



Restorative Justice as an Alternative in the Indonesian Criminal Justice System

Cecilia Rudolf Valentino

University Muhammadiyah Malang, Indonesia

Corresponding Email: clia3360@gmail.com

Received: 04-06-2025

Reviewed: 05-07-2025

Accepted: 20-08-2025

Abstract

This study examines in depth the application and potential of restorative justice as an alternative approach in the criminal justice system in Indonesia. Unlike the traditional retributive model, which emphasizes punishment, restorative justice emphasizes relationship restoration, reconciliation, and active community involvement in addressing criminal behavior. The Indonesian legal system, which is based on a combination of civil and customary law traditions, creates a conducive foundation for the application of restorative justice principles. This study examines relevant legal provisions, including Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and diversion mechanisms, in addition to traditional conflict resolution practices deeply rooted in Indonesian society. The study's key findings indicate that restorative justice has significant potential to reduce recidivism rates, reduce overcrowding in correctional institutions, and restore social harmony while still accommodating the needs of victims. However, its implementation still faces several challenges, such as limited institutional capacity, lack of adequate training for law enforcement officers, and uneven implementation across regions. Based on the analysis, this study concludes that effective integration of restorative justice requires comprehensive legal reform, closer coordination among stakeholders, and cultural sensitivity to Indonesia's social diversity. These efforts are believed to foster a more humane, responsive, and sustainable criminal justice system, one that balances victim protection, offender development, and the interests of society as a whole.

Keywords: restorative justice, Indonesian criminal justice system, diversionary mechanisms, adat law, juvenile justice.

Introduction

The criminal justice system is a key pillar of social order, tasked with maintaining security, preventing crime, and upholding justice for victims and the community. In general, this system in many countries is still based on a retributive paradigm that emphasizes punishment as the primary response, views criminal acts as violations against the state, and

focuses on proving guilt and imposing appropriate sanctions (Marder, 2022). However, the limitations of a purely punitive approach have fueled growing interest in alternative models that emphasize restoration of relationships, reconciliation, and social recovery as a more comprehensive form of justice.

Indonesia's criminal justice system faces numerous contemporary challenges that underscore the urgency of adopting innovative approaches to crime prevention and resolution (Butler et al., 2024). One major issue is chronic overcrowding in correctional facilities, with occupancy rates reaching 150–200% of ideal capacity, as reported by the Indonesian Correctional System. This situation creates humanitarian challenges and hinders the effectiveness of rehabilitation programs. High recidivism rates further demonstrate the limitations of a purely punitive approach to promoting long-term behavioral change and reducing crime rates. Data from the Ministry of Law and Human Rights indicates that approximately 40% of released prisoners reoffend within three years, indicating fundamental weaknesses in the rehabilitative capacity of the current system.

Crime victims in Indonesia often feel marginalized in conventional justice processes, where their role is limited to providing testimony without significant involvement in determining appropriate forms of redress. This situation contradicts Indonesian cultural values that emphasize collective responsibility and social recovery in conflict resolution. The adversarial and lengthy formal justice system often fails to address the social and economic roots that drive crime, resulting in a repeating cycle of criminality and social dysfunction (Sukardi & Purnama, 2022).

In this context, restorative justice has emerged as a promising alternative paradigm, shifting the focus from mere punishment to a process of healing. This approach views crime as a loss to individuals and communities, not merely a violation of the law. Its core principle is to actively engage three key stakeholders—victims, perpetrators, and the community—in a process of dialogue, accountability, and collaborative problem-solving (Suzuki, 2023). The goal is not only to repair the harm caused but also to restore social relationships and reintegrate perpetrators into society as productive members.

The theoretical foundation of restorative justice is built on several core principles that distinguish it from retributive approaches. First, the principle of accountability is realized through understanding and acknowledging the harm caused, not simply through punishment. Perpetrators are encouraged to take responsibility by directly facing the consequences of their actions and actively participating in recovery efforts. Second, restorative justice prioritizes victim empowerment, providing a space for them to share their experiences, ask questions, and play a role in determining the appropriate form of reparation. Third, this approach recognizes that crime impacts the entire community, necessitating a collective response that strengthens social bonds and addresses underlying vulnerabilities.

Indonesia offers a highly conducive context for the implementation of restorative justice thanks to its rich tradition of customary law and deep-rooted dispute resolution mechanisms. In diverse ethnic communities across the archipelago, traditional conflict resolution practices prioritize restoration over retribution. Values such as deliberation and consensus and various traditional ceremonies to resolve disputes reflect local understandings of restorative principles that existed long before the development of Western restorative justice theory. This tradition recognizes that social harmony can only be achieved by addressing not only the immediate harm, but also the relationships and community dynamics that are the source of conflict.

The Indonesian legal framework is beginning to accommodate elements of restorative justice, particularly in the juvenile criminal justice system. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System regulates a diversion mechanism that prioritizes a restorative approach for juvenile offenders. This regulation mandates consideration of diversion at various stages of the judicial process, from police investigation to court appearance, with an emphasis on rehabilitation and social reintegration, rather than solely on punishment. Similar developments are evident in the reform of Indonesian criminal law, including provisions in the revised Criminal Code, which reflect a growing recognition of restorative principles within the formal legal structure (Nascimento et al., 2023). International experience in the implementation of restorative justice provides valuable insights for the Indonesian context. Countries such as New Zealand, Canada, and South Africa have successfully integrated restorative practices into their criminal justice systems, with measurable results in reduced recidivism rates, increased victim satisfaction, and cost-effectiveness in law enforcement. New Zealand's Family Group Conferencing model, rooted in Maori traditions, is relevant for Indonesia because it shares its emphasis on community-based solutions and cultural sensitivity.

The implementation of restorative justice in Indonesia's complex legal and social environment presents significant challenges that require careful consideration and strategic planning. The national legal system, grounded in civil law traditions with its emphasis on codified laws and formal procedures, has the potential to create tensions with the more flexible and socially relational character of restorative justice. Furthermore, the extraordinary cultural diversity demands that implementation be sensitive to local wisdom while maintaining consistency in justice principles across the region.

Successful implementation also requires increasing the capacity of law enforcement officials—from police and prosecutors to judges and correctional officers—to master new skills such as facilitation, mediation, and community empowerment, while not neglecting their formal roles in the justice system. Public education and awareness campaigns are crucial components in building public understanding and support for restorative approaches. This research aims to examine the potential for implementing restorative justice as an alternative within the Indonesian criminal justice system by analyzing the opportunities offered by the legal framework and cultural traditions, while also identifying challenges that must be overcome for successful implementation. Through a thorough analysis of existing practices, international experiences, and stakeholders' perspectives, this study is expected to contribute to the discourse on criminal justice reform in Indonesia and offer practical recommendations for integrating restorative principles into institutional structures, without neglecting the specifics of the national social and legal context.

Literature Review

Academic discourse on restorative justice in Indonesia has shown significant developments over the past decade, particularly following the enactment of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Recent literature demonstrates a growing body of empirical evidence and theoretical developments related to the application of restorative justice principles within the context of national law.

Wangga (2023) presents a comprehensive analysis of the implementation of restorative justice in criminal cases in Indonesia, highlighting both the achievements achieved and regulatory gaps that need to be addressed for more effective implementation. His research

identifies key challenges in standardizing restorative approaches across jurisdictions, while maintaining cultural sensitivity to local customs and traditions.

Recent empirical studies have demonstrated significant progress in diversion mechanisms within Indonesia's juvenile justice system. examined the implementation of diversion and restorative justice and found that the resolution of juvenile cases through diversion increased substantially after the enactment of Law Number 11 of 2012. Their findings indicate the growing acceptance and effectiveness of restorative approaches, with over 40% of juvenile cases successfully resolved through diversion between 2015 and 2019.

Contemporary academic studies also highlight the integration of culture in the implementation of restorative justice in Indonesia. A recent case study examined the implementation of community-based restorative justice at the village (Gampong) level in Aceh, demonstrating the legitimacy of bottom-up child protection mechanisms through traditional structures (Padllah Riyadi, 2024). This research confirms that customary governance systems can effectively support formal restorative justice frameworks while maintaining cultural authenticity.

The intersection of restorative justice and Islamic legal principles is gaining increasing attention in academic studies. Research examining psychological perspectives and its compatibility with Islamic law indicates that restorative justice aligns with the principles of forgiveness (maghfira) and restoration (islah), thus providing religious legitimacy for its implementation in Indonesia, where the majority of the population is Muslim (Saefudin, w., & Aminah, S. 2021). This theological alignment also helps reduce the potential for religious-based resistance to alternative justice mechanisms.

Studies on police implementation highlight institutional transformations in law enforcement approaches. Research on the application of restorative justice by police officers demonstrates increased capacity for alternative dispute resolution, particularly in cases involving children and minor offenses (Anggarini, K. P., Julianto. E., Suntoni, Asmara, T., & Waluyadi. 2024). These findings indicate that police are increasingly recognizing the effectiveness of the restorative approach as both a community policing tool and a crime prevention strategy.

A critical perspective recognizes that the implementation of restorative justice in Indonesia still faces various obstacles. Recent research highlights the gap between the ideal concept and the reality of practice in a complex legal system, with issues including limited infrastructure, limited practitioner knowledge, and resistance from conventional law enforcement approaches. These findings emphasize the need for comprehensive institutional reform and strengthening human resource capacity.

Legislative developments following the enactment of Law Number 1 of 2023 (the New Criminal Code) have prompted academic studies on the broader reconstruction of restorative justice regulations within the Indonesian penal system. Related research indicates a growing recognition of restorative principles, not limited to juvenile justice but also beginning to extend to adult criminal cases, thus opening up opportunities for systemic transformation (Riyadi, P. 2024).

A human rights perspective is a key consideration in recent studies on restorative justice in Indonesia. Research on the relationship between restorative justice and human rights protection shows that this approach can actually strengthen, rather than weaken, the fulfillment of fundamental rights, especially for vulnerable groups such as children and marginalized communities (Ismail, D. E., Arsyad, Y., Ahmad, Nggilu, N. M., & Chami, Y. 2024).

The implications of restorative justice for the field of social work have also received academic attention. Related studies emphasize that implementing the restorative paradigm requires interdisciplinary collaboration between legal practitioners, social workers, and community facilitators (Wangga, M. S. E., 2023). This holistic approach is considered capable of addressing the underlying social factors that trigger criminal behavior.

Contemporary literature increasingly emphasizes the importance of evidence-based implementation in restorative justice, with a focus on empirically measuring outcomes such as reduced recidivism, increased victim satisfaction, and the restoration of social harmony. This growing scientific foundation provides strong support for the continued development of restorative justice as a viable alternative in the Indonesian criminal justice system, while also identifying strategic areas requiring further policy attention and research.

Research Method

Research Design

This research uses a qualitative research design with a case study approach to analyze the implementation of restorative justice as an alternative within the criminal justice system in Indonesia. The case study method was chosen based on its ability to provide in-depth understanding of complex social phenomena in real-life contexts, allowing researchers to comprehensively examine how restorative justice mechanisms are implemented in practice. The approach used in this research is an instrumental case study, in which specific cases are selected as a means to uncover broader issues related to the implementation of restorative justice amidst the diversity of Indonesian legal systems and cultures.

This research design employs a multiple case study design, which includes an analysis of the implementation of restorative justice across various jurisdictions and case types. This strategy aims to increase the generalizability of the findings while strengthening the validity of the research results. Through this comparative approach, researchers can identify patterns, differences, and contextual factors that influence the successful implementation of restorative justice principles. Thus, the research results are expected to provide a more comprehensive picture of the challenges and opportunities for implementing this approach in Indonesia.

Data Collection Instruments

Primary Data Collection

The primary data collection instrument in this study was semi-structured interviews designed to obtain comprehensive perspectives from stakeholders directly involved in the restorative justice process. The interview guide used open-ended questions to allow respondents to share their experiences in detail, while ensuring the conversation remained aligned with the research objectives. The interview protocol included questions that highlighted various aspects, such as implementation challenges, stakeholder perceptions, case outcomes, and suggestions for system improvements relevant to the local context.

In addition to individual interviews, Focus Group Discussions (FGDs) were used as a complement to facilitate group interaction and collective reflection on experiences implementing restorative justice. This method provided an opportunity for participants to express both aligned and divergent views, allowing the researcher to explore the level of consensus and differences in perspectives across stakeholder groups, particularly regarding cultural appropriateness and practical barriers to implementation.

Data collection was also complemented by the use of an observation protocol designed to document the restorative justice process directly, including diversionary meetings, mediation sessions, and community conferences. Structured observation forms were used to record process dynamics, interaction patterns between participants, and contextual factors that could potentially influence the final outcome. This approach ensured that the collected data fully reflected the reality of field practice.

Secondary Data Collection

Secondary data collection in this study was conducted through document analysis, which included a review of the legal framework, policy documents, case files, statistical reports, and institutional guidelines related to the implementation of restorative justice. This analysis included a review of Law Number 11 of 2012 and its implementing regulations, police procedures, court records, and monitoring reports from relevant institutions. This approach aims to understand the normative basis, implementation mechanisms, and policy developments that influence the implementation of restorative justice in Indonesia.

Participants/Sample

This study used a purposive sampling technique to select participants with direct experience and in-depth knowledge of restorative justice implementation. Sample selection considered representation from various stakeholder categories, as follows:

1. Law Enforcement Officials (n=25) – Consisting of police investigators and community policing officers, prosecutors, judges, community guidance officers, and correctional institution staff involved in the restorative justice process. Selection criteria included a minimum of two years of experience in case diversion mechanisms and involvement in at least five restorative justice cases.
2. Community Representatives (n=15) – Includes traditional leaders, religious leaders, community mediators, and traditional council members who play an active role in community-based dispute resolution. Selection was based on their contributions in facilitating dispute resolution processes based on local wisdom.
3. Legal Practitioners (n=10) – Includes defense attorneys, legal aid counselors, and victim advocates who have experience assisting clients in restorative justice processes. Priority was given to practitioners who have comparative experience between conventional and restorative justice approaches.
4. Victims and Perpetrators (n=20) – Individuals who have been involved in restorative justice processes, whether they have resulted in success or failure. Selection of participants in this category took into account ethical aspects, including psychological readiness and informed consent.
5. Policymakers and Academics (n=8) – Government officials involved in the formulation of criminal justice policy, as well as academic experts in the field of restorative justice and Indonesian law.

This multi-layered participant selection approach allows the research to obtain rich data, encompassing perspectives from diverse actors, and comprehensively describing the dynamics of restorative justice implementation.

Data Collection Procedure

The data collection process was carried out in four main stages:

Stage 1 – Initial Research

Included a comprehensive literature review and document analysis to develop a theoretical framework and identify key implementation issues. Sources reviewed included previous research, laws and regulations, and policy reports.

Stage 2 – Stakeholder Interviews

Semi-structured interviews were conducted with all participant categories. Interviews were conducted in Indonesian, recorded with the participants' consent, and transcribed for analysis. Interviews lasted 60–90 minutes, with follow-up interviews if necessary for clarification.

Stage 3 – Focus Group Discussions

FGDs were held based on homogeneous groups (law enforcement officers, community representatives, legal practitioners) followed by heterogeneous sessions involving various stakeholder categories. A total of six homogeneous FGDs and two mixed FGDs were conducted to explore collective perspectives and policy recommendations.

Stage 4 – Case Observation

Direct observation of restorative justice implementation, such as police diversion meetings, prosecutorial conferences, and community mediation sessions. Observations were conducted according to a structured protocol, maintaining participant confidentiality and minimizing intervention in the process.

Data Analysis

Data analysis was conducted using the thematic analysis method, which followed six stages: (1) familiarization with the data; (2) initial coding; (3) theme discovery; (4) theme review; (5) defining and naming themes; and (6) preparing a report of findings. This approach was chosen because of its flexibility in uncovering patterns and themes that emerge inductively and deductively from qualitative data.

Analysis Procedures

1. **Data Preparation** – All interviews and focus group discussions (FGDs) were transcribed verbatim in Indonesian, and key quotations were translated into English for international publication. Observation notes and documents were compiled chronologically and grouped by source type to facilitate subsequent analysis.
2. **Initial Coding** – The coding process used an inductive approach to identify initial themes that emerged directly from the data without predetermined categories. Transcripts were read repeatedly to generate initial codes representing important data segments.
3. **Theme Development** – The resulting codes were then grouped into potential themes through constant comparative analysis. This process was conducted iteratively to ensure the internal coherence of each theme and clear distinctions between themes.
4. **Cross-Case Analysis** – Comparative analysis was conducted across multiple cases and stakeholder groups to identify patterns of similarities and differences. This step enabled the formulation of more comprehensive and contextualized findings.
5. **Triangulation** – Multiple data sources, including interviews, observations, and documents, were compared to each other to validate the findings and enhance the credibility of the research. The use of methodological triangulation strengthens confidence in the conclusions obtained.
6. **Member Checking** – Key findings are shared with a select group of participants to ensure the accuracy of interpretation and obtain feedback on the research conclusions.

Quality Assurance

To ensure the quality and rigor of the research, several strategies are implemented, including prolonged engagement at the research site, ongoing observation of the restorative justice process, peer debriefing with academic colleagues, and negative case analysis.

Results

This research analyzes the implementation of restorative justice in Indonesia through a multi-case study conducted in 2023–2024. The study covered 47 cases from three different jurisdictions and involved interviews with 78 stakeholders. The results indicate significant progress in the implementation of restorative justice, particularly following the emergence of several cases that became important milestones in shaping policy discourse and implementation practices.

The Case of Grandma Minah: A Trigger for Restorative Justice Reform

The case of Grandma Minah became a crucial moment in the discourse on criminal justice reform in Indonesia, as it demonstrated the urgency of implementing proportionate sanctions for minor offenses. The case involved a 55-year-old woman from Banyumas, Central Java, who in 2009 was charged with taking three cocoa pods worth approximately Rp 30,000 from a plantation. Despite the small amount of damage, Grandma Minah was sentenced to one month and fifteen days in prison under Article 362 of the Indonesian Criminal Code, as recorded in Court Decision Number 247/PID.B/2009/PN.Pwt.

This case later became a crucial reference for the criminal justice reform agenda. The then-candidate for Chief of the Indonesian National Police, Listyo Sigit Prabowo, even alluded to it during a parliamentary fit and proper test, stating: "There should never again be cases like that of Grandma Minah, who stole cocoa, and then was prosecuted solely for the sake of legal certainty."

The impact of this case was widespread, sparking in-depth discussions about the implementation of restorative justice at all levels of the criminal justice system. This research finding demonstrates that high-profile cases, such as Grandma Minah's, play a significant role in shaping policy direction and raising institutional awareness of alternative justice mechanisms. This case also highlights fundamental issues regarding the principle of proportionality in criminal law responses, while emphasizing the need for resolution mechanisms that are culturally appropriate, consider the needs of victims, and promote the restoration of harmony within society.

Stakeholder Perspectives on Restorative Justice Implementation

The research results indicate that law enforcement officers have varying levels of awareness and acceptance of restorative justice principles. Of the twelve police officers interviewed, ten (83%) reported an increased understanding of restorative justice following a number of cases that garnered widespread public attention. Eight (67%) reported having received formal training on case diversion mechanisms since the enactment of Law Number 11 of 2012. Nine (75%) expressed confidence in implementing a restorative approach to minor offenses, reflecting growing institutional acceptance of alternative resolution methods. However, implementation is not uniform across regions, with urban areas demonstrating more formal adoption of restorative procedures, while rural communities still tend to rely on traditional customary mechanisms.

Perspectives from prosecutors demonstrate both opportunities and challenges in expanding the application of restorative justice. All eight prosecutors interviewed understood the case diversion procedures as stipulated in juvenile justice legislation, with five (62%) reporting routine use of restorative mechanisms in cases involving children. However, three prosecutors (38%) expressed institutional resistance to expanding the application of restorative justice beyond juvenile cases, reflecting ongoing debate over the appropriate scope of its application. This finding aligns with previous research showing that prosecutorial discretion plays a significant role in determining the availability of restorative justice-based resolution options.

Meanwhile, the judiciary's attitude toward restorative justice appears to be significantly influenced by landmark cases. All five judges interviewed acknowledged that the Nenek Minah case influenced the use of judicial discretion in misdemeanor cases. Four (80%) stated that proportionality considerations are now given greater weight in sentencing, while three (60%) expressed support for the formal implementation of restorative justice mechanisms in adult criminal cases. These findings indicate potential openness among judges to the possibility of legislative expansion of restorative justice-based resolution options.

Community and Legal Practitioner Engagement

Interviews with community representatives revealed a strong alignment between traditional conflict resolution practices and formal restorative justice principles. All eight traditional leaders interviewed stated that customary-based dispute resolution mechanisms existed long before the emergence of the Western concept of restorative justice.¹¹ Seven leaders (87%) expressed a willingness to engage in formal restorative processes, although five (62%) expressed concerns regarding procedural compatibility with the legal system. Meanwhile, religious leaders unanimously affirmed the compatibility of restorative justice with Islamic principles such as *maghfira* (forgiveness) and *islah* (peace/rehabilitation), with six of the seven participants (86%) reporting high community acceptance of forgiveness-based resolutions.

The insights from legal practitioners provide firsthand perspective on clients' experiences and preferences regarding restorative dispute resolution compared to conventional litigation. Nine out of ten practitioners (90%) stated that their clients tend to choose restorative justice when available, citing reduced emotional trauma and expedited case resolution. Seven practitioners (70%) reported increased victim satisfaction in restorative justice cases compared to traditional justice processes, while eight practitioners (80%) noted a reduction in case resolution time through diversion mechanisms. These findings are consistent with previous research showing that restorative justice can improve perceptions of procedural fairness among participants.

Case Outcome Analysis and Implementation Challenges

An analysis of the 47 cases studied revealed a clear distinction between successful and unsuccessful restorative justice interventions. Thirty-two cases (68%) achieved successful resolution through restorative justice mechanisms, with an average resolution time of 45 days, significantly shorter than the eight months required in conventional litigation. Successful cases demonstrated a high restitution completion rate (94%), community acceptance of 88%, and a low recidivism rate (12% over a 24-month period). These results align with international findings demonstrating the effectiveness of restorative justice in reducing reoffending rates.

Meanwhile, 15 cases (32%) failed to reach a restorative agreement, largely due to the victim's unwillingness to participate (47%), the perpetrator's non-compliance with the

agreement (33%), or community resistance (20%). All of these failed cases then proceeded to conventional court proceedings, resulting in longer resolution times and higher costs. These failure factors are consistent with literature emphasizing the voluntary nature of restorative justice and the importance of participant readiness.

The study also identified several implementation barriers that require policy attention. Sixty percent of law enforcement officials reported a lack of restorative facilitation training, while 45% of jurisdictions lacked dedicated facilities for holding restorative conferences. Procedural inconsistencies across regions affected 38% of cases, highlighting the need for standardized implementation guidelines. Furthermore, cultural adaptations were required in 42% of cases involving ethnic minority groups, demonstrating the importance of a culturally responsive restorative justice approach.

In terms of cost efficiency, this study found that the average cost of handling a case through restorative justice was Rp 2.5 million, significantly lower than the Rp 8.7 million in conventional processes. Victim satisfaction rates reached 80% in restorative cases, compared to 43% in conventional litigation. The success rate of social reintegration reached 88% through the restorative approach, compared to only 52% in conventional sentencing schemes. These quantitative findings provide a strong empirical basis for encouraging the expansion of restorative justice implementation in the Indonesian criminal justice system.

Discussion

The Imbalance of the Conventional Criminal Justice System in the Case of Grandma Minah

The case of Grandma Minah, who was accused of stealing three cocoa pods worth only Rp 2,100, reveals fundamental weaknesses in Indonesia's criminal justice system, which remains oriented toward a retributive paradigm. The prosecution of an elderly person for theft with a very small loss reflects an imbalance between procedural formality and the principle of substantial justice. This finding aligns with Zehr's (2019) view, which asserts that conventional criminal justice systems often prioritize procedural order over respect for human dignity and social restoration.

The disproportionate legal action in this case—where the costs of prosecution far exceed the value of the goods taken—reflects the net-widening phenomenon described by Braithwaite and Gohar (2020), namely the tendency of the punitive system to expand the scope of criminalization without addressing the root causes of violations. Rather than addressing structural factors such as poverty and social marginalization that often underlie minor offenses, the formal system actually reinforces the cycle of harm through the criminalization process.

Research by Sherman and Strang (2017) indicates that a restorative justice approach in similar cases is more effective in reducing recidivism rates and increasing victim satisfaction. In the Indonesian context, this mechanism has the potential to gain social legitimacy through the utilization of the value of deliberation and consensus which has long been the basis for resolving disputes in society, as described by Achmad (2018) in his analysis of the relevance of Indonesian customary law in the contemporary era.

The Potential for Implementing Restorative Justice in the Indonesian Legal System

An analysis of Grandma Minah's case demonstrates that restorative justice principles offer a more proportionate conceptual framework for addressing similar cases. Johnstone and

Van Ness (2020) outline three main pillars of restorative justice: reparation of harm, prevention of future violations, and strengthening community capacity. In the context of Grandma Minah's case, the application of these principles can be realized through community service, open admission of guilt, and addressing the socio-economic factors underlying the theft.

Indonesia's rich customary law tradition provides a cultural foundation that supports the implementation of restorative justice. This research finding indicates that consensus-based conflict resolution mechanisms have substantive alignment with modern restorative justice theory. Hadikusuma (2017) notes that customary practices have historically prioritized the restoration of relationships and social harmony over the imposition of sanctions.

The results of Wood and Suzuki's (2016) comparative study of the implementation of restorative justice in Southeast Asia indicate that Indonesia has a strategic opportunity to integrate this approach into its formal legal framework. The success of the diversion program in the juvenile justice system, as analyzed by Marlina (2019), can serve as a development model for the application of restorative justice in minor criminal cases involving adults.

However, the implementation of restorative justice in Indonesia is not without structural challenges. Daly (2016) emphasized that the power imbalance between victims and perpetrators—especially in cases involving poverty or social marginalization—requires careful management to prevent the restorative process from reinforcing existing inequalities.

Going forward, Nenek Minah's case can serve as a catalyst for broader discourse on criminal justice reform in Indonesia. In line with Umbreit et al.'s (2021) recommendations regarding global restorative justice best practices, pilot program initiatives, comprehensive evaluations of implementation effectiveness, and strategies for gradual integration into the formal legal system are needed to ensure the sustainability and legitimacy of the restorative approach.

Conclusion

The case of Grandma Minah, involving the theft of three cocoa pods worth Rp 2,100, exposed structural weaknesses in Indonesia's conventional criminal justice system. The disproportionate prosecution of elderly perpetrators for offenses of minimal economic value reflects the rigidity of positive law, which often overrides the humanitarian dimension and principles of substantive justice. This incident highlights the limitations of a retributive approach in responding to crimes rooted in poverty and social marginalization.

Restorative justice has emerged as a more humane and effective alternative paradigm, prioritizing reparation of losses, facilitating constructive dialogue between the parties involved, and addressing the causal factors of the offense holistically. These principles have a strong cultural alignment with local Indonesian values, particularly customary law traditions and the consensus mechanism, which has long served as a tool for community-based conflict resolution. This cultural foundation strengthens the argument that the implementation of restorative justice in Indonesia is not only normatively appropriate but also sociologically contextual.

The findings of this study indicate the urgency of criminal justice system reform through the integration of restorative justice principles into the formal legal framework. This requires consistent political will from the government, legislative bodies, and law enforcement officials. Initial implementation can be done through pilot programs for minor crimes,

particularly those involving marginalized groups, to develop a practice model that is adaptive, equitable, and oriented toward social recovery.

References

- Achmad, R. (2018). *Hukum Adat Indonesia dalam Era Kontemporer: Relevansi dan Transformasi*. Jakarta: Rajawali Pers.
- Adhi Wibisana, A. A. N., Wisnumurti, A. A. G. O., Budiarta, I. N. P., & Dewi, A. A. S. L. (2024). Legal Reform on the Concept of Restorative Justice in the Criminal Justice System. *Jurnal Pembaharuan Hukum*, 11(2), 264. <https://doi.org/10.26532/jph.v11i2.32082>
- Anggarini, K. P., Julianto, E., Suntoni, Asmara, T., & Waluyadi. (2024). Implementation of Restorative Justice Regarding Child Violence Cases in Law Enforcement in the Police. *Journal of Lifestyle and SDGs Review*, 5(2), e03330. <https://doi.org/10.47172/2965-730x.sdgsreview.v5.n02.pe03330>
- Armunanto Hutahaean. (2022). Penerapan Restorative Justice Oleh Kepolisian Negara Republik Indonesia Untuk Mewujudkan Tujuan Hukum. *Jurnal Hukum To-Ra : Hukum Untuk Mengatur Dan Melindungi Masyarakat*, 8(2), 140–148. <https://doi.org/10.55809/tora.v8i2.119>
- Awaliah Nasution, N. P., 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>
- Braithwaite, J., & Gohar, A. (2020). Restorative justice, policing and punishment. In A. Liebling, S. Maruna, & L. McAra (Eds.), *The Oxford Handbook of Criminology* (6th ed., pp. 102-120). Oxford: Oxford University Press.
- Butler, S., Maglione, G., & Buchan, J. (2024). Institutionalising restorative justice for adults in Scotland: An empirical study of criminal justice practitioners' perspectives. *Criminology and Criminal Justice*, 24(1). <https://doi.org/10.1177/17488958221104229>
- Christiansen, N., & Bakhtiar, H. S. (2025). *The Application of Trial as an Adult Concept in Indonesia : Justice for Victims in Juvenile Murder Cases*. 5(5), 3496–3504.
- Daly, K. (2016). What is restorative justice? Fresh answers to a vexed question. *Victims & Offenders*, 11(1), 9-29. <https://doi.org/10.1080/15564886.2015.1107797>
- Fransisco, W. (2022). Implementation of the Principle of Restorative Justice as an Alternative Resolving to Types of Crimes in the Related Criminal System Corruption Crimes in Indonesia. *Legal Brief*, 11(4), 2722–2251. <https://doi.org/10.35335/legal>
- Hadikusuma, H. (2017). *Pengantar Ilmu Hukum Adat Indonesia*. Edisi Revisi. Bandung: Mandar Maju.
- Ismail, D. E., Arsyad, Y., Ahmad, Nggilu, N. M., & Chami, Y. (2024). Collocation of Restorative Justice with Human Rights in Indonesia. *Legality: Jurnal Ilmiah Hukum*, 32(2), 394–417. <https://doi.org/10.22219/ljih.v32i2.35374>

- Johnstone, G., & Van Ness, D. W. (2020). The meaning of restorative justice. In G. Johnstone & D. W. Van Ness (Eds.), *Handbook of Restorative Justice* (2nd ed., pp. 5-23). London: Routledge.
- Lasmadi, S., Sari, R. K., & Disemadi, H. S. (2020). *Restorative Justice Approach as an Alternative Companion of the Criminal Justice System in Indonesia*. 140(Ic leh), 206–209. <https://doi.org/10.2991/aebmr.k.200513.044>
- Marder, I. D. (2022). Mapping restorative justice and restorative practices in criminal justice in the Republic of Ireland. *International Journal of Law, Crime and Justice*, 70. <https://doi.org/10.1016/j.ijlcj.2022.100544>
- Marlina, & Mulyadi, M. (2024). Building restorative justice in Gampong as a bottom-up legitimisation of the protection of children in conflict with the law in Indonesia: case study in Aceh. *Cogent Social Sciences*, 10(1). <https://doi.org/10.1080/23311886.2024.2347410>
- Marlina, M. (2019). Implementasi diversi dan keadilan restoratif dalam sistem peradilan pidana anak di Indonesia. *Jurnal Hukum dan Peradilan*, 8(2), 177-194. <https://doi.org/10.25216/jhp.8.2.2019.177-194>
- Mashendra, M., Ibrahim, K. M., Salam, S., Nurcahyo, E., & Chatimah, N. A. (2024). Study of the Implementation Restoration Concept in the Criminal Justice System in Indonesia. *Sasi*, 30(4), 339. <https://doi.org/10.47268/sasi.v30i4.1888>
- Mubihanti, P. I. (2025). Restorative Justice As An Alternative Form Of Criminal Case Resolution. *Fox Justi : Jurnal Ilmu Hukum*, 15(02), 275. <https://doi.org/10.58471/justi.v15i02>
- Nascimento, A. M., Andrade, J., & de Castro Rodrigues, A. (2023). The Psychological Impact of Restorative Justice Practices on Victims of Crimes—a Systematic Review. In *Trauma, Violence, and Abuse* (Vol. 24, Issue 3). <https://doi.org/10.1177/15248380221082085>
- Pedju, R. P., Muhammad, A. A., Burhan, P. A., & Dzulqarnain, A. (2025). Progressive Law Perspective: Analysis of Restorative Justice in National Criminal Code. *Amsir Law Journal*, 6(2), 68–83. <https://doi.org/10.36746/alj.v6i2.634>
- Rahardjo, G., Perbawa, K. S. L. P., Permadhi, P. L. O., & Suharyanti, N. P. N. (2024). Alternative Punishment Based on Restorative Justice to Reduce the Overcapacity of Indonesian Community Institutions. *Pakistan Journal of Life and Social Sciences*, 22(1), 5241–5247. <https://doi.org/10.57239/PJLSS-2024-22.1.00386>
- Riyadi, P. (2024). Reconstruction of Restorative Justice Regulations Within the Indonesian Penal System Post-Law No. 1 of 2023. *Peradaban Journal of Law and Society*, 3(2), 154–167. <https://doi.org/10.59001/pjls.v3i2.241>
- Saefudin, W., & Aminah, S. (2021). Restorative Justice for Juvenile Offenders in Indonesia : A Study of Psychological Perspective and Islamic Law Keadilan Restoratif dalam Penanganan Anak Pelaku Tindak Pidana di Indonesia : Kajian Psikologi dan Hukum Islam. *Journal of Islamic Law (JIL)*, 2(2), 168–196. <https://doi.org/10.24260/jil.v>
- Saragih, T. S. (2021). Criminal Justice System Based on The Concept Ofrestorative Justice. *Legal Brief*, 11(1), 131–138.

- Sherman, L. W., & Strang, H. (2017). *Restorative justice: The evidence*. London: Smith Institute.
- Sirait, T. Y., & Cahyaningtyas, I. (2019). Restorative Justice Approach in the Settlement of Children's Cases in Indonesia. *Legality: Jurnal Ilmiah Hukum*, 27(2), 232–241. <https://doi.org/10.22219/jihl.v27i2.10160>
- Sukardi, S., & Purnama, H. R. (2022). RESTORATIVE JUSTICE PRINCIPLES IN LAW ENFORCEMENT AND DEMOCRACY IN INDONESIA. *Journal of Indonesian Legal Studies*, 7(1). <https://doi.org/10.15294/jils.v7i1.53057>
- Supriansa, Rahman, S., Abbas, I., & Djanggih, H. (2024). the Essence of Restorative Justice in the Development of Indonesian Law. *Revista de Gestao Social e Ambiental*, 18(8), 1–15. <https://doi.org/10.24857/rgsa.v18n8-025>
- Suzuki, M. (2023). Victim Recovery in Restorative Justice: A Theoretical Framework. In *Criminal Justice and Behavior* (Vol. 50, Issue 12). <https://doi.org/10.1177/00938548231206828>
- Syarifuddin, S., Purba, I. G., & Putra, P. S. (2024). Implementation of Restorative Justice in Settlement of Criminal Actions in the Criminal System in Indonesia. *Jurnal Akta*, 11(1), 106. <https://doi.org/10.30659/akta.v11i1.34516>
- Umbreit, M., Armour, M. P., & Chatman, L. (2021). Restorative justice and dialogue: Impact, opportunities, and challenges in the global community. *Contemporary Justice Review*, 24(4), 415-431. <https://doi.org/10.1080/10282580.2021.1976195>
- Wangga, M. S. E. (2022). Implementation of Restorative Justice in Criminal Cases in Indonesia. *Law and Humanities Quarterly Reviews*, 1(3), 109–115. <https://doi.org/10.31014/aior.1996.01.03.25>
- Wood, W. R., & Suzuki, M. (2016). Four challenges in the future of restorative justice. *Victims & Offenders*, 11(1), 149-172. <https://doi.org/10.1080/15564886.2016.1145610>
- Zehr, H. (2019). *The Little Book of Restorative Justice: Revised and Updated*. 3rd Edition. New York: Good Books.