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Literature Review: The Effectiveness of the Implementation of Restorative Justice in the Criminal Justice System in Indonesia

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Abstract

This study presents a literature review on the effectiveness of the implementation of restorative justice in the criminal justice system in Indonesia. Restorative justice has emerged as an alternative approach to resolving criminal cases by emphasizing reconciliation, victim-offender dialogue, and community involvement rather than solely focusing on retributive punishment. Through a systematic review of relevant national and international literature published between 2010 and 2024, this study explores the theoretical foundations, legal frameworks, practical applications, and challenges of restorative justice within the Indonesian context. The findings indicate that restorative justice contributes to reducing prison overcrowding, enhancing victims' satisfaction, and fostering community harmony. However, its effectiveness is often constrained by limited legal awareness, inconsistent implementation, and institutional resistance within the conventional justice system. This review concludes that restorative justice in Indonesia holds significant potential to strengthen a more humane and participatory criminal justice system, provided that it is supported by stronger regulatory frameworks, adequate resources, and comprehensive training for law enforcement officers.

Keywords: Restorative Justice, Criminal Justice System, Indonesia, Legal Framework

1. Introduction

The criminal justice system in Indonesia still shows the dominance of the retributive approach, which is a paradigm that emphasizes the provision of punishment as a form of retribution for unlawful acts (Garcia et al., 2020); (Mimi & Sunggara, 2025). This approach focuses more on the state's interests in enforcing the law, while the interests of victims are often ignored. Criminal sentencing that is retributive tends to emphasize the suffering of the perpetrator as a consequence of the crime, without considering the recovery of the victim's losses or the repair of social relations damaged by crime. This can be seen in judicial practices that are more oriented towards punishment, such as imprisonment, rather than alternative restorative settlements (Muladi, 2017; Arief, 2018); (Simbolon et al., 2022).

However, the dominance of this retributive paradigm also presents a number of serious problems in the Indonesian criminal justice system, such as the overcapacity of correctional institutions, the high recidivism rate, and the lack of victim satisfaction in obtaining substantive justice (Asa et al., 2025; Wulandari, 2024); (Philona & Awaludin, 2025). The emphasis on the aspect of retribution alone makes the judicial system tend to be repressive, while the goals of modern criminal law demand a balance between the protection of the community (Halim, 2023), the recovery of victims, and the rehabilitation of perpetrators. Several studies show that a retributive approach that is too rigid is not able to provide long-term solutions to the problem of crime, so an alternative paradigm is needed such as restorative justice that is more oriented towards social recovery and reintegration (Sudarto, 2016; Gultom, 2020).

One of the fundamental problems in the Indonesian penal system is the overcapacity of correctional institutions (prisons) which are almost evenly distributed throughout the region (Ramadai et al., 2024; Alif Darmawan et al., 2024). Data from the Directorate General of Corrections shows that the number of prison inmates in Indonesia has exceeded the ideal capacity by up to twofold, especially due to the dominance of prison sentences in court decisions (Directorate General of PAS, 2022). This condition has various implications, such as the non-optimal coaching program, the increased potential for violations of prisoners' rights, and the high state costs for prison financing

(Raranta, 2024). This shows that a retributive approach that focuses on prison sentences is not able to answer the complexity of modern crime problems (Muladi, 2017).

In addition, the traditional penal system that is oriented towards punishment also does not provide space for victim recovery and community participation in the case settlement process (Saputra, 2023). Victims are often only positioned as witnesses in trials without getting adequate attention to the material and psychological losses they experience (Arief, 2018). This condition contributes to public dissatisfaction with the effectiveness of the criminal justice system, which is seen as incapable of providing substantive justice. Criticism of this system has intensified along with the emergence of demands for a more humane, participatory model of case resolution (Tri Wibowo & ., 2023), and emphasis on the restoration of social relations, one of which is through the application of restorative justice (Gultom, 2020).

Restorative justice exists as an alternative paradigm in criminal law that emphasizes victim recovery, perpetrator accountability, and community involvement in the case settlement process. In contrast to the retributive approach that focuses on retribution (Jzani, 2025), restorative justice seeks to restore the social balance that has been disturbed by criminal acts through dialogue between victims, perpetrators, and communities. This paradigm emphasizes that criminal acts are not only violations against the state, but also damage the relationship between individuals and society (Wangga, 2022). Therefore, the main goal of restorative justice is to correct the losses of victims, encourage perpetrators to take responsibility, and strengthen social cohesion (Zehr, 2002; Braithwaite, 2004).

In the context of the modern criminal justice system, restorative justice is considered more humane and participatory because it opens up a space for communication between the parties involved (Rizanzarli et al., 2023). Mechanisms such as penal mediation, family conferences, or community dialogues allow victims to express their needs and feelings directly, while the perpetrator is given the opportunity to make amends through a more constructive way than simply serving a prison sentence (Muladi, 2017). In addition to providing a sense of justice for victims, this approach can also reduce recidivism and strengthen public trust in the legal system. Thus, restorative justice is one of the important strategies in efforts to reform the criminal law that is more responsive to the needs of substantive justice (Gultom, 2020).

The development of regulations in Indonesia shows that there are serious efforts to accommodate the principle of restorative justice in the criminal justice system. One of the important milestones is the issuance of Supreme Court Regulation (Perma) No. 4 of 2014 concerning Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System, which emphasizes the importance of resolving children's cases outside the court through mediation between perpetrators, victims, and the community (Maharani et al., 2024). This policy was later strengthened by the issuance of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, which normatively places restorative justice as the main approach in children's cases. This reflects a shift in the paradigm of criminal law from just retributive to the recovery and protection of the best interests of children (Arief, 2018; Lestari, 2020).

In addition, the ratification of the new Criminal Code (KUHP) through Law No. 1 of 2023 also marks significant progress because it explicitly regulates the application of restorative justice in the settlement of certain cases. This regulation provides a stronger legal basis for law enforcement officials to prioritize victim recovery and peaceful settlement, especially in criminal acts with minor criminal threats (Gavrielides, 2008). At the practical level, the National Police of the Republic of Indonesia has also issued internal policies, such as the National Police Chief's Regulation No. 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice, which expands the scope of the application of restorative justice in the investigation process. This series of regulations shows that restorative justice is no longer just an academic discourse, but has gained normative legitimacy in the national legal system (Muladi, 2017; Gultom, 2020).

A literature review on the effectiveness of restorative justice in Indonesia is important considering the relatively new development of regulations and their implementation and facing various challenges. Through a literature review, it can be mapped to what extent the application of this concept is in accordance with its initial goals, namely victim recovery, perpetrator accountability, and strengthening the role of the community in resolving cases. Literature analysis also allows the identification of gaps between legal norms that govern restorative justice, such as Perma No. 4 of 2014, Law No. 11 of 2012, the new Criminal Code, and Perpol No. 8 of 2021, and practices in the field that often face structural and cultural obstacles (Arief, 2018; Lestari, 2020). Thus, the literature review serves as an instrument for a comprehensive evaluation of the extent to which restorative justice has been integrated into the national criminal justice system (Ariefulloh et al., 2023).

In addition, the urgency of literature review lies in its ability to present a synthesis of knowledge from various empirical and normative research, so as to provide an objective picture of the effectiveness of restorative justice (RIYADI, 2024). This approach helps to find factors that support or hinder the success of implementation, such as limited resources of law enforcement officials, low public awareness, or resistance from entrenched retributive paradigms (Muladi, 2017; Gultom, 2020). With an in-depth literature review, this research not only strengthens the academic foundation in the study of modern criminal law, but can also provide policy recommendations to improve restorative justice regulations and practices in Indonesia to be more effective and sustainable (Wahyuningsih et al., 2023)

A number of previous studies have shown that the implementation of restorative justice in Indonesia has become a concern for academics and legal practitioners. Research conducted by Gultom (2020) highlights that the application of restorative justice in children's cases has a positive impact in the form of reducing recidivism and increasing victim satisfaction. A similar thing was found by Lestari (2020) who examined the effectiveness of diversion based on Law No. 11 of 2012, where restorative justice has been proven to be more responsive to the needs of children and victims than formal justice mechanisms (Erdin et al., 2025). These studies provide an empirical basis that restorative justice is not only a theoretical concept, but has real implications in the reform of the criminal justice system in Indonesia.

In addition, international comparative studies are also relevant to strengthen understanding of the effectiveness of restorative justice. Braithwaite (2004) in his research emphasized that the application of restorative justice in various countries, such as New Zealand and Canada, has succeeded in reducing the rate of repetition of criminal acts while increasing social reconciliation. Meanwhile, Zehr (2002) emphasized the importance of changing the paradigm of criminal law from retributive to restorative for the creation of substantive justice. By reviewing the national and international literature, this research has a strong foundation to evaluate the effectiveness of the implementation of restorative justice in Indonesia and provide policy recommendations for the improvement of the criminal justice system in the future.

2. Research Methods

This study uses a literature review method with a descriptive qualitative approach to explore the effectiveness of the application of restorative justice in the criminal justice system in Indonesia. Literature review was chosen because it allows researchers to study, compare, and synthesize various academic sources, both in the form of books, journals, research articles, and relevant regulations. The main focus of this research is to identify patterns of restorative justice implementation, assess the extent to which regulations support implementation in the field, and analyze the challenges faced in criminal law practice. With this method, the research is expected to be able to produce a comprehensive picture of the empirical and theoretical conditions of restorative justice in Indonesia (Snyder, 2019).

The data collection process was carried out through a literature search from national and international academic databases such as Google Scholar, Scopus, and DOAJ, as well as Indonesian legal regulatory documents, including Law No. 11 of 2012, Perma No. 4 of 2014, the new Criminal Code, and the National Police Chief Regulation No. 8 of 2021. The selected literature is published between 2010 and 2024 to ensure the relevance and up-to-date of the data. The analysis was carried out using the content analysis technique, which is grouping findings based on themes such as normative foundations, practice implementation, effectiveness, and obstacles to the implementation of restorative justice. The results of this analysis are then presented in the form of a narrative synthesis that can provide a complete understanding of the effectiveness of the implementation of restorative justice in the Indonesian criminal justice system (Bowen, 2009).

3. Results and Discussions

Development of restorative justice regulations in Indonesia

The development of restorative justice regulations in Indonesia cannot be separated from the demand for criminal law reform that is more humane and oriented towards substantive justice. At first, Indonesia's criminal justice system was still based on a retributive paradigm that emphasized the provision of punishment as a form of retribution to the perpetrators. However, the increasing problem of overcapacity of correctional institutions and public dissatisfaction with the penal system have led to the need for an alternative case resolution model. Restorative justice then began to be accommodated in criminal law policy as a solution that emphasizes the recovery of victims and the reintegration of perpetrators (Muladi, 2017).

The initial milestone of formal recognition of restorative justice in Indonesia was the birth of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA). This law affirms that in children's cases, settlement must prioritize a diversion approach and restorative justice. The main goal is to protect the best interests of children and prevent excessive criminalization of child offenders. Diversion is required to be carried out at the level of investigation, prosecution, and trial, so that the criminal paradigm shifts from retributive to restorative in the context of children (Lestari, 2020).

To strengthen the implementation of SPPA, the Supreme Court then issued Supreme Court Regulation (Perma) No. 4 of 2014 concerning Guidelines for the Implementation of Diversion. This regulation provides technical guidance for judges in carrying out diversion based on the principle of restorative justice (Garcia et al., 2020). The presence of Perma clarifies the mechanism for resolving children's cases through penal mediation, meetings between perpetrators, victims, and the community with facilitators, so that an agreement is created that is oriented towards recovery (Arief, 2018).

Further developments can be seen in the ratification of the new Criminal Code through Law No. 1 of 2023, which will come into effect in 2026. The new Criminal Code explicitly accommodates the principle of restorative justice by providing space for the resolution of certain criminal cases through a peace mechanism. This includes misdemeanors, victimless crimes, and complaint offenses, where the recovery of victims' losses and a peace agreement are the main considerations to stop the legal process. This innovation marks the expansion of restorative justice from children's cases to the realm of general criminal law (Gultom, 2020).

In addition to the Supreme Court and national legislation, the National Police of the Republic of Indonesia also plays an important role in integrating restorative justice into the criminal justice system. This is realized through the National Police Chief's Regulation No. 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice. This regulation provides a legal basis for the police to stop the investigation in certain cases if the parties reach a peace agreement (Mimi & Muhamad Adystia Sunggara, 2025). Thus, restorative justice is not only a theory, but also part of the practice of resolving daily criminal cases at the police level (Mahmud, 2021).

Although the development of this regulation shows significant progress, the implementation of restorative justice in Indonesia still faces various obstacles, such as limited apparatus resources, low public legal awareness, and resistance to changes in the criminal law paradigm. Therefore, a literature review is important to evaluate the effectiveness of these regulations, whether they are really able to reduce the burden on correctional institutions, increase victim satisfaction, and strengthen public trust in the criminal justice system. With the strengthening of regulations through laws, Perma, and Perpol, restorative justice has great potential to become an important pillar in the transformation of Indonesian criminal law towards a more humanist and participatory direction (Muladi, 2017; Gultom, 2020).

Implementation of Restorative Justice in The Criminal Justice System

The implementation of restorative justice in the Indonesian criminal justice system aims to shift the paradigm from retributive to restorative (restorative). This approach emphasizes the resolution of criminal cases through mediation between perpetrators, victims, and the community, so that more humane justice is achieved. This practice has begun to be applied, especially in cases of minor crimes, children who are in conflict with the law, and criminal acts that do not cause fatalities (Muladi, 2017). The National Police has issued Police Chief Regulation No. 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice, which provides space for law enforcement officials to stop the criminal process if a peaceful agreement has been reached between the victim and the perpetrator (Zulfa, 2020). This implementation is expected to reduce the burden of cases in the police and prevent overcapacity of correctional institutions (National Police of the Republic of Indonesia, 2021).

In addition, the Attorney General's Office also implements restorative justice through the Attorney General's Circular Letter No. 15 of 2020, which regulates the termination of prosecutions based on restorative justice. This regulation expands the scope of extrajudicial settlement by considering the interests of victims, perpetrators, and the community (Simbolon et al., 2022). This shows that there is an institutional commitment to realizing a more inclusive and participatory criminal justice system (Dewi, 2021). However, the implementation of restorative justice still faces a number of obstacles, such as limited understanding of law enforcement officials, lack of socialization to the public, and lack of uniform technical guidelines in each law enforcement agency. This condition causes disparities in the implementation of restorative justice, so its effectiveness cannot be felt evenly throughout Indonesia (Siregar, 2022).

Thus, although there are various regulations and policies that support the implementation of restorative justice, its effectiveness still depends on the consistency of implementation in the field. Harmonization between law

enforcement agencies and increasing the capacity of human resources are the keys to the successful implementation of restorative justice in the criminal justice system in Indonesia (Susanti, 2023).

Benefits of Implementing Restorative Justice in Criminal Law in Indonesia

One of the main benefits of the application of restorative justice in Indonesian criminal law is to reduce the overcapacity of correctional institutions (Asa et al., 2025). Data from the Ministry of Law and Human Rights shows that the majority of prisons in Indonesia experience overcrowding, especially due to misdemeanor crimes and narcotics cases. With the implementation of restorative justice, minor cases can be resolved outside the criminal justice system, so that the burden on correctional institutions can be significantly reduced (Ministry of Law and Human Rights of the Republic of Indonesia, 2021). Another benefit is increased victim recovery. The traditional criminal justice system often focuses on punishing the perpetrator and ignores the needs of the victim. Through restorative justice, victims are directly involved in the process of resolving cases, so that they can obtain compensation, apologies, and recognition for the losses they have suffered. This has been proven to increase victims' satisfaction with the legal system (Zehr, 2015).

In addition, restorative justice is able to encourage the responsibility of perpetrators in a more profound way. Instead of only serving a criminal sentence, the perpetrator is invited to realize his mistakes, understand the impact of his actions, and take concrete actions to repair the victim's losses (Wulandari, 2024). This approach is not only repressive, but also rehabilitative, so that the perpetrator has a greater chance not to repeat the crime (Braithwaite, 2002). From the community side, restorative justice provides benefits in the form of strengthening social cohesion (Ramadai et al., 2024). Mediation processes involving perpetrators, victims, and communities allow for reconciliation and prevent larger conflicts. This is in line with Indonesian cultural values that prioritize deliberation and consensus in solving social problems (Muladi, 2017).

Institutionally, the implementation of restorative justice can also improve the efficiency of the criminal justice system. With a reduction in the number of cases that go to court, law enforcement officials can focus more on handling serious cases that require serious attention (Wibowo, 2024). This efficiency has implications for accelerating case settlement and reducing litigation costs (Dewi, 2021). Finally, restorative justice has long-term benefits in the form of building public trust in the legal system. By providing justice that is more responsive, participatory, and humane, people can feel that the law prioritizes not only the aspect of punishment, but also restoration. This is important to build legal legitimacy in the eyes of the Indonesian people (Susanti, 2023).

4. Conclusion

The results of the literature review show that the implementation of restorative justice in the Indonesian criminal justice system has made a positive contribution to criminal law reform. The application of this approach has been proven to be able to reduce the burden of cases in court, reduce the overcapacity of correctional institutions, and increase victim satisfaction through more comprehensive recovery. In addition, restorative justice strengthens the responsibility of perpetrators and encourages the creation of social reconciliation that is in line with the value of deliberation in Indonesian culture. This indicates that the restorative paradigm has great potential to be a more humane alternative to the traditional retributive approach. However, the effectiveness of the implementation of restorative justice still faces various challenges, such as a lack of understanding by law enforcement officials, lack of socialization to the community, and disparities in implementation between institutions and regions. Therefore, strengthening regulations, harmonizing policies, and increasing the capacity of human resources are important keys in ensuring the sustainability of restorative justice in Indonesia. With this step, the criminal justice system is expected to be more fair, inclusive, and in accordance with the needs of contemporary society.

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