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The Application of Restorative Justice in The Settlement of Minor Offences

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Abstract: The application of restorative justice in resolving minor crimes is increasingly receiving attention in Indonesia as a more humane alternative to the traditional criminal justice system. Resolving minor crimes using a restorative justice approach can be carried out if the conditions are met, such as the perpetrator admitting his actions and showing deep regret, and the victim or his family is willing to forgive. Apart from that, the community also supports deliberation, especially if the act is classified as a minor crime. If these conditions are met, law enforcement officials such as the police can use a restorative justice approach through mediation during the investigation process. The research method used is qualitative with a normative approach where the purpose of this research is to create balance in society. The use of traditional institutions in various regions also greatly supports the implementation of restorative justice, because this model is considered to be in accordance with the values of justice that have long been recognized and implemented in Indonesian society. Thus, restorative justice can be a more inclusive and just solution in resolving minor crimes in Indonesia.

Keywords: Restorative Justice, criminal law, minor offenses, legal considerations, Indonesia.

INTRODUCTION

Indonesia is a law-based state, which means that its legal system governs the lives of society, the state, and its government. According to Article 1 paragraph (3) of the Republic of Indonesia's 1945 Constitution, 'The State of Indonesia is a state of law'. Indonesia, being a state of law, ensures that all policies, government activities, and interactions between individuals are in line with existing laws and regulations. Over time, the law has been viewed as a rigorous set of rules that overemphasize some aspects of the legal system while failing to explore the relationship between legal science and the problems to be addressed.

One of the main challenges in Indonesia's criminal justice system is the overcapacity of prisons, largely due to the large number of minor offences that continue to be processed through to imprisonment. This policy is often considered ineffective as it overburdens correctional facilities, while minor offences do not always require retribution-based sentences. Criticism of retributive approaches in traditional justice systems is also growing, as punitive patterns that focus solely on revenge often fail to meet the needs of victims, offenders and society as a whole.

With the enactment of the Criminal Procedure Code (KUHAP), the term minor criminal offence was introduced, which in practice is often abbreviated as Tipiring. The use of the word 'minor' in this term indicates that the punishment imposed for the criminal offence tends to be lighter when compared to other types of criminal offences (Fransico, 2021). This means that cases punishable by imprisonment or confinement for a maximum of 3 months and/or a fine of up to Rp 7,500 (subject to adjustment) and minor insults, except for traffic offences, are included in minor criminal offences. A minor criminal offence is a type of violation of the law that is considered less serious than a serious criminal offence. Nonetheless, minor offences can still be subject to legal sanctions in the form of fines or imprisonment for a shorter period of time.

In Indonesia, small offences are usually governed in the Criminal Code, or other laws and regulations. The offender is not detained in circumstances involving tipping. The Criminal Code's Law Number 8 of 1981 does not outline the standard for small offenses in terms of the possible penalties. Petty theft is one instance of a small offense that is governed under Article 364 of the Criminal Code. Other examples include minor insults, minor embezzlement, minor maltreatment, minor vandalism, littering and others. Offences that fall under the Tipiring category can be found in the Criminal Code, non-Criminal Code laws and regulations, as well as local regulations, where the nature of the offence is considered minor or does not cause too much harm.

Criminal law is the branch of law that regulates prohibited acts, establishes sanctions for offenders, and regulates the procedures for bringing cases to court. Examples of criminal offences in criminal law include embezzlement, theft, rape, robbery, and others. For example, in the crime of theft, the crime of theft is an act that is detrimental to both the perpetrator and the victim, as well as contrary to the norms and rules of applicable law. In criminal law, the offence of theft is regulated in several articles, including Article 362 of the Criminal Code. Article 362 of the Criminal Code reads: 'Any person who takes property, wholly or partially belonging to another, with intent to unlawfully possess it, shall, being guilty of theft, be punished by a maximum imprisonment of five years or a maximum fine of six hundred thousand rupiahs.' Furthermore, Article 476 of Law 1/2023 states, 'Any person who takes any property which partly or wholly belongs to another, with intent to unlawfully possess it, shall, being guilty of theft, be punished by a maximum imprisonment of 5 years or a maximum fine of category V, amounting to IDR 500 million.'

Applying the restorative justice principle is one way that law enforcement might deal with minor offenses in a firm, consistent, and comprehensive manner. The phrase "restorative justice" is frequently used in criminal law enforcement. Another name for this phrase in Indonesian is restorative justice. Restorative justice is the practice of criminal offenders (and their families) repairing relationships and making amends to victims of criminal offenders (and their families) outside of the courtroom with the goal that the parties can properly resolve the legal issues arising from the criminal offence by coming to an agreement.

Restorative justice is an approach that emphasises the restoration of relationships damaged by criminal offences, by involving victims, offenders and the community in the problem-solving process. Although it has many advantages, such as recovery for victims and rehabilitation of offenders, the application of this approach requires full support from all relevant parties as well as the readiness of the legal system to implement it. Restorative justice is also a different way of dealing with crime that focuses on finding a win-win solution for all parties.

It offers a more humane and effective alternative to crime, particularly in less serious cases. According to the Glossary, Restorative Justice is a hallmark of the justice system that arises from the application of restorative justice, i.e., conditions are improved as a result of the significant and insignificant harm caused by the offender's criminal behaviour, including the responsibility of the offender and his or her family.

Restorative justice as an out-of-court settlement method is new, and further research is needed on its theoretical and implementation aspects. With the scope of the judicial world. The intensity increases with time as courts face a greater burden to examine and decide cases in accordance with current legal principles as the number of cases in their realm increases. Crime from a restorative

justice perspective is an offence that involves individuals and human relationships. Implementing restorative justice can be done in a number of ways, including through community-based restorative programs that benefit both victims and offenders, family group discussions, and mediation between victims and offenders.

The criminal justice system is often considered successful only if law enforcement officials succeed in bringing criminals to court and delivering punishment. However, this paradigm of law enforcement based on a retributive philosophy not only creates injustice, but also has the potential to undermine a sense of security and justice in society. The view that all criminal cases must be resolved through court mechanisms and criminal sanctions actually creates various structural problems and broad negative impacts. Therefore, there needs to be a significant change in the approach to handling criminal cases, by shifting the focus to out-of-court settlements through restorative justice principles that prioritise recovery over punishment.

The Supreme Court Directive Circular Letter on Guidelines for Restoring Justice in the Public Law Environment and the Police Commissioner's letter on Alternative Dispute Resolution (ADR) procedures both demonstrated how widely the idea of restorative justice has been embraced in the legal system since 2009. The Supreme Court's guidelines for the application of restorative justice in the general judicial environment are contained in the Decree of the Director General of the General Judicial Agency (Dirjen Badilum) of the Supreme Court Number: 1691/DJU/SK/PS.00/12/2020 concerning the Implementation of Restorative Justice Guidelines.

This decree was issued based on very basic considerations. Initially, to maximize the application of Supreme Court Chief Justice Decrees, Supreme Court Circular Letters, and Supreme Court Regulations that regulate the application of restorative justice in court, the preparation of clear and structured guidelines is a must. Secondly, given the development of the paradigm in the punishment system which is increasingly shifting from a perpetrator-oriented approach to a more inclusive direction by considering the interests of victim recovery and perpetrator accountability, the application of restorative justice is an important step in creating a more holistic balance and justice (Enny, 2023).

In practice, this approach has proven effective in resolving minor criminal offences, such as petty theft or minor damage, which do not result in major losses. Through dialogue and agreement between the offender and the victim, this process not only reduces the court's caseload, but also provides an opportunity for the offender to improve themselves without the stigma of being a prisoner. However, the implementation of restorative justice is not without challenges. There are still barriers such as a lack of public understanding, resistance from law enforcement officials who are accustomed to the conventional system, and limited resources to support mediation and dialogue processes. Nonetheless, restorative justice offers great potential to create more inclusive and constructive justice in the Indonesian legal system, especially in dealing with minor offences.

According to the many theories and reasons put forth, the restorative justice approach seems to have a lot of promise for use in resolving minor infractions, especially when it comes to lessening the load on the criminal justice system and mending strained social relationships. By analyzing the importance of this method in relation to Indonesian law, the researcher hopes to learn more about how Restorative Justice is used in Indonesian criminal law and the legal factors judges take into account when using it to resolve minor offenses. It is anticipated that this study will make a substantial contribution to the creation of more inclusive and equitable alternative case settlement techniques.

METHOD

This study is categorized as normative juridical research, a branch of legal research that looks at the law as a set of rules. Principles, standards, laws and regulations, court rulings, the idea of restorative justice, and associated legal doctrines or teachings are all part of the system of norms in question. An examination of judgments freed from all charges based on the use of restorative justice concepts is also included in this study.

The normative juridical research approach is also known as doctrinal legal research or library research. It is called normative juridical research since it focuses on written regulations, making it closely tied to the library because it requires secondary material. In addition, the author employs a qualitative approach to analyze and interpret the data from the sources studied. By synthesizing facts and information from multiple sources, the author delivers evidence-based arguments and conclusions. This technique aids in the development of a solid foundation and the presentation of credible information.

RESULTS AND DISCUSSION

The Application of Restorative Justice in Criminal Law in Indonesia

In the implementation process, Restorative justice is applied in accordance with applicable legal provisions, such as those stipulated in the Criminal Code, Police Law, Judicial Power Law, and Police Regulation (Perpol) Number 8 of 2021. This regulation regulates the terms, procedures, and mechanisms for terminating the investigation and investigation of criminal offences through a restorative justice approach for the sake of law. Article 1 of the Criminal Code states that ‘an act can only be considered a criminal offence if it has been determined in the laws and regulations, in accordance with the principle of legality’.

According to Bambang Purnomo, a criminal offence has several elements, namely:

1. The act is committed by a human being,
2. Threatened with punishment,
3. Contrary to the law,
4. Committed intentionally, and
5. Committed by a person who is capable of responsibility.

The restorative justice approach provides an alternative in handling cases while still being based on existing legal provisions.

Justice in Indonesia's criminal justice system has traditionally been retributive. However, restorative justice is expected. This justice refers to a procedure in which all parties engaged in a criminal offence work together to discover ways to cope with the consequences and prevent it from happening again. Restorative justice is a method of settling criminal cases that prioritizes healing for victims, perpetrators, and society as a whole.

One strategy that is currently being researched and used extensively in the resolution of criminal cases is restorative justice. This approach is different from the retributive justice system, which emphasises punishment or revenge. Instead, restorative justice prioritises recovery efforts by involving perpetrators, victims, their families, and other relevant parties to jointly seek fair solutions and focus on restoring the situation as it was before the crime occurred. This approach is considered more humane and relevant to the needs of modern society. The implementation of restorative justice is based on several key principles, namely:

- a. The justice achieved must include remedies for parties who have suffered harm.
- b. Very individual involved or affected by a criminal offence should be given the opportunity to participate fully in the resolution process.
- c. The government is in charge of maintaining public order, while the community plays a role in building and maintaining peace.

Diah Sulastri Dewi, the Deputy Chief Justice of the Riau High Court, stated that the community has responded well to the strategy. The restorative justice concept has been made a national priority initiative by the government. It is indeed one of the solutions to the issue of overcrowding in detention facilities and correctional facilities. Diah cited Muhammad Syarifuddin, Chief Justice of the Supreme Court, as saying that the General Justice Agency (Badilum) Director General (Dirjen) Decree Number 1691/DJU/DK/PS.00/12/2020, dated December 22, 2020, served as the foundation for the use of restorative justice in district courts. Considering that the substance involves technical procedures, the regulation will be improved through a Supreme Court Regulation (Perma) which is

currently still in the process of being formulated by the Working Group Team (Pokja) for Handling Cases Based on Restorative Justice.

By providing restoration to both perpetrators and victims, all parties have the opportunity to get back on their feet. This is in line with the main goal of restorative justice, which is to achieve justice that focuses on restoration, not just punishment. Some parties, including law enforcement officials, often assume that restorative justice is only limited to the process of peace or case termination. In fact, the concept of restorative justice has a much broader meaning, with an emphasis on a fair settlement and efforts to restore conditions as they were before the crime occurred.

Restorative justice has several characteristics, namely :

1. Crime is formulated as an act that violates the rights of an individual against the rights of another individual and as a result causes conflict;
2. Solving the problem of responsibility and liability is towards the future;
3. The principle of settlement is based on the principles of dialogue and negotiation;
4. The primary objectives are reconciliation, restoration, and compensation of the offender as a way to mend the parties;
5. Justice is formulated as a relationship of rights, judged on the basis of results;
6. The goal of redress is to repair social harms;
7. The community is a facilitator in the process;
8. The role of victims and offenders is recognised, both in the problem and the resolution of victims' needs.
9. The offender is encouraged to take responsibility for the offence as a result of understanding the offence and to help decide what is best;
10. Criminal offences are understood in their full, moral, social and economic context;
11. Restorative practices can help eliminate stigma;
12. Abolitionists advocated for restorative justice, which rejected coercive methods like punishment and substituted them with reparative methods.

The Decree of the Director General of Badilum MA Number 1691/DJU/SK/PS.00/12/2020, which governs the application of this concept in general courts, Police Regulation (Perpol) Number 8 of 2021, which addresses the handling of criminal offenses using a restorative justice approach, and Prosecutor's Regulation (Perja) Number 15 of 2020, which addresses the termination of prosecution based on restorative justice, are among the regulations that have been issued to support the implementation of restorative justice. Furthermore, a number of legislation, including Law Number 1/2003 on the Criminal Code and Law Number 11/2012 on the Juvenile Criminal Justice System, regulate restorative justice. Unfortunately, the regulations pertaining to restorative justice still differ from one another. As an illustration, Police Regulation Number 8 of 2021 governs restorative justice procedures by ending investigations, even when the authorities have not yet verified that the offender has committed a crime. Meanwhile, through a rapid trial and peace process, restorative justice processes are applied by the Decree of the Director General of Badilum MA Number 1691/DJU/SK/PS.00/12/2020. This discrepancy demonstrates the necessity of harmony for restorative justice to be applied more consistently and effectively.

In addition to being included in a number of statutes, the 2020–2024 National Medium-Term Development Plan (RPJMN) incorporates the idea of restorative justice. Promoting the use of the restorative justice approach is one of the RPJMN's legal development objectives. Various organizations, including the Supreme Court, the Police, and the Attorney General's Office, then carry out this duty by releasing their own restorative justice regulations. However, because of the disparity in how they are applied, the various regulations in each institution have created issues.

The use of restorative justice is one attempt to streamline the law enforcement procedure. A Memorandum of Understanding (Nokesber) signed by the Attorney General, Chief of Police, Minister of Law and Human Rights, and Chief Justice of the Supreme Court gave rise to this idea. The implementation of amendments to criminal offence prohibitions, the speedy examination process, the amount of fines, and the application of restorative justice are all governed by this memorandum. The

memorandum implements Supreme Court Regulation (PERMA) Number 2/2012, which sets the maximum punishments and the range of minor violations under the Criminal Code. The PERMA states that if the loss is less than Rp 2,500,000, then violations of Articles 364, 373, 379, 482, 384, and 407 of the Criminal Code are deemed minor offenses. This approach seeks to expedite the legal system, especially where small losses are involved.

According to the Restorative Justice approach, criminal behavior is defined as behavior that upsets equilibrium, allowing all parties involved in a particular criminal conduct to work together to resolve issues and consider potential future repercussions. Using restorative justice to resolve minor offenses in rural areas is one way to achieve this balance.

Legal Foundations of Restorative Justice:

1. Article 205 of the Criminal Procedure Code (KUHP)
2. Regulation of the Supreme Court of the Republic of Indonesia Number 2 Year 2012 on the Adjustment of the Limitation of Minor Offences and the Amount of Fines in the Criminal Code
3. Memorandum of Understanding between the Chief Justice of the Supreme Court, Minister of Law and Human Rights, Attorney General, Chief of the Indonesian National Police Number 131/KMA/SKB/X/2012, Number M.HH-07.HM.03.02/2012.
4. Letter of the Director General of Public Courts Number 301 of 2015 on the Settlement of Minor Crimes
5. National Police Chief Regulation Number 8 of 2021 on Handling Criminal Offences based on Restorative Justice
6. Regulation of the Attorney General Number 15 of 2020 on Discontinuation of Prosecution Based on Restorative Justice

In 2002, Zehr published a short book entitled *The Little Book of Restorative Justice* which aimed to review the basic principles and philosophy of restorative justice. In the book, he introduced three important pillars of restorative justice: harm and need, obligation, and engagement. Firstly, restorative justice views crime as a harm experienced by individuals and society. In this view, justice begins with a concern for victims and an attempt to fulfil their needs in repairing the harm done.

Secondly, restorative justice emphasises the importance of offender accountability and responsibility. When a crime causes harm, it is the responsibility of the offender to understand the impact of that harm. In this way, offenders can realise the consequences of their actions. Thirdly, the principle of engagement provides opportunities for all parties affected by the crime, such as victims, offenders, and communities, to participate in the justice process. In some situations, this can take the form of a direct dialogue between the parties, such as in a meeting between the victim and the offender, where they can share their experiences and reach agreement on the steps to be taken.

Generally speaking, restorative justice is a method of settling legal offenses by having victims and offenders meet and discuss their issues. While "justice" alludes to justice, the word "restorative" is derived from the word "restore," which means to return or restore to its original state. In order to "repair disrupted relationships" between victims and offenders, restorative justice is a notion of criminal offence settlement.

Legal Considerations Determined by Judges on the Application of Restorative Justice in the Settlement of Minor Crimes

Restorative justice requires the active co-operation of all parties involved, including government support, to create a situation where perpetrators and victims can resolve their conflicts fairly. This approach also emphasises the importance of respecting human rights and recognising the impact of social injustice. In addition, restorative justice focuses on providing simple and effective mechanisms to restore the situation for the affected parties. In the criminal justice system, the paradigm has been to process criminals through court proceedings, followed by sentencing by a judge. However, with the times, many parties have begun to look for better and more effective solutions to respond to crime in a more humane manner and in accordance with the needs of society.

For instance, the implementation of restorative justice centers on the fundamental idea of integrating victims, offenders, and the community in the case-resolution process in order to guarantee that offenders no longer cause disruptions to the community. Despite using this approach, Indonesia still adheres to the applicable rules of law, as stipulated in Law Number 8 of 1981 concerning criminal procedure law. In its application, restorative justice still follows formal law, where sanctions are still imposed on the perpetrator as part of the legal process. According to Sauer, criminal law has three important elements, namely against the law, guilt, and the punishment itself.

The Court is a judicial body or organization that serves as the cornerstone of hope for pursuing justice in a state of law like Indonesia. Therefore, using the judicial body is the best option to settle a problem in a state of law. Judges have the most significant position in a judicial body since they have the authority to make decisions. The judge's decision is the outcome of discussions that begin with the indictment and include all evidence presented during the court examination.

As individuals who enforce the law for the sake of justice, judges continue to base their conclusions on the relevant legal provisions and take into account reliable evidence, including witness statements, indictments, and other types of evidence. Substantially, the judge's decision in a criminal case has three characteristics, namely :

1. If the judge or court determines that the offender is legally and clearly proven guilty of the criminal offense accused, the result is a criminal verdict (Verordeling) (Article 193 paragraph (1) KUHAP).
2. An acquittal verdict (vrijspraak/acquittai) if the judge is of the opinion that as a result of the examination in court the defendant has not been legally and convincingly proven guilty of the offence charged (Article 191 paragraph (1) KUHAP).
3. An onslag van alle rechtsvervolging, or decision of acquittal from all accusations, if the court determines that the act against the offender is established to have occurred but does not qualify as a criminal offense (Article 191 paragraph (2) of KUHAP). The position of a decision to be released from all legal charges is regulated in the Criminal Procedure Code, namely Article 191 paragraph (2) which states 'If the Court is of the opinion that the act charged against the defendant is proven, but the act does not constitute a criminal offence, the defendant shall be released from all legal charges'.

In handling a criminal case, a judge will decide whether a person deserves to be sentenced based on his or her conviction supported by the evidence presented at trial. The judge's decision must be based on strong evidence and careful consideration, while still respecting the legal values that develop in society. The judge's judgement is very important because it will be judged by the public and becomes a moral and legal responsibility for the judge himself. Therefore, in delivering a judgement, judges need to ensure there is a balance between truth, justice and benefit. The judge's decision not only determines the severity of the punishment given, but also ensures the legal status of certain rights, objects or actions.

According to Article 1 of Law Number 48 of 2009 concerning Judicial Power, often known as the Judicial Power Law, judges must always uphold the ideals of a free and impartial court when performing their duties, particularly when rendering a decision in a matter, namely: 'Judicial power is an independent state power to administer justice in order to uphold law and justice based on Pancasila and the 1945 Constitution of the Republic of Indonesia, for the implementation of the rule of law of the Republic of Indonesia'.

The judge's decision-making process heavily relies on how the law is applied. As a result, the trial's final ruling needs to be truthful and consistent with the defendant's violations of the laws and articles. If there is sufficient evidence to persuade the judge that the criminal offense truly happened and that the applicable legislation was broken, the judge may decide to impose a sentence on the offender during the trial process.

Restorative justice does not mean the termination of the case to the court. In practice, a criminal case that applies restorative justice may be terminated or continued to court. An example of a case that applies restorative justice that continues to go to court can be seen in Decision Number

1/Pid.C/2023/PN Tjb, which relates to a case of petty theft charged under Article 364 of the Criminal Code, where the defendant took 11 (eleven) oil palm bunches belonging to PT Padasa Enam Utama by using 1 (one) sickle to take the 11 (eleven) oil palm bunches from the tree.

The victim's forgiveness was available to the defendant during this case's trial, and the judge also considered the peacemaking efforts made by the victim and the defendant, who were represented by the witness on behalf of PT Padasa Enam Utama. In essence, the parties had forgiven one another, and the defendant had pledged to refrain from repeating his actions. Additionally, the judge utilized the peace agreement as a basis for guidelines to apply the principle of Restorative Justice in imposing a sentence on the defendant in the case *a quo* because she believed it reflected the defendant and victim's goodwill in restoring their relationship (*restitutio in integrum*).

The concept of restorative justice focuses on creating justice and balance between the perpetrator and the victim. With the aim of hoping to reduce the burden of cases that accumulate in the courts, because the settlement process through the justice system, starting from the police, prosecutors, to the courts, often takes a long time. Restorative justice is a process in which all parties involved in an offence come together to find solutions to resolve the impact of the offence for the good of the future.

Thus, the application of restorative justice in the settlement of minor offences requires careful legal considerations from judges, not only based on existing normative provisions, but also considering humanitarian, social aspects, and the interests of the parties. Judge decisions that prioritise restorative justice are expected to be able to create a balance between law enforcement and the restoration of social relations, thus providing a more inclusive and equitable solution for all parties involved.

CONCLUSION

The application of restorative justice in criminal law offers a humane and effective alternative in dealing with minor offences. Its basic principles, such as restoration of victims' losses, offender responsibility, and restoration of social relations, are in line with Indonesian cultural values that emphasise deliberation and consensus. This mechanism not only reduces the burden on the judicial system, but also provides space for victims, offenders, and the community to actively participate in the legal conflict resolution process.

When it comes to legal issues, judges are crucial in making sure that the use of restorative justice aligns with the values of justice, constitutionality, and societal interests. Judges take into account a number of considerations, including the extent of the harm, the perpetrator's good intentions, the victim-perpetrator agreement, and the potential social consequences. With this method, the choice is made with the restoration and balance of social ties in mind, in addition to punishment.

Suggestion

The government should strengthen regulations that support the application of restorative justice in handling minor criminal cases so that its implementation is clearer and more consistent in various parts of Indonesia. In addition, law enforcement officials, such as judges, prosecutors and police, need special training to understand the concept and practice of restorative justice in depth, so that they can apply it in accordance with the principle of prioritised justice. On the other hand, the community also needs to be educated about the benefits and workings of restorative justice so that they can understand the importance of this mechanism and be actively involved in the resolution process. Equally important, documentation of successful cases in the implementation of restorative justice must be developed to serve as a useful reference. Periodic evaluation is also needed to see the extent to which the application of restorative justice has been effective, understand the obstacles faced, and refine the process to be more optimal in the future.

REFERENCE

- Arief, Hanafi, & Ningrum Ambarsari. "Penerapan Prinsip Restorative Justice Dalam Sistem Peradilan Pidana Di Indonesia." *Al-Adl: Jurnal Hukum* 10, Number 2 (2018)
- Enny Yulistiawati, Arif Awangga, *Restorative Justice Dalam Perkara Tindak Pidana Pencurian (Studi Putusan Nomor 28/Pid.B/2022/PN.LBB)*, Syntax Literate: Jurnal Ilmiah Indonesia, Vol. 8, Number 7, Juli 2023.
- Fransico Loleng, dkk, *Tindak Pidana Ringan Dalam Hukum Pidana Dan Kitab Undang-Undang Hukum Acara Pidana Indonesia*, Lex Crime, Vol. X, Number1, 2021.
- Herda Zepa Filia, Skripsi: "*Pertimbangan Hakim Mengenai Restorative Justice Dalam Putusan Perkara Pidana Penghinaan Atau Pencemaran Nama Baik (Analisis Putusan Nomor 159/Pid.B/2016/PN.Msb)*", (Surakarta:UMS,2022).
- Kitab Undang-Undang Hukum Pidana
- Lilik Mulyadi, *Seraut Wajah Putusan Hakim Dalam Hukum Acara Pidana Indonesia*, PT Citra Aditya Bakti, Bandung, 2014.
- M.Chaerul Risal, *Analisis Kritis Terhadap Implementasi Restorative Justice Dalam Sistem Peradilan Pidana: Tantangan dan Peluang*, Jurnal Al Tasyri'iyah, Vol.3, Number1, 2023.
- M.Yahya Harahap, *Pembahasan Permasalahan dan Penerapan KUHAP: Pemeriksaan Sidang Pengadilan, Banding, Kasasi dan Peninjauan Kembali*, ed. 2, cet.3, Sinar Grafika, Jakarta, 2004.
- Manullang, H., Sitanggang, R., Sidauruk, S., & Sinaga, E. *Penyelesaian Tindak Pidana Biasa Bermotif Ringan Dengan Restoratif Justice Sebagian Bentuk Upaya Pembaharuan Hukum Pidana*. Nommensen Journal of Legal Opinion, 2020.
- Oemar Seno Aji, *Hukum Hakim Pidana*, Bumi Aksara, Jakarta, 2003.
- Prof. Dr. Hafrida, S.H., M.H. & Dr. Usman, S.H., M.H., *Keadilan Restoratif (Restorative Justice) dalam Sistem Peradilan Pidana*, Deepublish Digital, Yogyakarta, 2024.
- Riko Dony Rahardianto, dkk, *Penerapan Restorative Justice Terhadap Pelaku Tindak Pidana Penganiayaan (Studi Kasus Kekerasan di Tangerang)*, Cross-border, Vol.5, Number2, Juli-Desember 2022.
- Romi Hardhika, *Mekanisme Keadilan Restoratif (Restorative Justice) Dalam Praktik Hukum Acara Pidana Di Pengadilan Negeri "Sesuai Peraturan Mahkamah Agung Nomor 1 Tahun 2024 tentang Pedoman Mengadili Perkara Pidana Berdasarkan Keadilan Restoratif"*, Deepublish Digital, Yogyakarta, 2024.
- Silvia, dkk., *Pelaksanaan Restorative Justice Terhadap Tindak Pidana Ringan Pencurian Oleh Bhabinkamtibmas Polsek Pariangan Resor Tanah Datar*, Yustisi: Jurnal Hukum & Hukum Islam, Vol.11, Number2, 2024.
- Thea DA, A. (2023, July 7). *5 Kebijakan MA Terkait Restorative Justice*. Hukum Online.Com. [5 Kebijakan MA Terkait Restorative Justice](#)
- Thea DA, A. (2023, Juni 16). *Restorative Justice Ujungnya Tak Melulu Penghentian Perkara*. Hukum Online.Com. <https://www.hukumonline.com/berita/a/restorative-justice-ujungnya-tak-melulu-penghentian-perkara-lt648bbd83c57ff/?page=2>
- Undang-Undang Nomor 1 Tahun 2023
- Warzuk, dkk., *Penerapan Restorative Justice Dalam Sistem Hukum Pidana Indonesia*, Karimah Tauhid, Vol.3, Number3, 2024.
- Yolanda Fadila, dkk., *Penyelesaian Tindak Pidana Ringan Melalui Restorative Justice Sebagai Bentuk Upaya Pembaharuan Hukum Pidana dalam Perspektif Keadilan*, INNOVATIVE: Journal of Social Science Research, Vol.4, Number1, 2024.
- Yulia, Rena. "Penerapan Keadilan Restoratif Dalam Putusan Hakim: Upaya Penyelesaian Konflik Melalui Sistem Peradilan Pidana." *Jurnal Yudisial* 5, Number 2 (2012): 224-240