiswa Multidisiplin*, 1(3), 225-239. <https://doi.org/10.71153/jimmi.v1i3.136>
- Amalia, M., Rasiwan, I., Rosita, D., Minabari, A., Wibowo, K. T., Khumaeroh, I. N., Ramiyanto, Juita, S. R., & Putrazta, S. A. (2024). *Hukum Pidana Indonesia Menurut KUHP Lama & KUHP Baru* (H. Abdurrachman & P. Perdianti (eds.); Cetakan ke). PT Adikara Cipta Aksa.
- Angelina, D. (2024). Penerapan Konsep Keadilan Restorative Justice pada Korban Tindak Pidana Ringan. *Innovative: Journal Of Social Science Research*, 4(1), 9191-9201.
- Ardiansyah, D., Dwi Kurnia, R., & Rahayu, R. (2024). Formulasi RPP Pelaksanaan Pidana Adat sebagai Upaya Harmonisasi Penerapan Hukum Adat guna Mewujudkan Kepastian Hukum. *Wicarana*, 3(1), 11-22. <https://doi.org/10.57123/wicarana.v3i1.64>
- Ariyani, A., Fikri, & Marlina, A. (2023). The Concept of Al-Islam and the Restorative Justice Approach in Settlement of Criminal Cases. *DELICTUM: Jurnal Hukum Pidana Islam*, 28-43. <https://doi.org/10.35905/delictum.vi0.6403>
- Barus, R. M., & Lubis, M. A. (2024). Teori Pembalasan dalam penindakan anak sebagai pelaku tindak pidana. *Jurnal Darma Agung*, 32(1), 136-145.
- Djanggih, H., Syam, E. S., & Gunawan, S. (2023). The Prosecutor's Legal Policy in Enacting Restorative Justice on Criminal Case. *Russian Law Journal*, XI(3), 1349-1357.
- Dwiprigitaningtias, I., Andayani, L., & Amanita, A. (2024). Penyuluhan Bahumasa Nyaba ka Desa Miara Hukum tentang Efektifitas Restoratif Justice di Kecamatan Baleendah Kab Bandung. *IJCD: Indonesian Journal of Community Dedication*, 02(02), 255-263.
- Elfin, F. H., & Fahmiron. (2025). Tanggung Jawab Hukum Pelaku Kecelakaan Lalu Lintas Untuk Merehabilitasi Korban Berdasarkan Keadilan Restoratif. *Ekasakti Legal Science Journal*, 2(1), 60-70. <https://doi.org/10.60034/qb93m931>
- Fitrian, A., & Muhammad, A. (2021). Penerapan Metode Restorative Justice dalam Penyelesaian Perkara di Indonesia. *Innovative: Journal Of Social Science Research*, 1(2), 243-249. <https://doi.org/10.31004/innovative.v1i2.2690>
- Gultom, R. E. (2025). Fungsi Aparat Penegak Hukum Dalam Mendukung Penyelesaian Konflik Secara Restorative Justice di Indonesia. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 3(4), 5462-5469.
- Isba, P., Sakmaf, M. S., & Jumiran. (2024). Evaluasi Penerapan Restorative Justice dalam Penyelesaian Konflik Pidana : Perspektif Korban dan Pelaku. *Delictum: Jurnal Hukum Pidana Dan Hukum Pidana Islam*, 3(1), 14-30. <https://ejurnal.iainpare.ac.id/index.php/delictum/index%0AEvaluasi>
- Malau, P. (2023). Tinjauan Kitab Undang-Undang Hukum Pidana (KUHP) Baru 2023. *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, 5(1), 837-844. <https://doi.org/10.37680/almanhaj.v5i1.2815>
- Nasution, N. P. A., Hamdani, F., & Fauzia, A. (2022). The Concept of Restorative Justice in Handling Crimes in the Criminal Justice System. *European Journal of Law and Political Science*, 1(5), 32-41. <https://doi.org/10.24018/ejpolitics.2022.1.5.37>
- Nuralifia, N., Azahra, D. P., Pramana, A., & Syifa, S. N. (2022). PERLINDUNGAN HUKUM KORBAN KEKERASAN SEKSUAL DIHUBUNGKAN DENGAN PENYELESAIAN RESTORATIVE JUSTICE. *Cross-Border*, 5(2), 1122-1132.
- Nurwantoko, E. (2024). Indonesian Criminal Law and Policy that Influence Overcrowding in Prisons. *International Journal of Advance Research and Innovative Ideas in Education*, 10(1), 1173-1180.
- Pramita, S. A. (2025). Penerapan Restorative Justice dalam Penologi Modern: Alternatif Pembedaan di Era Reformasi Hukum. *Jurnal Kajian Hukum Dan Kebijakan Publik*, 2(2), 899-912. <https://jurnal.kopusindo.com/index.php/jkhkp/article/view/668>
- Rahman, A., Renggong, R., & Hamid, A. H. (2023). Penegakan Hukum Melalui Restoratif Justice Dalam Penyelesaian Tindak Pidana Penganiayaan Di Kepolisian Resor Mamasa. *Indonesian Journal of Legality of Law*, 6(1), 59-64. <https://doi.org/10.35965/ijlf.v6i1.3816>
- Ramadhani, M. (2024). Tantangan Implementasi Pengakuan Hukum Adat dalam Kitab Undang-Undang Hukum Pidana Baru di Indonesia. *Syntax Idea*, 6(8), 2708-3716. [77](https://doi.org/10.46799/syntax-</p></div><div data-bbox=)

idea.v6i8.4356

- Setiawan, M. N., & Afita, C. O. Y. (2025). Reformasi Sistem Hukum Pidana Melalui Kuhp Baru: Tantangan Dan Peluang Menuju Keadilan Sosial. *Jurnal Hukum Das Sollen*, 11(1), 79-94.
- Sihombing, L. A. (2024). Restorative Justice, Kejahatan, Hukuman, dan Peradilan Pidana: Sebuah Analisis Kesejarahan, Peluang dan Tantangan. *Unes Law Review*, 6(3), 8902-8911. <https://doi.org/https://doi.org/10.31933/unesrev.v6i3>
- Sugama, F., Rahmad, Y., Az, M. R., Ridwan, M. A., Rozi, F., Azis, A., & Jum'ah, J. (2024). Efektivitas Penerapan Restorative Justice dalam Penyelesaian Tindak Pidana Anak di Indonesia. *Jimmi: Jurnal Ilmiah Mahasiswa Multidisiplin*, 1(3), 306-316. <https://doi.org/10.71153/jimmi.v1i3.148>
- Sulung, C. N. (2023). Penerapan Mekanisme Keadilan Restoratif (Restorative Justice) Di Tahap Penyidikan Oleh Kepolisian Daerah Sulawesi Utara. *Jurnal Fakultas Hukum Universitas Sam Ratulangi*, XIII(1), 1.
- Zakir, M., Pratiwi, S., & Saefullah. (2024). Efektifitas Pidana Penjara Seumur Hidup dalam Sistem Hukum Pidana Indonesia. *YUSTISI*, 11(2), 367-376. <https://doi.org/10.32832/yustisi.v11i2.16692>
- Zulfiani, A. (2023). Restorative Justice Dan Penjatuhan Pidana Pada Anak. *Ranah Research: Journal of Multidisciplinary Research and Development*, 5(4), 284-299. <https://doi.org/10.38035/rrij.v5i4.778>