

Integrating the Principle of Due Process in Restorative Justice for Women in Conflict with the Law: Contemporary Solutions in the Criminal Justice System Reform in Indonesia

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Abstract

This study discusses contemporary solutions to the possibility that the principle of due process of law can be integrated with restorative justice, especially for the settlement of cases involving women as one of the vulnerable groups to receive discriminatory treatment in Indonesia. Women facing the law often face common phenomena such as gender discrimination, social stigmatization, and procedural injustices in the criminal justice system, especially in cases of domestic violence, human trafficking, or narcotics offenses. According to data from Komnas Perempuan in 2023, it has been mapped that there is a phenomenon that reflects a trend of increasing cases of gender-based violence (GBV) by 15-25% in the 2019-2023 range, where restorative justice (RJ) as an alternative approach often collides with the principles of due process of law, such as the right to fair and non-discriminatory legal process. This study integrates RJ with due process to create contemporary solutions in criminal justice system reform that are in line with Sustainable Development Goals (SDGs) Number 5 (Gender Equality) and Number 16 (Peace, Justice and Strong Institutions), which emphasize access to inclusive justice for women. The research method is normative with analysis carried out through a normative juridical approach, including conceptual interpretation combined with empirical evaluation of the case study to identify implementation gaps. From this study, it is hoped that it can recommend the integration model of RJ with the principle of gender-sensitive due process of law and recommendations for reform policies on the criminal justice system in Indonesia are expected to strengthen Indonesia's commitment to the SDGs and contribute to a more humane and inclusive criminal law discourse towards women.

Keywords: *Due Process of Law; Restorative Justice; Woman in Conflict with the Law; Criminal Justice System*

Abstrak

Kajian ini akan membahas bagaimana prinsip due process of law dapat diintegrasikan dengan keadilan restoratif, khususnya terhadap penyelesaian kasus yang melibatkan perempuan sebagai salah satu kelompok yang rentan mendapatkan perlakuan diskriminatif di Indonesia. Perempuan berhadapan dengan hukum sering menghadapi fenomena umum seperti diskriminasi gender, stigmatisasi sosial, dan ketidakadilan prosedural dalam sistem peradilan pidana, terutama dalam kasus kekerasan domestik, perdagangan orang, atau pelanggaran narkoba. Menurut data dari Komnas Perempuan di tahun 2023 telah dipetakan bahwa terdapat fenomena yang mencerminkan trend peningkatan kasus kekerasan berbasis gender (KBG) sebesar 15-25% dalam rentang 2019-2023, di mana *restorative justice* (RJ) sebagai pendekatan alternatif sering kali bertabrakan dengan prinsip due process of law, seperti hak atas proses hukum yang adil dan non-diskriminatif. Kajian ini mengintegrasikan RJ dengan due process untuk menciptakan solusi kontemporer dalam reformasi sistem peradilan pidana yang sejalan dengan Tujuan Pembangunan Berkelanjutan (SDGs) Nomor 5 (Kesetaraan Gender) dan Nomor 16 (Perdamaian, Keadilan, dan Lembaga yang Kuat), yang menekankan akses keadilan inklusif bagi perempuan. Metode penelitian bersifat normatif dengan analisis dilakukan melalui pendekatan yuridis normatif, termasuk interpretasi konseptual yang dikombinasikan dengan evaluasi empiris dari studi kasus untuk mengidentifikasi gap implementasi. Dari kajian ini diharapkan dapat merekomendasikan model integrasi RJ dengan prinsip *due process of law* yang sensitif gender dan rekomendasi kebijakan reformasi terhadap sistem peradilan pidana di Indonesia diharapkan dapat memperkuat komitmen Indonesia terhadap SDGs dan memberikan kontribusi pada diskursus hukum pidana yang lebih humanis dan inklusif terhadap perempuan.

Kata Kunci: *Due process of law; restorative justice; perempuan berhadapan dengan hukum; sistem peradilan pidana*

Introduction

Restorative justice as a paradigm of punishment in the criminal justice system that emphasises conflict resolution through the restoration of relationships between perpetrators, victims and the community, rather than simply punishment, has become a topic of discussion in recent years as a form of dissatisfaction with the retributive paradigm that focuses on the aspect of revenge. In Indonesia, the restorative justice paradigm has begun to be adopted as an effort to reduce the burden on the courts and provide alternative means of resolving cases.

Contemporary criminal justice reform demands a balance between the protection of human rights, as manifested in the principle of due process of law, and the social rehabilitation offered by restorative justice approaches. (Khairuddin Hasibuan, Budi Sastra Panjaitan, and Arifuddin Muda Harahap 2024). *Due process of law* guarantees fair, transparent, and accountable procedures for all parties involved in criminal proceedings, while restorative justice emphasises the restoration of relationships between perpetrators, victims, and communities, as well as social rehabilitation and reintegration. The integration of these two approaches is relevant as a response to the limitations of the punitive approach, which often fails to address the root causes of

social problems and has long-term negative impacts, including on women in conflict with the law. (Tri Meilani Amelia 2021).

Women facing legal proceedings in Indonesia encounter significant obstacles due to gender discrimination and stereotypes, which limit their access to substantive and procedural justice. The Supreme Court issued PERMA No. 3 of 2017 in an effort to ensure the elimination of such discrimination and to provide guidelines for judges to practise law enforcement that upholds gender equality and justice. (Mahkamah Agung 2017). In this case, the principle of due process of law is very important in order for women to obtain protection of their human rights, including fair treatment in the criminal and restorative justice systems.

In Indonesian regulations, in addition to PERMA No. 3 of 2017, there are also Law No. 23 of 2004 concerning the Elimination of Domestic Violence and Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence, which recognise women's rights to fair treatment and legal protection. However, problems arise in the implementation of legal practices, which often place women in a subordinate position due to gender bias and inconsistent interpretations between legal institutions. (Nabila Aulia Rahma dan Pascal Toloh 2022).

The Indonesian criminal justice system is undergoing significant transformation, particularly with the adoption of restorative justice principles as the main pillar for resolving criminal cases. This approach focuses on victim recovery, perpetrator responsibility, and social reconciliation, in contrast to the conventional system which emphasises punishment. With the introduction of new regulations such as the 2023 Criminal Code, PERMA No. 1 of 2024, and the spirit of reform of the Criminal Procedure Code, restorative justice has been integrated into every stage of the criminal justice process. However, challenges remain, particularly in strengthening the protection of the rights of women in conflict with the law, where the principle of due process of law is crucial to ensuring fair and procedural treatment.

Various studies have highlighted aspects of restorative justice and the protection of women in contact with the law, particularly in the context of law enforcement in Indonesia. In 2021, Aprilia emphasised the importance of transforming justice beyond the traditional retributive approach by placing female victims at the centre of recovery, particularly in cases of sexual violence and domestic violence. This approach emphasises psychological, social, and economic support as part of victim recovery, but still faces challenges

in the context of power relations and perpetrator dominance. This opinion is quoted and reinforced by Magdhalena Tasik Todingrara and Vivilia Agnata Mudi in their article entitled “Konsep Keadilan bagi Korban Perempuan dalam Sistem Penegakan Hukum Pidana Ditinjau dari Perspektif Kesetaraan Gender”, Although it does not directly integrate due process of law, it examines and offers an in-depth view of how gender inequality can occur in various aspects of life, including in the legal system. Simply put, this theory distinguishes between formal equality and substantive equality. This study aims to analyse how gender equality theory can be used as a framework for understanding injustice towards female victims in the criminal justice system and the impact of gender inequality in the criminal justice system on female victims.(Todingrara and Mudi 2024).

Furthermore, Rohayati presents a normative and empirical analysis of the application of restorative justice for female offenders at the Serang Detention Centre. This study highlights major obstacles in the application of restorative justice specifically for women in conflict with the law, such as a lack of understanding and support from law enforcement officials and limited facilitation of reconciliation that fulfils procedural rights. This study highlights the need for better integration

between the fulfilment of procedural principles (due process) and a restorative approach so that justice for women can be achieved in a balanced manner. (Rohayati and Soge 2024).

In another article, concerns regarding gender perspectives for women facing legal issues can also be seen in Telaumbanua's writing, which focuses on the implementation of restorative justice in cases of domestic violence experienced by female victims. This research reveals the inconsistency between the principles of restorative justice and applicable legal norms, as well as the limited effectiveness of resolving cases through restorative channels. Telaumbanua also points to the need to strengthen more holistic legal protection mechanisms for female victims in the practice of restorative justice. (Friderika Friska Telaumbanua 2024).

The three studies above show a strong interest in restorative justice for women as both victims and perpetrators, but there has been no comprehensive study that systematically integrates the principle of due process of law into restorative justice mechanisms, particularly in Indonesia. This gap creates the risk of procedural injustice that not only has the potential to harm women, but also weakens the effectiveness of recovery and reconciliation, which are at the core of restorative justice. Therefore, this study

seeks to fill this gap by developing a conceptual framework and contemporary policy solutions that emphasise the importance of protecting women's procedural rights in the context of restorative justice as part of a gender-responsive and equitable criminal justice system reform.

Although restorative justice offers a more humane and effective solution, the application of the principle of due process of law in this context is not yet fully optimal. The integration of this principle is very important so that the rights of women as victims and defendants are protected from potential procedural injustice or abuse of power during the restorative legal process. This is particularly relevant in the context of developing a gender-responsive and equitable criminal justice system.

This article aims to present innovative contemporary solutions by proposing the systematic integration of due process of law principles into restorative justice practices for women facing the law in Indonesia. This research is expected to fill a gap in the literature and practice by providing a conceptual framework and policy recommendations that prioritise the protection of women's procedural rights without diminishing the essence of restoration and reconciliation in restorative justice. This is a new contribution to the reform of the Indonesian criminal justice

system, which not only prioritises humanity but also meets strong standards of justice and legal certainty with a gender perspective.

RESEARCH PROBLEM

Based on the rationale presented in the introduction, the problem can be formulated as follows:

1. How can the principle of due process of law be integrated into gender-sensitive restorative justice for women facing legal proceedings in Indonesia?
2. What are contemporary solutions in the context of reforming the criminal justice system that guarantee legal protection for women through the integration of the principle of due process of law in restorative justice?

RESEARCH METHOD

This study utilises a normative method with a conceptual and legislative approach. The analysis was conducted on national and international legal instruments related to women's rights in the legal process. Secondary data was collected from court decisions, state agency reports, and policy documents. The analysis technique used content analysis to identify patterns of integration of the principle of due process of law in restorative justice for women facing the law.

RESULTS AND DISCUSSION

A. Integration of the Principle of Due Process of Law in Gender-Sensitive Restorative Justice for Women Facing Legal Proceedings in Indonesia

The Indonesian criminal justice system has undergone a paradigmatic transformation in dealing with the complexity of criminal cases, especially those involving women. The shift from retributive justice to restorative justice opens up new opportunities to create a more humanistic and recovery-focused system. However, the integration of the restorative justice approach with fundamental human rights principles, particularly the principle of due process of law, is a crucial question that requires in-depth academic attention.

Criminal proceedings under the current Criminal Procedure Code are still controversial when women facing legal proceedings (PBH) do not receive guarantees of protection regarding their rights as witnesses, victims and suspects/defendants, including the specific needs of women. Women victims of violence are still treated merely as pieces of evidence, while justice and recovery from the crimes they have suffered are not a concern for the state. Law enforcement officials who lack a gender perspective often still consider victims to be the cause

of or responsible for the crimes they have experienced. Meanwhile, female suspects are not guaranteed that their specific needs or the gender-based vulnerability and injustice they experience will be taken into account at every stage of the investigation.(Annisa Irianti Ridwan dkk 2021).

An evaluation conducted by the National Commission on Violence Against Women noted that legislation related to criminal procedure law has problems in terms of substance, institutional structure and criminal law culture, especially when dealing with cases involving women. The evaluation highlighted several important points related to the weaknesses/shortcomings of the Criminal Procedure Code (KUHP) in relation to:(Annisa Irianti Ridwan dkk 2021)

1. There is no provision for medical or psychological assistance to be provided to PBH.
2. There are no specific procedural regulations governing the preparation of investigation reports (BAP) concerning PBH.
3. There are no regulations concerning the right to information.
4. There is no prohibition on any party publishing the victim's case without their consent.
5. There are no regulations regarding the authority of law enforcement officials

to refer victims of crime to rehabilitation institutions, communicate with victims, victims' families, and victims' advocates.

6. There should be no attitude that corners or blames the victim.
7. There are no regulations regarding the need to provide courtrooms that are sensitive to the psychological condition of female victims.
8. There are no regulations regarding the provision of special examination rooms for female victims or rooms separate from suspects/defendants during the investigation and trial processes.
9. Limitations on regulations concerning the testimony of female victims through audio-visual media.
10. The testimony of a single witness cannot be used as grounds to prove that a suspect/defendant is guilty, even if supplemented by other evidence.
11. There are no provisions regarding protection mechanisms for witnesses/victims.
12. There are no provisions regarding legal aid and assistance for victims.
13. There is no guarantee that victims will have rights equal to those of suspects/defendants.
14. The absence of restitution, compensation and assistance mechanisms for victims.

15. Victims have no right to participate in any legal proceedings relating to their case.

In addition to the shortcomings described above, the legal culture towards PBH is still based on gender stereotypes that cause services for women to differ from those for men. PBH will be associated with and assessed based on male morality and experience, which in turn has an impact on the unfulfilled rights to justice, truth and recovery. (Annisa Irianti Ridwan dkk 2021)

Restorative justice in Indonesia is undergoing significant development, particularly in the context of criminal justice system reform. However, there has been lengthy debate regarding how the principle of due process of law can be effectively integrated into restorative justice mechanisms that must also be gender-sensitive, especially for women in conflict with the law. Women, as a vulnerable group, often face challenges in the form of inequality and gender stereotypes in the administration of justice. Therefore, a restorative approach must guarantee the full protection of their procedural rights without neglecting the need for recovery and reconciliation. (Faisal Irfani 2025).

The principle of due process of law is a fundamental pillar of the legal system that guarantees fair and transparent legal

proceedings and upholds human rights, including the right to be heard, protection from abuse of power, and legal certainty.

The principle of *due process of law*, according to Marc Weber Tobias and R. David Petersen, explains that there is no definitive definition of the term "*due process of law*" that would apply to every situation; even the Supreme Court of the United States has avoided giving a precise definition of it. *Due process of law* is not a legal rule but a fundamental element of justice itself. In general, if a trial is found to be arbitrary, unfair, and oppressive, it most likely does not meet the requirements of *due process*. (Febri Handayani dan Lysa Angrayni 2023).

Historically, the term *due process of law* has connotations that everything must be done fairly. The concept of *due process of law* originally existed in the concepts of fundamental rights and the concept of orderly liberty (Fuady 2011). According to Jimly Asshiddiqie in his book entitled *Konstitusi Keadilan Sosial* (The Constitution of Social Justice), he states that the words fair and justice are closely related to the concepts of equal and equality, balance and equilibrium, fairness and proportionality. (Amran Suadi 2024).

In the context of restorative justice, this principle emphasises that alternative dispute resolution mechanisms must continue to respect legal procedures that

protect the rights of all parties, especially women who are often victims of gender-based violence. This is because, in fulfilling procedural justice, legitimacy and compliance with the law are highly dependent on the public's perception of the fairness of the process, not just the final outcome of the dispute resolution process.

In addition, women who come into contact with the law, whether as perpetrators, victims or witnesses, may face complex risks of revictimisation and discrimination within the justice system. In the context of restorative justice, these risks may increase if the case resolution process is not accompanied by strong safeguards for due process. For example, power imbalances between female perpetrators and victims, often triggered by economic dependence, position, or interpersonal relationships, can result in restorative justice processes that do not reflect voluntariness and truly informed consent.

Legally, the integration of the principle of due process of law in restorative justice is based on national and international legal norms. Article 28D of the 1945 Constitution guarantees the right to fair treatment in legal proceedings, while the Criminal Procedure Code regulates the rights of defendants and victims in judicial proceedings. PERMA No. 1 of 2024 regulates the guidelines for restorative

justice but still raises concerns because the involvement of female victims in reconciliation dialogues without legal or psychological assistance often fails to meet human rights protection standards in practice. (Faisal Irfani 2025).

International conventions ratified by Indonesia, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), require the elimination of all forms of discrimination and violence against women, including within the judicial system. This reinforces the argument that national positive law must adapt the principles contained in CEDAW as a manifestation of strengthening the protection of women's procedural rights so that the process of recovery and reconciliation does not become an additional burden that is detrimental.

The influence of modern law with its positivist paradigm has made the main characteristic of modern law rational in nature, prioritising procedural aspects. FX. Adji Samekto states that the rationality of modern law is characterised by the procedural nature of legal regulations and forms an important legal basis for seeking justice. In this case, procedural justice is more important than discussing substantive justice. This has implications for the emergence of rigidity in the search for truth and justice, which is obstructed by the

procedural "barriers" that have developed within the legal positivism paradigm. (FX Adji Samekto 2008).

Equality of rights for women is essentially a fundamental principle in universal human rights provisions. The issue of equal rights can, in principle, strengthen belief in human rights relating to human dignity. Equality and non-discrimination against women in all circumstances is a pillar of democratic society, aimed at achieving social justice and protecting women's human rights. (Khairuddin Hasibuan, Budi Sastra Panjaitan, and Arifuddin Muda Harahap 2024).

Due process of law is a fundamental principle in the legal system that requires balanced, open and impartial procedures for all parties involved. This principle guarantees that everyone involved in legal proceedings is afforded their fundamental rights in accordance with the regulations applicable in a given country, such as the right to a fair trial, the opportunity to obtain legal counsel, a neutral and non-discriminatory judicial institution, and respect for human dignity throughout the judicial process.

Although the principle of due process of law has been recognised in the application of law in other countries as well as in Indonesia, in reality this principle is still under-implemented, resulting in

injustice in the application of a more humane and dignified law.

The facts show that women are always the target of inequality in law and in everyday life, including women who are in conflict with the law. The assumption that all women are equal can also be seen in the principle of equality and the principle of non-discrimination in human rights law. The principle of equality means that everyone must be treated equally and fairly. Meanwhile, the principle of non-discrimination arises as a consequence of the principle of equality. This means that every woman must be treated equally regardless of differences in status, position, and so on.

A fair criminal justice system is undoubtedly linked to the protection of human rights, which ensures that every individual has the right to be treated equally before the law and to receive a swift and open trial. This is also related to how a fair legal system can apply due process of law as the key to achieving substantive justice within the criminal justice system itself.

Based on the results of the investigation, there are several laws or regulations that potentially conflict with the principle of due process in the context of applying restorative justice (RJ) for women in Indonesia, mainly because aspects of human rights protection and gender justice are not fully taken into account.

Several laws in Indonesia in the context of applying restorative justice (RJ) for women facing legal proceedings have the potential to conflict with the principle of due process of law, including:

1. Law No. 23 of 2004 concerning the Elimination of Domestic Violence (KDRT).

This law regulates the mechanism for resolving cases of domestic violence, including the possibility of using a restorative justice approach. However, there are indications of conflict with the principle of due process, because in practice the process often does not provide adequate protection for female victims, so that the rights of victims are not guaranteed procedurally and substantively. In addition, strict deadlines for filing complaints and withdrawing reports can also hinder access to fair justice for female victims. (Suartini dan Maslihati Nurhidayati 2023).

2. Law No. 11 of 2012 on the Criminal Justice System for Children (SPPA). Although this law supports the application of RJ for children in conflict with the law, in practice it does not provide adequate procedural guarantees for girls who are victims of violence. The lack of clarity regarding protection mechanisms and advocacy for girls in the RJ process has the potential to

violate the principle of due process, which demands procedural justice and equal participation rights for victims.

3. Criminal Code and Criminal Procedure Code (KUHP and KUHAP)

In certain contexts, provisions of the Criminal Code and Criminal Procedure Code may potentially conflict with the implementation of RJ, particularly if the restorative justice approach is considered to be contrary to formal procedures that require a complete and transparent criminal court process. This can lead to legal uncertainty and the potential neglect of women's rights in mediation or alternative dispute resolution processes. (Suartini dan Maslihati Nurhidayati 2023)

4. Other Laws that don't Specifically Accommodate RJ. Certain regulations that focus on criminal or security aspects, such as laws related to narcotics, terrorism, and serious crimes, may not fully accommodate RJ mechanisms proportionally, especially for women who are victims or perpetrators, so the potential for conflict with due process principles remains. (Suartini dan Maslihati Nurhidayati 2023).

The National Commission on Violence Against Women stated that the implementation of gender-sensitive restorative justice faces challenges in the

form of gaps in legal officials' knowledge about gender, social pressure on female victims to choose peaceful resolutions, and the potential for intimidation and revictimisation that can arise in restorative dialogue mechanisms. The absence of specific regulations governing assistance and special protection for women during the restorative process is also a serious problem. (Faisal Irfani 2025).

The integration of the principle of due process of law as a procedural filter that must be fulfilled at every stage of restorative justice. There must be standard operating procedures (SOPs) that regulate legal and psychological assistance for female victims, gender-sensitive training for legal officials, and strict supervision of the mediation process so that women's rights are protected and substantive justice is achieved. This approach strengthens a legal framework that not only promotes peace but also justice and robust legal protection in accordance with human rights principles. (Moch Fauzan Zarkasi 2025).

Thus, the integration of the principle of due process of law into restorative justice for women in conflict with the law is a non-negotiable necessity, not merely a policy option. The restorative justice paradigm offers great potential for creating a more humanistic and recovery-focused justice system, but without strict protection of due process principles, restorative justice can

become a new means of perpetuating gender inequality and women's vulnerability.

B. Contemporary solutions in the context of reforming the criminal justice system that guarantee legal protection for women through the integration of the principle of due process of law into restorative justice.

The integration of the principle of due process of law into restorative justice for women facing the law in Indonesia is crucial to improving substantive and procedural access to justice for women, especially in cases of gender-based violence. However, this requires several things that need serious attention from the government as a gender-sensitive policy maker. These include:

1. Enforcement and harmonisation of regulations to ensure the protection of women's rights throughout the restorative justice process.
2. Education and training for law enforcement officials and mediators to understand due process obligations from a gender perspective.
3. Provision of special assistance and protection mechanisms for women to provide a sense of security during the restorative process.
4. Ongoing monitoring and evaluation of the implementation of gender-

sensitive restorative justice based on due process principles.

Some of the main legal obstacles hindering the integration of due process of law principles into the application of restorative justice for women in Indonesia include:

1. Regulatory and legal practice gaps. Although restorative justice is regulated in several Indonesian laws and regulations, specific and comprehensive regulations regarding the application of restorative justice for women in conflict with the law, especially at the investigation and prosecution stages, are still very limited or unclear. (Rohayati and Soge 2024). This has led to inconsistencies in implementation in the field and potential violations of the principle of due process for women. (Yasin 2025).
2. Lack of Understanding and Knowledge Among Law Enforcement Officials and Perpetrators. Law enforcement officials, including police, prosecutors, and judges, as well as perpetrators and female victims, often lack adequate education regarding alternative resolutions through restorative justice. This results in suboptimal mediation and dialogue processes, as well as difficulties in reaching agreements that are fair to both victims and perpetrators. (Rohayati and Soge 2024).

3. Social Pressure and Stigma against Women. Social pressure from the surrounding environment sometimes forces female victims to accept unfair settlements or pressures victims to reconcile in order to maintain the family's good name. This has the potential to sacrifice the victim's right to justice and protection that should be obtained during the restorative justice process. (Yasin 2025)
4. Potential Impunity for Perpetrators of Violence. In cases of sexual violence and domestic violence, the application of restorative justice that is not strictly supervised can provide opportunities for perpetrators to avoid criminal responsibility. This is a serious problem in upholding the principle of due process, which requires accountability and a balance between the rights of victims and perpetrators. (Yasin 2025)
1. Lack of Special Protection Mechanisms for Women. Women who are victims or suspects often do not receive adequate legal protection during the restorative justice process, putting them at risk of revictimisation or discrimination. (Suartini dan Maslihati Nurhidayati 2023). Special protections must be integrated to ensure that due process principles are fully met, including legal representation and oversight of the mediation process.

2. Inconsistency with the principles of due process of law. Restorative justice is sometimes considered to potentially conflict with the principle of due process, especially if the process is not transparent, without guarantees of the right to a fair hearing, and without effective appeal mechanisms. This is a philosophical and practical obstacle to the integration of due process into restorative justice. (Febby Mutiara Nelson 2023).

In essence, the New Criminal Code, which will come into effect in early 2026, and the Criminal Procedure Code, which is currently being reformed, provide a breath of fresh air in that the vision for criminal law reform will prioritise restorative and corrective principles, replacing the purely punitive paradigm with a more humane and contextual approach. Article 51 of the New Criminal Code emphasises the importance of varied and proportional punishment so as not to burden women who are in conflict with the law, while the Criminal Procedure Code, as formal law, regulates restorative justice mechanisms by explicitly including the protection of the rights of victims and defendants.

Thus, the reform of Indonesia's criminal justice system must adopt contemporary solutions that firmly integrate the principle of due process of law into gender-sensitive restorative justice

mechanisms. Special legal assistance for women, training for law enforcement officials, strengthening regulations, and modernising judicial processes are complementary strategic steps to ensure optimal legal protection for women. This step not only improves the quality of law enforcement but also reflects the state's commitment to substantive justice and respect for human rights.

CONCLUSION

The integration of the principle of due process of law into restorative justice for women facing the law is a highly strategic contemporary solution in the reform of the criminal justice system in Indonesia. This reform must include harmonization of regulations, strengthening of training for law enforcement officials, and assistance and monitoring mechanisms capable of producing fair, transparent, and gender-equitable legal processes.

The principle of procedural justice based on due process of law and integrated into restorative justice mechanisms will strengthen legal protection and respect for women's rights in Indonesia's criminal justice system in a more equitable and humane manner. Thus, restorative justice can develop into an effective and humane legal instrument in law enforcement in Indonesia.

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