

The Application of Restorative Justice with an Integrated System in Handling Minor Crimes: A Legal Certainty Perspective

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ABSTRACT

The application of restorative justice focuses on restoring the relationship between victims and offenders and repairing the harm caused, aligning with the function of criminal law as the ultimum remedium for minor offences. This study aims to analyse the synchronisation of Restorative Justice implementation within the Integrated Criminal Justice System and its implications for legal certainty. Using a normative legal research method with legislative and conceptual approaches, this study examines formal regulations across police, prosecution, and court institutions, as well as criminal law doctrines. The implementation of restorative justice in minor offence cases reflects a paradigm shift from retributive to reparative justice, emphasising social restoration. Although current regulations have established procedural certainty for case termination discretion, dilemmas persist within the trichotomy of justice, certainty, and utility. The consensus-based nature of restorative justice may undermine legal certainty if law enforcement discretion lacks uniformity. Therefore, to maintain system integrity, regulatory unification at the statutory level and reinforcement of substantive legal certainty are necessary where certainty is assessed through the realisation of justice responsive to social values and victim recovery. Strengthening restorative justice as an accountable diversion mechanism is essential to achieving balanced legal objectives that prioritise justice and utility without compromising the integrity of the legal system.

Keywords: *Integrated Criminal Justice System; Legal Certainty; Minor Offences; Restorative Justice.*

ABSTRAK

Penerapan keadilan restoratif berfokus pada pemulihan hubungan antara korban dan pelaku serta perbaikan kerugian yang ditimbulkan, sejalan dengan fungsi hukum pidana sebagai ultimum remedium untuk pelanggaran ringan. Penelitian ini bertujuan untuk menganalisis sinkronisasi penerapan Keadilan Restoratif dalam Sistem Peradilan Pidana Terpadu dan implikasinya terhadap kepastian hukum. Menggunakan metode penelitian hukum normatif dengan pendekatan legislatif dan konseptual, studi ini menganalisis peraturan formal di lembaga kepolisian, kejaksaan, dan pengadilan, serta doktrin hukum pidana. Penerapan keadilan restoratif dalam kasus pelanggaran ringan mencerminkan pergeseran paradigma dari keadilan retributif ke keadilan reparatif, dengan penekanan pada pemulihan sosial. Meskipun peraturan saat ini telah menetapkan kepastian

prosedural untuk diskresi penutupan kasus, dilema tetap ada dalam trikotomi keadilan, kepastian, dan utilitas. Sifat konsensus keadilan restoratif dapat mengancam kepastian hukum jika diskresi penegakan hukum tidak seragam. Oleh karena itu, untuk menjaga integritas sistem, unifikasi regulasi di tingkat undang-undang dan penguatan kepastian hukum substantif diperlukan, di mana kepastian dinilai melalui realisasi keadilan yang responsif terhadap nilai-nilai sosial dan pemulihan korban. Penguatan keadilan restoratif sebagai mekanisme diversifikasi yang akuntabel esensial untuk mencapai tujuan hukum yang seimbang yang memprioritaskan keadilan dan utilitas tanpa mengorbankan integritas sistem hukum.

Kata Kunci: *Sistem Peradilan Pidana Terpadu; Kepastian Hukum; Pelanggaran Ringan; Keadilan Restoratif.*

INTRODUCTION

The principle of justice in the criminal justice system in Indonesia was initially based on retributive justice, where punishment was intended as a means of retribution for wrongdoing. The perpetrator of a criminal act was the party at fault for the act that occurred and must receive punishment for their actions. In subsequent developments, the principle of retributive justice was expanded in meaning, whereby punishment was not only retribution but also had another objective, namely the rehabilitation of prisoners. Both principles of justice, retributive justice and rehabilitative justice, still focus on the perpetrator of the crime and on the interests of protecting the perpetrator alone, while the interests and protection of the victim are still neglected. The interests and protection of victims in the criminal justice process form the basis of *restorative justice* (Hafrida & Usman, 2024).

The criminal justice system in Indonesia is still dominated by the retributive paradigm, which emphasises punishment as retribution against perpetrators of crime (Syahputri et al., 2025). This approach often raises issues of justice, especially in the handling of minor crimes that should be resolved in a simpler, faster, and more equitable manner. The situation on the ground shows that many cases with minor losses or social impacts still have to go through a long and costly formal legal process, which is not commensurate with the benefits of justice achieved. This results in a backlog of cases in the prosecutor's office and courts, as well as burdening correctional institutions with detainees and prisoners who could have been dealt with through non-litigation mechanisms (Barda Nawawi Arief, 2010).

This situation is even more apparent when viewed from law enforcement data on minor offences in Indonesia since 2020, which shows significant fluctuations and quite striking changes in handling patterns. In 2020, the Indonesian National Police's Criminal Investigation Unit (Pusiknas Polri) recorded 17,580 minor offence cases, but this number decreased dramatically in 2021 to only 3,125 cases

(Pusiknas Polri., 2021) . This decline is thought to be related to changes in law enforcement priorities , reporting mechanisms, and the increased use of alternative resolutions such as *restorative justice*.

Entering 2022, the trend in handling minor offences has increased again, with 8,768 cases reported by December (Pusiknas Polri., 2022) , with the most dominant type of violation being the sale of alcoholic beverages (miras), which reached 1,045 cases in the first semester (29.56% of the total), followed by cases of public intoxication, which reached 632 cases (Pusiknas Polri., 2022) .

Meanwhile, in 2023 and 2024, public data on minor offences was not specifically separated by the Indonesian National Police, but a general picture can be traced from data from other law enforcement agencies (Pusiknas Polri., 2025) . The Supreme Court recorded 2,934,589 cases successfully adjudicated out of a total caseload of 3,081,665 cases in 2024, indicating significant pressure on the judicial system. In 2023, the Attorney General's Office also reported 99,224 cases that were successfully executed, with 2,407 of them resolved through restorative justice mechanisms, which are generally used for cases with low levels of seriousness and characteristics similar to minor offences (Yandwiputra, 2023) . In 2025, the Indonesian National Police released more detailed data, showing that illegal alcohol sales remained the most dominant minor offence with 3,337 cases as of March, 56.21% of which occurred in residential areas, making residential areas the main hotspot for violations (Handriani & Azis, 2025) .

Normatively, minor offences are regulated in Perma No. 2 of 2012 with a maximum penalty of three months' imprisonment or a certain fine, but perpetrators can still be sentenced to imprisonment if the elements of the offence are fulfilled. As policies have evolved, law enforcement officials have begun to direct the resolution of minor cases through restorative justice mechanisms that emphasise the restoration of relationships between parties through dialogue and mutual agreement, rather than solely through punishment (Sitepu, 2018) . This approach is rooted in social values that prioritise deliberation and peaceful resolution, thereby providing space for victims to obtain redress while reducing excessive criminalisation (Awaluddin, 2024) .

This mechanism is increasingly being applied to low-intensity cases involving minor losses, as long as all parties are willing to participate in the recovery process. Nevertheless, summary trials remain an important part of the law enforcement discourse because the application of restorative justice has not been optimal due to regulatory disharmony between the National Police, the Attorney General's Office, and the Supreme Court. Each institution issues internal regulations—such as Perpol No. 8 of 2021, Perja No. 15 of 2020, and Supreme Court guidelines including SK KMA No. 1691/2020—without an integrated legal framework, resulting in different material and procedural requirements between

institutions. For example, the Attorney General's Office limits the value of losses to below IDR 2,500,000 for cases to be terminated through restorative justice, while the National Police does not set a similar limit. This condition often causes inconsistencies, where the of amicable settlement that has been applied at the investigation stage is not recognised at the pre-prosecution stage. On the other hand, the Supreme Court places greater emphasis on the application of restorative justice in court proceedings, rather than at the investigation or prosecution stage, resulting in a lack of consistency in policy flow between upstream and downstream stages. This inconsistency creates legal uncertainty for both victims and suspects, increases the burden on the judicial system, and hinders the main objective of restorative justice, which is to reduce prison overcrowding and achieve recovery-oriented resolutions.

This situation indicates that there is no integrated inter-institutional mechanism for the implementation of restorative justice, even though the principle of legal certainty—as stated in Article 1 paragraph (3) of the 1945 Constitution—requires uniformity in law enforcement policies. As a result, the application of restorative justice in minor offences has not been able to provide a consistent sense of justice. Theoretically, restorative justice should be able to strike a balance between legal certainty, utility, and justice, especially in minor cases such as petty theft, minor assault, or traffic violations that require quick solutions and maintain social harmony. Various previous studies support the relevance of this approach. Research by Dwi Anggraini, Rahmatullah Lihawa, and Roy Marthen Moonti (2025) shows that restorative justice is more effective in restoring social relations than the retributive approach (Anggraini, Dwi Lihawa, Rahmatullah Moonti, 2025), but its implementation requires clear regulations and competent officials. Research by Maudi Aprilian (2022) also found that the application of restorative justice at the Bangka Belitung Regional Police Headquarters was quite effective in reducing the caseload and creating satisfaction among the parties, although it was still hampered by a lack of socialisation and standard procedures at the police level (Aprilia, 2024). Meanwhile, Lysa Angrayni's (2022) research emphasises that penal mediation has great potential as a means of restorative justice, but it does not yet have a firm legal basis, so it requires criteria and standard guidelines regarding the types of minor cases that can be resolved through this mechanism (Angrayni, 2016).

The academic gap that this study aims to fill lies in the absence of a comprehensive study reviewing the application of restorative justice within the framework of an integrated system from the perspective of legal certainty. Most studies still examine the effectiveness of restorative justice from the perspective of a single institution, without examining inter-institutional relationships and their implications for the consistency of decisions and legal certainty. Therefore, this research is important to examine how restorative justice can be applied in an

integrated manner in the police, prosecutor's office, and courts so as to produce uniform standards, clear coordination, and transparent procedures. The strengthening of an integrated system is expected to provide direction for more humanistic criminal law reform oriented towards substantive justice, while ensuring that restorative justice mechanisms can function effectively in handling minor crimes in Indonesia.

Therefore, this research is important to examine how the application of restorative justice can be carried out in an integrated manner between law enforcement agencies in order to produce greater legal certainty. This research is also relevant to addressing the need for more humane criminal law reform oriented towards substantive justice. With an integrated system, it is hoped that not only will coordination between institutions be clarified, but also that uniformity of procedures, transparency, and accountability in the implementation of restorative justice will be ensured.

RESEARCH METHODOLOGY

This study uses a descriptive qualitative approach with a *library research* method, which aims to explore, understand, and explain in depth the concept of restorative justice in the settlement of minor crimes and its relevance to the principle of social justice. The qualitative approach is considered most appropriate because it allows researchers to examine the social meanings and normative values contained in the concept of criminal law, particularly in the context of legal transformation towards a more humanistic and participatory approach (Nurrisaa et al., 2025).

The literature review method was chosen because this research is normative-conceptual in nature, which does not require empirical data collection through observation or direct interviews. Instead, a literature review provides flexibility in examining various available written sources, both primary sources such as legislation and secondary sources such as scientific journals, law books, academic articles, and official documents from state institutions. Literature studies are very useful for examining policy developments, legal theories, and the implementation of restorative justice practices, as it is emphasised that literature studies are an important foundation in the development of contemporary legal studies (Adlini et al., 2022). The data collection process was carried out by searching relevant literature from 2020 to 2025. The 2020–2025 period shows that although tipiring is officially a minor offence, its operationalisation remains broad and not always straightforward. Illegal alcohol sales are the most dominant type of minor crime, especially in residential areas. A dramatic decline in cases in 2021 followed by an increase again in 2022 and 2025 shows variability in enforcement and reporting. Approaches such as restorative justice are increasingly important in dealing with

minor offences in order to reduce the burden on the courts and prioritise social rehabilitation, which is generally applied to cases of low severity through various official channels such as national and international journal portals, university repositories, and government websites such as the Attorney General's Office and the Supreme Court of Indonesia. An important regulation that serves as the primary reference in this study is Regulation of the Attorney General's Office of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice, which is one of the milestones in the application of restorative justice principles in Indonesia.

DISCUSSION

The application of a restorative justice approach in handling minor criminal offences has emerged as a response to the dynamics of the law enforcement system in Indonesia, which has so far been dominated by a retributive paradigm. As noted, the idea of applying restorative justice to minor criminal cases continues to be promoted in law enforcement institutions, but the results of its implementation have not yet fully demonstrated a shift in the direction of case resolution, as the restorative justice approach is still accompanied by punitive sanctions as the main approach (Mahmud et al., 2023) . In this context, restorative justice not only provides an alternative resolution mechanism but also demands a paradigm shift in criminal law to be more oriented towards the rehabilitation and reintegration of offenders into society.

The understanding of an integrated system as an important element in the application of restorative justice shows that the implementation of this mechanism cannot stand alone, but requires coordination between institutions: the police, the prosecutor's office, mediators, social institutions, and the community (Pally & Ratnawati, 2024) . In the context of Indonesia, the implementation of this integrated system has actually been carried out and pursued through Indonesian Police Regulation No. 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice, which requires synergy between investigators, victims, perpetrators, and social institutions in the case resolution process (Hasibuan, 2024) . However, data from the Attorney General's Office shows that although throughout 2023 there were 2,407 cases that were successfully resolved through restorative justice (Sadewo, 2024) , from January to November 2024 there were 1,809 cases that were successfully resolved through restorative justice, with a cumulative total of 6,306 restorative cases recorded from 2020 to 25 November 2024 (Nadia Putri R, 2024) . However, implementation in the field still faces coordination challenges, including a lack of synchronisation between police investigators and public prosecutors at the pre-prosecution stage.

This was evident in a restorative justice case in East Lombok in 2021, when a case of minor assault that had been settled amicably through mediation at the police station was still referred to the prosecutor's office due to differences in interpretation regarding the applicability of restorative justice. This example shows that although the integration of restorative justice has been recognised conceptually, binding regulations and operational mechanisms between law enforcement agencies have not been fully established, thereby hindering the formation of an integrated system that is expected to ensure consistency in restorative case resolution (Pally & Ratnawati, 2024) .

This is a critical point, because without an adequate integrated system, the application of restorative justice becomes risky and inconsistent, depending on varying local initiatives. This variation refers to conditions where restorative case resolution mechanisms are implemented based on internal policies, resource capacities, and law enforcement interpretations in each region due to the absence of standardised national standards (Rahmawati, Maidina Saputro et al., 2022) . This inconsistency or lack of synchronisation is reflected in the case of restorative justice in East Lombok, which was still referred to the prosecutor's office even though a peace agreement had been reached, as recorded in the Selong District Court Decision Number 123/Pid.B/2021/PN.Sel.

From the perspective of legal certainty, restorative justice through an integrated system offers two important dimensions, namely speed of resolution and transparency of the process. The application of a restorative justice approach in minor criminal cases within the police force, for example, has been proven to reduce the caseload and speed up resolution, with results that can increase satisfaction between victims and perpetrators (Aprilia, 2024) .

However, concerns have been raised that without clear national operational guidelines, the implementation of restorative justice will be prone to regional disparities as each agency follows its own implementing regulations. For example, Indonesian National Police Regulation No. 8 of 2021 allows investigators to terminate investigations for restorative purposes based on the investigator's criteria (Widiatmika, 2023) . Meanwhile, Supreme Court Regulation No. 1 of 2024 (PERMA) stipulates the types of cases (such as minor offences, complaint offences, maximum sentence of 5 years) and criteria such as power relations and repeat offences based on the application of restorative justice (Negara, 2024) . Due to these differences in duties and authorities, there is no guarantee that the criteria for the involvement of relevant parties or the mediation mechanism will be appropriate in all regions. Thus, the lack of clarity regarding the criteria for cases suitable for restorative justice and the lack of documentation and monitoring mechanisms can erode legal certainty, the predictability of settlement outcomes, and a sense of

proportional justice among victims, perpetrators, and the community (Syahyudin et al., 2025) .

Based on a literature review by Ketut Sedemen and I. Wayan Salendra (2025), significant obstacles have been found in the implementation of restorative justice with an integrated system in Indonesia, namely: the first obstacle is human resources (HR), where many law enforcement officials do not yet have adequate mediation or restorative facilitation skills. The second obstacle is a bureaucratic culture that is still very much tied to the punitive model and internal resistance to paradigm transformation. The third obstacle is the lack of socialisation to the community and related institutions, , resulting in a weak understanding of the application of restorative justice among the community, with many still unfamiliar with the concept. Furthermore, in the context of an integrated system, these obstacles are exacerbated if inter-agency coordination is not supported by adequate regulations and documentation facilities (Ketut Sedemen, I Wayan Salendra, 2025).

On the other hand, normative studies show that the application of restorative justice also needs to be linked to the principles of social justice and the fundamental values of national law. The restorative concept does not merely replace the retributive system, but rather complements it by emphasising the recovery of victims' losses, the reintegration of perpetrators, and the restoration of damaged social relations (Anggriani, Dwi Lihawa, Rahmattullah Moonti, 2025) . In the Indonesian criminal justice system, which is still heavily influenced by colonial legacies and a punitive orientation, the adoption of a restorative approach is one of the efforts to reform criminal law to better reflect the values of Pancasila and substantive justice for victims, perpetrators, and society (Akbar, 2022) .

To achieve practical effectiveness, the application of restorative justice in minor criminal offences requires several important elements, namely:

1. There must be clear and well-socialised criteria for cases that are suitable for restorative justice;
2. Mediation procedures and agreements between parties must be formally documented;
3. Monitoring of the implementation of agreements must be possible to ensure that victims' rights are not neglected or ignored;
4. A reporting and evaluation system between institutions needs to be developed as part of an integrated system (Yani & Djanggih, 2023) .

Resolutions in the context of minor offences emphasise that successful restorative approaches are usually accompanied by criteria such as: relatively minor material losses, the perpetrator has no previous convictions, the victim is willing, and supportive community conditions. Thus, restorative justice implemented within the framework of an integrated system is not only about alternative resolutions, but also about systematic and sustainable reform of criminal law (Amin, 2023) .

Thus, the application of restorative justice with an integrated system in handling minor crimes has great potential to strengthen the capacity of the criminal justice system in Indonesia to resolve cases more quickly, humanely, and participatively. However, to truly guarantee legal certainty, commitment is needed in regulation, training of officials, community socialisation, and the existence of robust mechanisms. Without these four aspects, restorative justice remains merely a slogan without tangible substance. Therefore, policymakers and stakeholders must maintain and strengthen the legal and operational framework to ensure that the restorative justice approach does not merely stop at protocols but becomes an integral part of an adaptive, responsive, and just criminal justice system.

CONCLUSION

The application of restorative justice in handling minor offences shows a paradigm shift from a retributive approach to a restorative approach. Law enforcement data from 2020–2025 shows that minor offences still dominate formal proceedings, especially cases of illegal alcohol sales, which consistently account for the highest number of minor offences. The Indonesian National Police recorded a significant decline in cases in 2021, but they rose again from 2022 to 2025. This situation confirms that handling minor offences still takes up a lot of the authorities' capacity, even though the level of loss is low.

The implementation of restorative justice has had a positive impact by accelerating case resolution and reducing the burden on the courts. However, the system is not yet integrated due to differences in mechanisms between the police, the prosecutor's office, and the courts. This lack of synchronisation affects legal certainty, especially when the criteria for applying restorative justice are not uniform. On the other hand, structural obstacles such as limited competence of officials, bureaucratic culture, and lack of socialisation hinder the effectiveness of implementation in the field.

The restorative approach has great potential to strengthen the efficiency and quality of justice in minor offence cases. To optimise its benefits, it is necessary to unify regulations, establish clear operational standards, ensure accountable documentation, and integrate systems between institutions. These improvements will make restorative justice an integral part of the criminal justice system, while ensuring legal certainty and proportional recovery for victims, perpetrators, and the community.

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