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Article Title

## **Resolution of Theft Cases Using Restorative Justice Approaches in Court**

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## **ABSTRACT**

*This research aims to understand how theft cases are resolved using the restorative justice approach in court. This study combines normative and empirical research methods. Subsequently, the collected data were analyzed qualitatively to describe the problem and address the research purposes. The results show that resolving theft cases with a restorative justice approach in court offers a new paradigm that not only focuses on applying retributive justice but prioritizes the processes of restoration and reconciliation between the Accused and the Victim. Through the implementation of Supreme Court Regulation Number 1 of 2024, the stages of case resolution with restorative justice from trial preparation to creating a restorative agreement ensure that the justice pursued is restorative. The effectiveness of this approach depends on the Victim's willingness to forgive the Accused, the restoration of losses suffered by the Victim, and the Accused's status as a non-recidivist. Therefore, it is recommended that Judges proactively facilitate dialogue between the Accused and the Victim and ensure that the restorative agreement adheres to the principles of proportionality and substantive justice. Public Prosecutors should more actively identify cases suitable for restorative resolution and prepare proof and physical evidence carefully to support the mediation process. The Accused and the Victim are encouraged to participate openly and honestly in mediation. In particular, The Victim needs encouragement to state their losses and needs clearly, and to consider the option of reconciliation as a step towards recovery. Finally, the community is expected better to understand the benefits and processes of restorative justice, thereby providing broader support for a criminal justice system oriented not only towards delivering retributive justice but also towards restoration and repairing social relationships in the future.*

*Keywords:* Court Judgment; Restorative Justice; Theft; Trial.

## **INTRODUCTION**

The law enforcement process in Indonesia, especially in criminal cases, still emphasizes the application of punishments reflective of retributive justice (Nasrullah, 2023). Moreover, society often associates criminal offenses with a negative stigma toward the Perpetrator, who is consistently linked with imprisonment as the sole solution (Howell et al., 2022). This misguided understanding leads to a monolithic practice of law enforcement in which legal authorities frequently direct Perpetrators towards imprisonment as a way to resolve cases (Sujatmiko & Istiqomah, 2022).

Furthermore, this practice causes serious issues related to the conditions of penitentiaries, which are often over capacity. A striking example is the Class 2 A Penitentiary of Bagansiapiapi. According to Yasonna Laoly, this penitentiary should only house 98 correctional inmates; however, it currently holds 927, exceeding its capacity nearly tenfold (Guritno & Asril, 2023). A similar situation occurs in the Class 2 A Penitentiary of Abepura, which also faces a significant imbalance between capacity and the number of correctional inmates (Cenderawasih Pos, 2022).

The impact of this overcapacity is extensive, affecting the supervision and rehabilitation aspects of correctional inmates. Security and oversight within prisons are compromised, potentially leading to various new issues such as violence among inmates, drug trafficking, and even riots and fires. This situation not only disrupts the

daily activities of correctional inmates but also infringes on their human rights and adds to their undue suffering (Muchlis, 2023).

Given the urgency of the issues related to penitentiary capacity and the limitations in handling criminal Perpetrators, there is also a rising concern among the public about the criminal justice system. This scepticism is fueled by a decline in public trust (Wozniak, 2020), significantly influenced by a lack of responsiveness in case management (Backes et al., 2020), including efforts to resolve cases through a restorative justice approach (Caruso, 2020). This approach offers an alternative to the commonly practised retributive justice within the public judicial system.

The theory of restorative justice has significantly evolved since it was introduced by Eglash (1976). Although a modern concept within the criminal justice system, elements of restorative justice have long existed and been implemented in customary justice systems worldwide, including in Indonesia. This approach emphasizes dialogue and active participation from all parties involved—Perpetrator, Victim, and community—to achieve a resolution that focuses on retributive justice and restoring the original conditions (Suhariyanto et al., 2021).

On another note, restorative justice opens opportunities for mending relationships between Perpetrator and Victim and challenges long-standing legal paradigms (Llewellyn, 2021). Since the enactment of Law Number 11 of 2012, restorative justice in Indonesia has gained legal grounding. However, its application focuses primarily on child criminal cases and is not fully integrated into the criminal justice system. The lack of synergy among law enforcement agencies and differing interpretations among Judges indicate that implementing restorative justice still requires more mature and coordinated adjustments.

Delving deeper into the implementation of restorative justice, law enforcement agencies in Indonesia, including the State Police, Public Prosecution Service, and Judiciary, have established a series of regulations governing case resolution using this approach. These include State Police Regulation Number 8 of 2021, Attorney General Regulation Number 15 of 2020, and Supreme Court Regulation Number 1 of 2024. Additionally, there is a Joint Memorandum of Agreement Number 131/KMA/SKB/X/2012, Number M.HH-07.HM.03.02 of 2012, Number KEP-06/E/EJP/10/2012, Number B/39/X/2012, marking a joint commitment to implementing restorative justice.

Although regulations are established, differences in application and specific requirements still present challenges. For instance, State Police Regulation Number 8 of 2021 sets material and formal conditions that must be met for a case to be resolved through restorative justice, such as actions by the Perpetrator that do not cause social

unrest or rejection from the community, do not impact social conflict or national division, among other conditions. On the other hand, [Attorney General Regulation Number 15 of 2020](#) specifies slightly different general and special conditions, including limits on the threat of punishment, the value of damages resulting from the criminal offense, and casuistic criteria or conditions, among others.

Furthermore, [Supreme Court Regulation Number 1 of 2024](#) states that cases suitable for resolution through restorative justice include misdemeanour offenses or damages not exceeding a specific value, are complaint-based offenses, where the Accused acknowledges the indictment from the Public Prosecutor, among other conditions. Despite differences in the details of these regulations, several common principles such as non-recidivist involvement, accountability and restitution from the Perpetrator, and reconciliation between Perpetrator and Victim, unify the conditions set by these regulations. The implementation of restorative justice reflects the efforts of Indonesia's criminal justice system to adapt to a more inclusive and restorative approach that focuses not only on retributive justice but also on reconciliation and the restoration of social relationships. However, inconsistencies in settings and interpretations remain challenges that need addressing to ensure the community's effectiveness and broad acceptance of this approach.

The practice of applying restorative justice also shows flexibility tailored to the functions and competencies of each law enforcement agency. Investigators, Public Prosecutors, and Judges have specific authorities in this context. Investigators have discretionary power to halt investigations, while Public Prosecutors may discontinue prosecutions. On the other hand, Judges have the authority to discover law with a restorative justice dimension in determining court judgments. Many Judges have accommodated or used legal considerations to enforce restorative justice in court judgments, including mitigation of imprisonment ([Adinata, 2022](#)), probation sentences ([Handayani, 2023](#)), and releasing from all legal charges ([Rich & Djaja, 2024](#)). These legal considerations demonstrate an effort to integrate restorative principles into court judgments.

Various legal opinions have emerged regarding the adequacy of the restorative justice approach in resolving criminal cases. Saleh argues that restorative justice is unsuitable for cases involving property, such as theft offenses, due to the personal nature of the Victim in such cases ([Surbakti, 2015](#)). In contrast, Husni believes that property-related cases should be resolvable through restorative justice with reconciliation, assessing that court judgments would be fairer for all parties involved and the broader community ([Surbakti, 2015](#)). [Surbakti \(2015\)](#) emphasizes the importance of voluntary participation from both parties in achieving a peaceful resolution, which includes material compensation and a sincere apology from the Perpetrator to the Victim.

In practice, court judgments often accommodate restorative justice principles for theft cases, applying specific conditions. This approach is deemed suitable only for cases with casuistic characteristics, aiming to provide fairer outcomes for the Accused, Victim, and community. It reflects broader justice and has the potential to reduce the problem of overcapacity in penitentiaries, where theft cases often contribute significantly. From this, proposals have emerged for law enforcers, particularly Judges, to prioritize resolving theft cases with restorative justice, hoping that the resulting court judgments truly reflect justice. However, there are still court judgments for theft cases where Judges impose severe imprisonment even though the Accused has provided material and immaterial compensation to the Victim.

Based on the description above, this research aims to understand how theft cases are resolved using the restorative justice approach in court. This objective includes analyzing policies implemented by the judiciary to integrate restorative principles and evaluating the effectiveness and fairness of the resulting court judgments. The benefits of this research are expected to provide clear guidelines to Law Enforcement Officers, especially Judges, on how to implement restorative justice in theft cases. The findings of this study are also expected to serve as an essential reference and a basis for further research in the field of restorative justice, helping to enhance understanding and application of more empathetic and effective justice in the future.

## **METHOD**

This study combines normative and empirical research methods. The normative method analyzes legal issues based on legislation and court decisions (Qamar & Rezah, 2020). At the same time, the empirical method focuses on the practice of law regarding reciprocal relationships with social phenomena, encompassing economic, political, psychological, and anthropological aspects (Irwansyah, 2021). The types and data sources used in this study are primary and secondary. Primary data collection was done through direct interviews with informants, while secondary data were obtained through a literature review of legal materials. Subsequently, the collected data were analyzed qualitatively to describe the problem and address the research purposes (Sampara & Husen, 2016).

## **RESULTS AND DISCUSSION**

### **A. The Concept of Restorative Justice in Resolving Criminal Offenses**

An ideal law enforcement process encompasses three essential aspects: legal certainty, justice, and the utility of law (Mertokusumo & Pitlo, 1993). These aspects are closely interconnected in creating a fair and meaningful legal system. Legal certainty assures the public that the rules are consistent and predictable.

However, justice, the core of law, must manifest in every court judgment and legal action. The utility of law emphasizes the importance of legal benefits for the community, ensuring that every piece of legislation and policy positively impacts communal life.

[Rawls \(1971\)](#) stresses the importance of inclusive justice by advocating two primary principles. The first principle is that each individual should have extensive fundamental freedoms that do not interfere with the freedoms of others. The second principle is that social and economic inequalities should be arranged to benefit everyone and be linked to positions and offices accessible to all. Rawls' views inspire a more just and egalitarian legal approach, ensuring that all societal layers can experience justice tangibly and evenly.

In the context of restorative justice, a significant development in the field of law, this approach draws on justice principles from ancient and modern civilisations. Introduced by [Eglash \(1976\)](#), restorative justice offers a more profound, more personal resolution of conflicts by involving all parties affected by the incident. This approach resolves issues and restores the damages caused by criminal actions ([Riyaadhotunnisa et al., 2022](#)). Moreover, [Eglash \(1976\)](#) distinguishes three forms of justice: retributive, distributive, and restorative, with restorative justice considered an effective method to address the impacts of criminal offenses with a focus on restoration and reconciliation.

The construction of restorative justice theory, as described by [Galaway and Hudson \(1996\)](#), places peace as a critical element in resolving criminal offenses. Within this framework, a criminal offense is seen as a conflict between individuals that requires resolution through active participation from all involved parties. This approach aims to create an agreement that resolves the conflict and produces lasting peace. [Zehr \(2002\)](#) adds that the essence of restorative justice lies in restoring the trust broken by criminal acts. Thus, the Perpetrator's position in this concept is to rebuild that trust through a process that supports rehabilitation and the restoration of the original condition ([Prasetya et al., 2023](#)).

Although restorative justice does not eliminate the use of imprisonment, especially for serious matters, it emphasizes the aspects of restoration and reintegration of the Perpetrator into society ([Hariyanto et al., 2023](#)). The restorative justice process involves more than just reaching a resolution agreement; it also focuses on how the Perpetrator and Victim can be reintegrated into society. This restoration process demands serious attention to rehabilitation and reintegration as integral parts of resolving a criminal offense, ensuring that both parties can continue their lives in the community with adequate support.

Ward and Langlands (2009) emphasize that the success of the Perpetrator's rehabilitation is critical to achieving the goals of restorative justice, which is a justice system oriented toward meeting the needs of all parties. Restorative responses prioritize repairing the damages caused by crime and aim to minimize potential harm in the future. Therefore, the criminal justice system must consistently consider the interests of repair for the Victim and the reintegration of the Accused so both parties can experience true justice.

In recent developments in global criminal law theory, criminal mediation has increasingly been applied as an alternative conflict resolution. Restorative justice emerges as an essential component in the criminal law reform agenda, combining formal and informal approaches. This concept ensures that human rights standards are met, prioritizing a more humane approach to resolving legal issues. In 2006, the Restorative Justice Consortium defined restorative justice as an effort to resolve conflicts and repair damages in a way that allows the Perpetrator to recognize the impact of their actions and provides an opportunity to rectify those actions (Sarwirini, 2014). This approach strengthens aspects of responsibility and reintegration within the legal system, offering a new path to reconcile the involved parties.

Applying the restorative justice concept in Indonesia is explicitly regulated in Law Number 11 of 2012. Although this regulation is relatively new, the practice of restorative justice has long been rooted in local history and customs. Braithwaite (2002) highlights that Indonesia possesses intracultural resources supporting restorative justice, such as the tradition of musyawarah and customs. The diversity of local laws blended with national law creates a unique and flexible system that accommodates the community's diverse needs. The values of musyawarah and consensus in law enforcement show a preference for dispute resolution oriented towards consensus and considering the interests of all parties equally.

The spirit of restorative justice reflected in the Indonesian criminal justice system aligns with the principles of Pancasila and local cultural values that prioritize peace and reconciliation (Arief & Ambarsari, 2018). Restorative justice has been integrated into various cultures and is an essential guideline in law enforcement in many countries. In the criminal justice system, this approach emphasizes dialogue, forgiveness, responsibility, apology, and restoration (Hutauruk, 2013). Thus, restorative justice serves as an alternative to the criminal justice system and reflects deep humanitarian values in legal practice, supporting a transformation towards a fairer and more humane system.

Although debates around the application of restorative justice continue, particularly regarding the limits of punishment and stakeholder empowerment,

this concept has long been integrated into the values of traditional community life worldwide (Gude & Papic, 2020). This approach offers a method of conflict resolution that involves not only the judiciary but also the broader community, prioritizing the restoration of conditions and interpersonal relationships before the occurrence of a criminal offense. In the context of law enforcement against theft cases, the reconciliation-based restorative justice approach is highly relevant. Judges in court can utilize this approach as an alternative to punishment, focusing on retributive justice and restoring the original conditions of the Victim and Accused. It will be fairer for all involved parties, including the community. The restorative justice approach in court has been widely adopted in various court judgments related to theft cases in Indonesia, demonstrating a commitment to problem resolution oriented towards the common good and comprehensive justice (Kusworo & Fathonah, 2022; Yitawati et al., 2022; Arifin et al., 2023; Cintya & Firmansyah, 2023; Berutu et al., 2024).

Resolving criminal offenses through a peaceful approach involving the Perpetrator, Victim, and both parties' families reflects a paradigm shift from the traditional legal system focused on "blaming and punishing" to one oriented towards restoration and reconciliation. Restorative justice allows for the active participation of all impacted parties in seeking the fairest solution, prioritizing human rights and the interests of the Victim. Implementing restorative justice in court requires an active role from Judges who pursue legal certainty, substantive justice, and the utility of law (Meliala et al., 2024). This approach facilitates the more effective resolution of theft cases through mediation, leading to restitution or compensation agreements, ensuring the restoration of original conditions and mending the relationship between the Accused and Victim, in line with the principles of justice, proportionality, and subsidiarity.

Thus, the concept of restorative justice offers a new paradigm in resolving criminal offenses that focuses not only on retributive justice but also on restoration and reconciliation between the Perpetrator and Victim. This approach, long rooted in legal and customary traditions in many societies, including Indonesia, promotes values of justice, musyawarah, and consensus, aligning with the principles of Pancasila. In his reintegrative shaming theory, Braithwaite (1989) asserts that an effective justice system can restore social relationships disrupted by criminal acts rather than merely isolating the Perpetrator. Restorative justice is considered adequate because it reintegrates the Perpetrator back into the community in a way that respects human rights and considers the Victim's and the community's needs. Implementing restorative justice in the modern legal system represents progress in understanding and applying a more just and humane law, reflecting deep humanitarian values in law enforcement.



**B. Types and Punishments of Theft Offenses in the Old Penal Code and New Penal Code**

The comparison between the old Penal Code enacted by [Law Number 1 of 1946](#) and the new Penal Code outlined in [Law Number 1 of 2023](#) demonstrates continuity in imprisonment for theft offences. This provision confirms that there has been no change in the imprisonment of the Accused, reflecting the assessment that the norm for administering punishment is adequate. Nevertheless, adaptations to current economic and monetary conditions in Indonesia have prompted changes in the acceptable amount ([Pakpahan, 2023](#)). This adjustment responds to fluctuations in the rupiah exchange rate, necessitating a nominal adjustment in fines to maintain the effectiveness of retributive justice as a deterrent

**Table 1. Comparison of Types and Punishments of Theft Offenses**

Types/ Qualifications	Law Number 1 of 1946		Law Number 1 of 2023	
	Article	Punishments	Article	Punishments
Theft	362	Maximum imprisonment of 5 years or a maximum fine of IDR 900,000.00	476	Maximum imprisonment of 5 years or a maximum fine of IDR 500,000,000.00
Aggravated Theft	363 section (1)	Maximum imprisonment of 7 years	477 section (1)	Maximum imprisonment of 7 years or a maximum fine of IDR 500,000,000.00
Aggravated Theft	363 section (2)	Maximum imprisonment of 9 years	477 section (2)	Maximum imprisonment of 9 years
Petty Theft	364	Maximum imprisonment of 3 months or a maximum fine of IDR 250,000.00	478	Maximum fine of IDR 10,000,000.00
Robbery	365 section (1)	Maximum imprisonment of 9 years	479 section (1)	Maximum imprisonment of 9 years
Aggravated Robbery	365 section (2)	Maximum imprisonment of 12 years	479 section (2)	Maximum imprisonment of 12 years
Robbery Resulting in Death	365 section (3)	Maximum imprisonment of 15 years	479 section (3)	Maximum imprisonment of 15 years
Aggravated Robbery Resulting in Death	365 section (4)	Capital punishment or life imprisonment or maximum imprisonment of 20 years	479 section (4)	Capital punishment or life imprisonment or maximum imprisonment of 20 years
Theft within the Family	367	Adjusted according to the severity of the crime	481	Adjusted according to the severity of the crime

The adjustment of the penalty fine in [Law Number 1 of 2023](#) aims to align the fine with current economic conditions better, thereby enhancing its deterrent effect against potential Perpetrators. It is relevant to the theory of crime prevention, which emphasizes the importance of proportional punishment to prevent crime

(Melander, 2023). These adjustments are not only a reflection of economic changes but also part of efforts to modernize the criminal justice system in Indonesia (Faisal et al., 2024). The implementation of [Law Number 1 of 2023](#), effective from January 2, 2026, will be a crucial moment to observe the effectiveness of these adjustments in the practice of criminal law in Indonesia.

Thus, the type and punishment for theft offences according to [Law Number 1 of 1946](#) and [Law Number 1 of 2023](#) remain consistent regarding imprisonment. The only change occurs in the nominal fine, adjusted to respond to the current economic dynamics. This initiative demonstrates Indonesia's efforts to perfect its legal system to remain relevant and effective in addressing criminal offences by adopting a responsive and adaptive approach to changing socioeconomic conditions.

### **C. Mechanism for Resolving Theft Cases Based on Restorative Justice in Court**

Theft offense has become a dominant issue in Indonesia's criminal records, occupying the highest number of cases compared to other criminal offenses from January to November 2023. Theft disturbs the community and indicates an urgent need for more effective legal handling (Rivanie et al., 2022). The data presented here illustrates the number of crime cases in Indonesia by type within the specified timeframe.

**Table 2. Total Crime Cases in Indonesia, January-November 2023**

No	Crime Cases	Total
1	Aggravated Theft	157,692
2	Ordinary Theft	117,229
3	Fraud	89,082
4	Assault	44,884
5	Theft of Motor Vehicles (Two-Wheeled)	38,438
6	Narcotics	35,558
7	Assault by a Group	29,551
8	Embezzlement	23,648
9	Robbery	16,538
10	Embezzlement of Origin	12,790

Source: Data processed from Annur (2023)

The above data, received by the State Police from January to November 2023, includes 329,897 cases of aggravated theft, ordinary theft, motor vehicle theft, and robbery. In contrast, the [Decision Directory \(2023\)](#) records 23,453 theft cases, resulting in court judgments at all levels, including the Supreme Court,

High Court, and District Court. This disparity indicates that many theft cases do not reach and are tried by Judges in court, adding urgency to implementing more efficient mechanisms for handling cases.

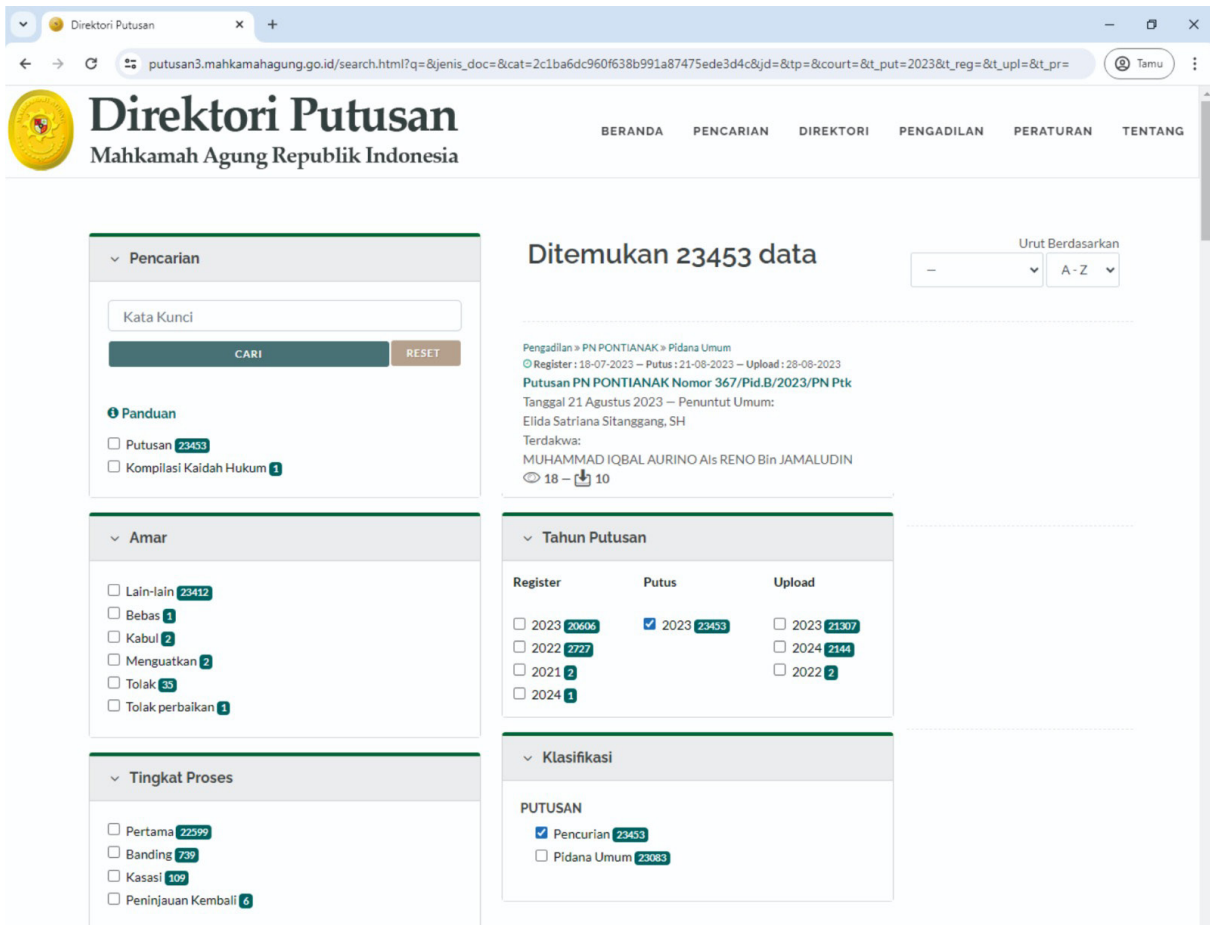


Figure 1. Decision Directory (2023)

On the other hand, resolving criminal cases is an integral aspect of the criminal law enforcement system. Law Number 8 of 1981 is essential for implementing formal law in Indonesia. In this framework, the resolution mechanism by judges in the public judicial system plays a crucial role. The District Court, as a judiciary institution located in the capital of the Regency/Municipality. Furthermore, based on Article 50 of Law Number 2 of 1986, the District Court can examine, decide, and resolve criminal and civil cases at the first level. It underscores the District Court's duties and functions in handling various criminal cases, including theft.

In law enforcement practice, basic concepts of criminal law such as law-breaking, fault, and punishment are very determinative. Law enforcement focuses not only on formal aspects but also on the effectiveness of regulations in society, aligning with the utilitarian principle that prioritizes usefulness (Priel, 2022). However, the reality of law enforcement in Indonesia often shows a mismatch with the expected goals, thus creating a need for alternative approaches. In this context,

the restorative justice system emerges as a solution that integrates sociocultural aspects in conflict resolution, providing more significant opportunities for all involved parties, including the community, to participate actively in the legal process (Dandurand, 2006).

The Supreme Court has taken a significant step in implementing restorative justice through the [Decision of the Director General of General Court Body Number 1691/DJU/SK/PS.00/12/2020](#). This guideline explicitly directs Judges to consider the principles of restorative justice when handling cases. These principles focus on the importance of dialogue among all involved parties, including the Perpetrator, Victim, and their families, to reach a fair agreement that can restore the original state and repair relationships within the community. The scope of restorative justice application includes various types of cases, such as misdemeanour offenses and cases involving women, children, and narcotics, with the primary goal being restoring the original state.

These guidelines also establish legal procedural mechanisms that must align with applicable legislation. It provides a framework for Judges and Heads of the District Court to optimize judicial services that support case resolution based on the principles of restorative justice. Nevertheless, implementing these guidelines does not disregard the procedural law provisions established in [Law Number 8 of 1981](#) and [Law Number 11 of 2012](#) but aims to complement and strengthen them.

However, the implementation of these guidelines has encountered obstacles, as evidenced by the [Letter of the Director General of General Court Body Number 1209/DJU/PS.00/11/2021](#), which suspended the implementation of the [Decision of the Director General of General Court Body Number 1691/DJU/SK/PS.00/12/2020](#). This suspension occurred because the Supreme Court is preparing a more detailed Supreme Court Regulation regarding implementing restorative justice in court. As of May 6, 2024, this regulation has not yet been promulgated, meaning that Judges in court still lack clear guidelines for deciding cases with a restorative justice orientation during this suspension period. This condition reflects challenges in transitioning to a more restorative approach in the criminal justice system, highlighting the need for clear and firm guidance to ensure the successful and consistent implementation of restorative justice in the public judicial system.

Although there are no clear guidelines yet, Thusmanhadi provides essential insights into the mechanism for resolving criminal cases based on applying restorative justice in court.<sup>1</sup> According to him, a Judge can accept, examine, and

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<sup>1</sup>Interview Results with a Head of the Serui District Court. Deddy Thusmanhadi, S.H., on December 14, 2023.

decide criminal cases by applying the principles of restorative justice, not limited to specific criminal offenses. This approach is suitable for cases involving property loss, where reconciliation can result in a fairer court judgment for all involved parties, including the community. This opinion aligns with Husni, who states that the restorative justice approach allows for reconciliation in theft cases, emphasizing the importance of voluntary participation from both parties to achieve a peaceful resolution (Surbakti, 2015). This could include compensation, restitution of stolen items, and a sincere and remorseful apology (Iksan et al., 2023).

However, Thusmanhadi also asserts that some types of criminal offenses cannot be addressed through restorative justice.<sup>2</sup> Cases categorized as extraordinary crimes, such as Corruption, Terrorism, Separatism, Human Rights Violations, Money Laundering Offenses, and Narcotics (except for abuse), are considered unsuitable for this approach due to the complexity and significant social impact of these crimes. Additionally, certain conditions must be met for restorative justice to be applied. These include the willingness of both parties to reconcile, not being a repeat criminal offense, and the absence of significant power relations between the Perpetrator and Victim. The mentioned power relations could involve inequalities in social status, culture, knowledge, education, or economic status that could empower one party at the expense of the other.

In resolving theft cases through the restorative justice approach, not all theft cases meet the criteria to be addressed this way. Yunus states that several conditions must be met to apply restorative justice, including the Victim's willingness to reconcile or forgive the Accused, restitution of losses suffered by the Victim by the Accused, a maximum criminal threat of nine years, and the case not being a repeat criminal offence or recidivism.<sup>3</sup> These provisions emphasize the importance of recovery and peace initiatives as the foundation of restorative justice.

Thusmanhadi presents a slightly different approach but still within the same framework.<sup>4</sup> According to him, the main conditions for applying restorative justice in theft cases are the Victim's willingness to reconcile, the Accused's restitution of losses, and the case not being recidivist, without mentioning the limit of criminal threat. This view highlights the flexibility in applying restorative justice, placing more emphasis on recovery and peace than rigid retributive justice provisions.

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<sup>2</sup>Interview Results with a Head of the Serui District Court. Deddy Thusmanhadi, S.H., on December 14, 2023.

<sup>3</sup>Interview Results with a Judge of the Sinjai District Court. Yunus, S.H., M.H., on February 27, 2024.

<sup>4</sup>Interview Results with a Head of the Serui District Court. Deddy Thusmanhadi, S.H., on December 14, 2023.

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From the views of both Judges, the general agreement leans towards Thusmanhadi's perspective, which prioritizes the basic principles of restorative justice. It indicates that resolving theft cases can be achieved as long as the Victim is willing to reconcile or forgive without coercion, losses have been restored, and the Perpetrator is not a recidivist. The main goal of restorative justice is to restore the situation to its state before the criminal offense occurred, focusing not only on punishing but also on repairing the damage and strengthening community bonds, which can help reduce the problem of overcapacity in penitentiaries. This approach is also considered fairer and more beneficial for all involved parties, including the Perpetrator, Victim, and the public, especially in communities frequently facing theft offenses.

After the issuance of [Supreme Court Regulation Number 1 of 2024](#) on May 7, 2024, Judges now have more precise guidelines for handling criminal cases through a restorative justice approach. Accordingly, theft cases can also be resolved by applying restorative justice in court with the following steps:

1. After receiving authorization from the Head of the District Court to handle a theft case, a Panel of Judges, upon their objective assessment that restorative justice could be pursued in the case, will issue a first trial day order. This order also includes a directive for the Public Prosecutor to present the Accused and/or their family, the Victim or their heirs, and relevant community leaders.
2. On the first day of the trial, after the Public Prosecutor reads the indictment and the Accused acknowledges understanding its contents, the Judge gives the Accused an opportunity to confirm or deny the actions indicted to them.
3. If the Accused denies all or part of the indictment, or objects to the indictment, then the case examination will continue according to [Law Number 8 of 1981](#), and restorative justice will not be applied to this case.
4. If the Accused confirms all the actions indicted, the Judge will inquire about their willingness to resolve the case using restorative justice.
5. The Accused's acknowledgment must be accompanied by no objections to the indictment.
6. The Accused's responses, whether confirming or denying the indictment, must not diminish the principle of presumption of innocence and the Judge's impartiality.
7. After hearing from the Accused who confirms all the actions indicted, the Judge will ask the Public Prosecutor about the readiness of proof and physical evidence for the evidence process.
8. If the Public Prosecutor is ready with the evidence process, the Judge will immediately begin examining the proof and physical evidence right after the indictment reading on the same day.

9. If the Public Prosecutor is not ready with the evidence process after the indictment reading, the Judge is authorized to postpone the trial for up to seven days and order the Public Prosecutor to prepare all proof for the next trial.
10. If the Accused confirms all the actions indicted, the Judge will ask both the Public Prosecutor and the Accused about efforts of reconciliation between the Accused and the Victim before the trial starts and ensure that all restorative agreements as a result of the reconciliation efforts have been implemented.
11. In situations where the Accused and Victim have not yet attempted reconciliation, but the Accused confirms their actions as outlined in the indictment and is willing to be accountable for the consequences to the Victim, the Judge is required to examine the damages and/or needs of the Victim as a result of the criminal offense and assess the Victim's willingness to reconcile with the Accused.
12. If the Victim at the trial states their damages and/or needs and is willing to reconcile with the Accused, the Judge can provide an opportunity for both parties to undertake penal mediation. This mediation is conducted concurrently with the case examination, attended by the Victim, the Accused, and other related parties. If the Victim has passed away, the penal mediation will be conducted by the heirs, under the direction of the Judge.
13. The execution of penal mediation must consider the duration of the Accused's detention and the time required to resolve the criminal case.
14. If the Accused and Victim have attempted reconciliation before the trial, but the Accused has not fully implemented the restorative agreement, the Judge will inquire and remind the Accused to fulfill the agreement.
15. If the Accused fails to implement the agreed restorative agreement, the Judge will consider this when rendering the court judgment.
16. The results of reconciliation efforts before the trial must be documented in a written restorative agreement signed by all parties. This agreement must not contain anything contrary to law, public order, morality, human rights, not harm third parties, be unenforceable, or diminish the Accused's freedom of religion or political independence.
17. The restorative agreement must be recorded in the Minutes of Trial.
18. The Judge has the authority to cancel the restorative agreement if it conflicts with the criteria set out in point 16.
19. The Accused is required to submit the restorative agreement to the Judge at the trial.
20. Penal mediation must be completed, and the restorative agreement must have been submitted to the Judge before the process of reading the court judgment.
21. When rendering the court judgment, the Judge will consider the restorative agreement that has been reached.

22. Even if a restorative agreement is reached, the Judge can still impose a punishment on the Accused who is proven to have committed the criminal offense, while still considering the principle of proportionality.
23. If the Judge believes that the Accused is proven guilty based on at least two legal means of proof, then the restorative agreement reached can be a reason to mitigate imprisonment or be considered in determining a fair punishment for the Accused.

Thus, the mechanism for resolving theft cases through a restorative justice approach in court, as outlined in [Supreme Court Regulation Number 1 of 2024](#), offers a new paradigm in the criminal justice system. This approach embodies the fundamental principles of restorative justice theory by involving all relevant parties in the mediation process and prioritizing the restoration of the relationship between the Accused and the Victim. According to [Braithwaite \(2002\)](#), this theory emphasizes the importance of social reintegration of both the Perpetrator and the Victim and conflict resolution through an inclusive dialogic process. The stages designed in this regulation, from trial preparation to the creation of a restorative agreement, are all directed to ensure that justice is punitive and restorative. This system strengthens social integrity by considering the principle of proportionality and the active involvement of both the Victim and the Accused. It supports the Victim's recovery, while providing an opportunity for rehabilitation for the Accused ([Mahmud et al., 2019](#)).

## **CONCLUSIONS AND SUGGESTIONS**

Based on the results and discussion, it can be concluded that resolving theft cases with a restorative justice approach in court offers a new paradigm that not only focuses on the application of retributive justice but prioritizes the processes of restoration and reconciliation between the Accused and the Victim. Through the implementation of [Supreme Court Regulation Number 1 of 2024](#), the stages of case resolution with restorative justice from trial preparation to creating a restorative agreement ensure that the justice pursued is restorative. The effectiveness of this approach depends on the Victim's willingness to forgive the Accused, the restoration of losses suffered by the Victim, and the Accused's status as a non-recidivist. Furthermore, by considering the principle of proportionality and actively involving both parties, this approach supports the Victim's recovery and provides rehabilitation opportunities for the Accused, thus strengthening social integrity.

Based on the above conclusions, it is recommended that Judges proactively facilitate dialogue between the Accused and the Victim and ensure that the restorative agreement adheres to the principles of proportionality and substantive justice. Public Prosecutors should more actively identify cases suitable for restorative resolution



and prepare proof and physical evidence carefully to support the mediation process. The Accused and the Victim are encouraged to participate openly and honestly in the mediation process, recognizing that restorative justice offers practical reconciliation and recovery opportunities. In particular, The Victim needs encouragement to state their losses and needs clearly, and to consider the option of reconciliation as a step towards recovery. Finally, the community is expected to better understand the benefits and processes of restorative justice, thereby providing broader support for a criminal justice system oriented not only towards delivering retributive justice but also towards restoration and the repair of social relationships in the future.

## REFERENCES

- Adinata, K. D. F. (2022). Penerapan Prinsip Restorative Justice Terhadap Pelaku Tindak Pidana Lanjut Usia (Studi tentang Penerapan Pendekatan Keadilan Restoratif dalam Praktek Penegakan Hukum). *Jurnal Hukum Media Justitia Nusantara*, 12(1), 26-62. <https://doi.org/10.30999/mjn.v12i1.2059>
- Annur, C. M. (2023, December 12). *Pencurian, Kejahatan yang Paling Banyak Terjadi per Akhir November 2023*. Katadata. Retrieved January 18, 2024, from <https://databoks.katadata.co.id/datapublish/2023/12/12/pencurian-kejahatan-yang-paling-banyak-terjadi-per-akhir-november-2023>
- Arief, H., & Ambarsari, N. (2018). Penerapan Prinsip Restorative Justice dalam Sistem Peradilan Pidana di Indonesia. *Al Adl: Jurnal Hukum*, 10(2), 173-190. <http://dx.doi.org/10.31602/al-adl.v10i2.1362>
- Arifin, M., Kusuma, T. C., & Alfitra, A. (2023). Penerapan Keadilan Restoratif Tahap Penuntutan dalam Penyelesaian Perkara Tindak Pidana Pencurian (Studi Kasus Putusan No: 28/Pid.B/2022/PN Lbb). *Jurnal Ilmiah Publika*, 11(1), 151-162. <https://dx.doi.org/10.33603/publika.v11i1.8215>
- Backes, B. L., Fedina, L., & Holmes, J. L. (2020). The Criminal Justice System Response to Intimate Partner Stalking: A Systematic Review of Quantitative and Qualitative Research. *Journal of Family Violence*, 35(7), 665-678. <https://doi.org/10.1007/s10896-020-00139-3>
- Berutu, S. P., Harefa, R. N., Manalu, E. P., Sebayang, A. G. R., & Nainggolan, S. D. P. (2024). Analisis Yuridis Putusan Nomor 152/Pid.C/2014/PN.Rap Dikaitkan dengan PERMA tentang Tindak Pidana Ringan Nomor 2 Tahun 2012. *Jurnal Review Pendidikan dan Pengajaran*, 7(2), 4691-4702.
- Braithwaite, J. (1989). *Crime, Shame and Reintegration*. Cambridge University Press. <https://doi.org/10.1017/CB09780511804618>
- Braithwaite, J. (2002). *Restorative Justice and Responsive Regulation*. Oxford University Press. <https://doi.org/10.1093/oso/9780195136395.001.0001>
- Caruso, G. D. (2020). Justice without Retribution: An Epistemic Argument against Retributive Criminal Punishment. *Neuroethics*, 13(1), 13-28. <https://doi.org/10.1007/s12152-018-9357-8>
-

- Cenderawasih Pos. (2022, June 21). *Lapas Abepura Masih Over Kapasitas*. Retrieved January 18, 2024, from <https://cenderawasihpos.jawapos.com/metropolis/21/06/2022/lapas-abepura-masih-over-kapasitas>
- Cintya, S., & Firmansyah, H. (2023). Penerapan Restorative Justice sebagai Bentuk Permaafan Hakim dalam Tindak Pidana Pencurian oleh Lansia. *Jurnal Usm Law Review*, 6(2), 543-553. <http://dx.doi.org/10.26623/julr.v6i2.6379>
- Dandurand, Y. (2006). *Handbook on Restorative Justice Programmes*. United Nations Office on Drugs and Crime. [https://www.unodc.org/pdf/criminal\\_justice/06-56290\\_Ebook.pdf](https://www.unodc.org/pdf/criminal_justice/06-56290_Ebook.pdf)
- Decision Directory. (2023). *Pencarian 2023* [Tahun Putus]. Supreme Court of the Republic of Indonesia. Retrieved January 18, 2024, from <https://putusan3.mahkamahagung.go.id/search.html>
- Decision of the Director General of General Court Body of the Supreme Court of the Republic of Indonesia Number 1691/DJU/SK/PS.00/12/2020 on the Implementation of Guidelines for the Application of Restorative Justice. <https://jdih.mahkamahagung.go.id/index.php/legal-product/sk-dirjen-badilum-nomor-1691djuskps00122020/detail>
- Eglash, A. (1976). Beyond Restitution - Creative Restitution. In J. Hudson (Ed.), *Restitution in Criminal Justice* (pp. 90-99). Minnesota Department of Corrections. <https://www.ojp.gov/pdffiles1/Digitization/32692NCJRS.pdf>
- Faisal, F., Yanto, A., Rahayu, D. P., Haryadi, D., Darmawan, A., & Manik, J. D. N. (2024). Genuine Paradigm of Criminal Justice: Rethinking Penal Reform within Indonesia New Criminal Code. *Cogent Social Sciences*, 10(1), 1-17. <https://doi.org/10.1080/23311886.2023.2301634>
- Galaway, B., & Hudson, J. (Eds.). (1996). *Restorative Justice: International Perspective*. Criminal Justice Press.
- Gude, A. D., & Paptic, I. N. (2020). Restorative Justice and Legal Culture. *Criminology & Criminal Justice*, 20(1), 57-75. <https://doi.org/10.1177/1748895818796549>
- Guritno, T., & Asril, S. (2023, March 29). *Menkumham Paparkan 10 Lapas dan Rutan "Over" Kapasitas di Indonesia, Mana Saja?* Kompas. Retrieved January 18, 2024, from <https://nasional.kompas.com/read/2023/03/29/13133481/menkumham-paparkan-10-lapas-dan-rutan-over-kapasitas-di-indonesia-mana-saja?page=all>
- Handayani, H. (2023). Pidanaan Terhadap Pelaku Tindak Pidana Kelalaian Mengakibatkan Kecelakaan Lalu Lintas yang Mengakibatkan Orang Lain Meninggal Dunia (Studi Kasus Terhadap Putusan Pengadilan Negeri Jakarta Barat Nomor 889/Pid.B/2020/PN Jkt.Brt dan Putusan Pengadilan Negeri Jakarta Timur Nomor 151/Pid.Sus/2013/PN.Jkt.Tim). *Pagaruyuang Law Journal*, 7(1), 222-235. <https://doi.org/10.31869/plj.v7i1.4568>

- Hariyanto, H., Adhayanto, O., & Shalihah, F. (2023). The Purpose of Crimination against Perpetrators and Victims in the Perspective of Restorative Justice. *Corruptio*, 4(1), 1-12. <https://doi.org/10.25041/corruptio.v4i1.2922>
- Howell, B. A., Earnshaw, V. A., Garcia, M., Taylor, A., Martin, K., & Fox, A. D. (2022). The Stigma of Criminal Legal Involvement and Health: A Conceptual Framework. *Journal of Urban Health*, 99(1), 92-101. <https://doi.org/10.1007/s11524-021-00599-y>
- Hutauruk, R. H. (2013). *Penanggulangan Kejahatan Korporasi Melalui Pendekatan Restoratif: Suatu Terobosan Hukum*. Sinar Grafika.
- Iksan, M., Surbakti, N., Kurnianingsih, M., Budiono, A., Al-Fatih, S., & Ramon, T. M. (2023). Fulfilling the Restitution Rights of Crime Victims: The Legal Practice in Indonesia. *Academic Journal of Interdisciplinary Studies*, 12(4), 152-160. <https://doi.org/10.36941/ajis-2023-0101>
- Irwansyah. (2021). *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel* (Revision Edition). Mirra Buana Media.
- Joint Memorandum of Agreement by the Head of the Supreme Court of the Republic of Indonesia, the Minister of Law and Human Rights of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, the Head of the State Police of the Republic of Indonesia Number 131/KMA/SKB/X/2012, Number M.HH-07.HM.03.02 of 2012, Number KEP-06/E/EJP/10/2012, Number B/39/X/2012 on the Implementation of Adjustments to the Limits for Misdemeanor Offenses and Fine Amounts, Expedited Trial Procedures, and the Application of Restorative Justice. <https://jdih.mahkamahagung.go.id/legal-product/131kmaskbx2012/detail>
- Kusworo, D. L., & Fathonah, R. (2022). Analisis Implementasi Diversi dalam Penyelesaian Perkara Anak Pelaku Tindak Pidana Pencurian (Studi Kasus Pengadilan Negeri Liwa). *Inovasi Pembangunan: Jurnal Kelitbangan*, 10(2), 139-152. <https://doi.org/10.35450/jip.v10i02.297>
- Law of the Republic of Indonesia Number 1 of 1946 on the Penal Code Regulations. <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/814>
- Law of the Republic of Indonesia Number 1 of 1960 on Amendment of the Penal Code (State Gazette of the Republic of Indonesia of 1960 Number 1, Supplement to the State Gazette of the Republic of Indonesia Number 1921). <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/1357>
- Law of the Republic of Indonesia Number 8 of 1981 on the Code of Criminal Procedure (State Gazette of the Republic of Indonesia of 1981 Number 76, Supplement to the State Gazette of the Republic of Indonesia Number 3209). <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/755>
- Law of the Republic of Indonesia Number 2 of 1986 on the General Courts (State Gazette of the Republic of Indonesia of 1986 Number 20, Supplement to the State Gazette of the Republic of Indonesia Number 3327). <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/686>
-

- Law of the Republic of Indonesia Number 8 of 2004 on Amendment to Law Number 2 of 1986 on the General Courts (State Gazette of the Republic of Indonesia of 2004 Number 34, Supplement to the State Gazette of the Republic of Indonesia Number 4379). <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/8>
- Law of the Republic of Indonesia Number 49 of 2009 on the Second Amendment to Law Number 2 of 1986 on the General Courts (State Gazette of the Republic of Indonesia of 2009 Number 158, Supplement to the State Gazette of the Republic of Indonesia Number 5077). <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/586>
- Law of the Republic of Indonesia Number 11 of 2012 on the Child Criminal Justice System (State Gazette of the Republic of Indonesia of 2012 Number 153, Supplement to the State Gazette of the Republic of Indonesia Number 5332). <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/271>
- Law of the Republic of Indonesia Number 1 of 2023 on the Penal Code (State Gazette of the Republic of Indonesia of 2023 Number 1, Supplement to the State Gazette of the Republic of Indonesia Number 6842). <https://jdih.dpr.go.id/setjen/detail-dokumen/tipe/uu/id/1818>
- Letter of the Director General of General Court Body of the Supreme Court of the Republic of Indonesia Number 1209/DJU/PS.00/11/2021 on the Suspension of Decision of the Director General of General Court Body Number 1691/DJU/SK/PS.00/12/2020. [https://badilum.mahkamahagung.go.id/index.php?option=com\\_attachments&task=download&id=982](https://badilum.mahkamahagung.go.id/index.php?option=com_attachments&task=download&id=982)
- Llewellyn, J. J. (2021). Transforming Restorative Justice. *International Journal of Restorative Justice*, 4(3), 374-395. <https://doi.org/10.5553/TIJRJ.000096>
- Mahmud, Y., Akili, R. H. S., Kadir, Y., & Moonti, R. M. (2019). Restorative Justice dalam Putusan Hakim Nomor: 31/Pid.Sus/2018/PN.Lbto Atas Kasus Persetubuhan terhadap Anak. *SIGN Jurnal Hukum*, 1(1), 52-69. <https://doi.org/10.37276/sjh.v1i1.37>
- Melander, S. (2023). Preventive Turn in Criminal Law. *Peking University Law Journal*, 11(1), 11-23. <https://doi.org/10.1080/20517483.2023.2223843>
- Meliala, N. M., Ismaidar, I., & Sahlepi, M. A. (2024). Penerapan Restorative Justice oleh Pengadilan Negeri Medan untuk Mewujudkan Kepastian Hukum dalam Penyelesaian Tindak Pidana. *Jurnal Ilmu Hukum, Humaniora dan Politik*, 4(3), 459-470. <https://doi.org/10.38035/jihhp.v4i3.1961>
- Mertokusumo, S., & Pitlo, A. (1993). *Bab-Bab tentang Penemuan Hukum*. PT. Citra Aditya Bakti.
- Muchlis, W. F. (2023, March 28). *Dampak Over Kapasitas pada Lapas*. Ombudsman of the Republic of Indonesia. Retrieved January 18, 2024, from <https://ombudsman.go.id/artikel/r/pwkinternal--dampak-over-kapasitas-pada-lapas>

- Nasrullah, N. (2023). Implementing Chemical Castration Punishment: A Perspective on Criminal Law and Human Rights. *SIGn Jurnal Hukum*, 4(2), 402-413. <https://doi.org/10.37276/sjh.v4i2.282>
- Pakpahan, Z. A. (2023). The Existence of Fine Payment as an Alternative Punishment in Court. *Jurnal Jurist Argumentum: Pemikiran Intelektual Hukum*, 1(2), 77-84.
- Prasetya, M. D., Sari, I. P., Said, S., & Akbar, A. (2023). Forms and Developments of Narcotics Crime during the Covid-19 Pandemic: A Case Study of Court Decision. *SIGn Jurnal Hukum*, 4(2), 291-307. <https://doi.org/10.37276/sjh.v4i2.164>
- Priel, D. (2022). Bentham's Public Utilitarianism and Its Jurisprudential Significance. *Ratio Juris*, 34(4), 415-437. <https://doi.org/10.1111/raju.12334>
- Qamar, N., & Rezah, F. S. (2020). *Metode Penelitian Hukum: Doktrinal dan Non-Doktrinal*. CV. Social Politic Genius (SIGn).
- Rawls, J. (1971). *A Theory of Justice*. Harvard University Press.
- Regulation of the Attorney General's Office of the Republic of Indonesia Number 15 of 2020 on the Discontinuation of Prosecution Based on Restorative Justice (Bulletin Gazette of the Republic of Indonesia of 2020 Number 811). <https://peraturan.go.id/id/peraturan-kejakung-no-15-tahun-2020>
- Regulation of the State Police of the Republic of Indonesia Number 8 of 2021 on the Handling of Criminal Offenses Based on Restorative Justice (Bulletin Gazette of the Republic of Indonesia of 2021 Number 947). <https://peraturan.go.id/id/peraturan-polri-no-8-tahun-2021>
- Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2024 on Guidelines for the Adjudication of Criminal Cases Based on Restorative Justice (Bulletin Gazette of the Republic of Indonesia of 2024 Number 241). <https://peraturan.go.id/id/peraturan-ma-no-1-tahun-2024>
- Rich, J. I., & Djaja, B. (2024). Penerapan Prinsip Restoratif Justice Terhadap Pertimbangan Hakim dalam Putusan Lepas dari Segala Tuntutan Hukum (Studi Kasus Putusan Nomor: 28/Pid.B/2022/PN.LBB). *Unes Law Review*, 6(4), 9802-9813.
- Rivanie, S. S., Soewondo, S. S., Azisa, N., Abadi, M. T., & Iskandar, I. (2022). The Application of Imprisonment to Kleptomaniacs: A Case Studies of Court Decision. *SIGn Jurnal Hukum*, 4(1), 113-123. <https://doi.org/10.37276/sjh.v4i1.169>
- Riyaadhotunnisa, S., Amirulloh, M., & Yuanitasari, D. (2022). Activities of Uncertified Crypto Asset Physical Traders: A Study of Legal Protection for Investor. *SIGn Jurnal Hukum*, 4(2), 160-172. <https://doi.org/10.37276/sjh.v4i2.211>
- Sampara, S., & Husen, L. O. (2016). *Metode Penelitian Hukum*. Kretakupa Print.
- Sarwirini, S. (2014). Implementasi Restorative Justice dalam Penegakan Hukum Pajak. *Yuridika*, 29(3), 380-396. <https://doi.org/10.20473/ydk.v29i3.378>

- Suhariyanto, B., Mulyadi, L., & Hakim, M. R. (2021). *Kajian Restorative Justice: Dari Perspektif Filosofis, Normatif, Praktik, dan Persepsi Hakim*. Kencana.
- Sujatmiko, B., & Istiqomah, M. (2022). Mendorong Penerapan Pidana Bersyarat Pasca Keputusan Direktur Jendral Badan Peradilan Umum Nomor 1691/DJU/SK/PS.00/12/2020 sebagai Alternatif Keadilan Restoratif. *Jurnal Bina Mulia Hukum*, 7(1), 46-62. <https://doi.org/10.23920/jbmh.v7i1.787>
- Surbakti, N. (2015). *Peradilan Restoratif dalam Bingkai Empiri, Teori dan Kebijakan*. Genta Publishing.
- Ward, T., & Langlands, R. (2009). Repairing the Rupture: Restorative Justice and the Rehabilitation of Offenders. *Aggression and Violent Behavior*, 14(3), 205-214. <https://doi.org/10.1016/j.avb.2009.03.001>
- Wozniak, K. H. (2020). Public Discussion about Critical Issues in Criminal Justice Reform. *Journal of Qualitative Criminal Justice and Criminology*, 8(4), 401-429. <https://doi.org/10.21428/88de04a1.7dfc6a5c>
- Yitawati, K., Sukarjono, B., Chairani, M. A., & Joyo, A. N. R. T. W. (2022). Perlindungan Hak Anak yang Menjadi Pelaku Tindak Pidana Pencurian dalam Putusan Pengadilan Negeri Magetan Nomor : 4/Pid.Sus-Anak/2021/PN.Mgt. *Yustisia Merdeka: Jurnal Ilmiah Hukum*, 8(1), 28-36. <https://doi.org/10.33319/yume.v8i1.143>
- Zehr, H. (2002). *The Little Book of Restorative Justice*. Good Books.