

## ***Restorative Justice as a New Breakthrough to Reduce Recidivism and Promote Reform in the Criminal Law System***

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### **Abstrak**

*This study aims to evaluate the application of restorative justice (RJ) in reducing recidivism in Indonesia, focusing on its effectiveness, implementation challenges, and potential development in the adult criminal justice system. The method used was a qualitative approach with interviews with judges, prosecutors, and mediators at the Bogor District Court, as well as case studies of RJ implementation. The results show that although restorative justice (RJ) offers a more rehabilitative solution compared to conventional approaches, its application in Indonesia is still limited by a lack of understanding of legal officers, social resistance, and limited resources. For example, while in New Zealand the recidivism rate of RJ participants is only 17%, in Indonesia, barriers such as a lack of mediator training and limited mediation facilities reduce the effectiveness of the program. This study concludes that the implementation of restorative justice (RJ) can reduce recidivism if followed by increased resource capacity, training of legal officers, and community support. The contribution of this research to science is to provide insights into the implementation of RJ in the Indonesian context, as well as suggest measures to overcome the challenges, in order to improve a more rehabilitative criminal justice system.*

**Keywords:** *Criminal Justice System; Policy Implementation; Recidivism; Restorative Justice; Social*

### **1. INTRODUCTION**

The criminal justice system in Indonesia, especially in handling recidivism cases, shows a number of deep problems. Data from the Corrections Agency of the Indonesian Ministry of Law and Human Rights in 2023 revealed that around 65% of released prisoners were re-involved in crime within less than three years of release.<sup>1</sup> This phenomenon indicates the failure of a correctional system that focuses on punishment alone without considering effective rehabilitation. In this context, efforts to find more effective alternatives to address the problem of recidivism are urgent. Conventional approaches that emphasize punishment often do not have a significant impact in breaking the cycle of violence and criminality, while alternatives such as restorative justice (RJ) offer a more holistic solution.<sup>2</sup> Restorative justice is an approach that prioritizes repairing relationships between offenders, victims, and the community and provides opportunities for offenders to take responsibility for their actions.<sup>3</sup> This approach focuses on recovery and rehabilitation, rather than punishment. In Indonesia, RJ principles have been implemented in the juvenile

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<sup>1</sup> Ditjenpas, "Narapidana Terima Remisi Khusus Natal Tahun 2023," Ditjenpas, 2023, <https://www.ditjenpas.go.id/15922-narapidana-terima-remisi-khusus-natal-tahun-2023>.

<sup>2</sup> Muhammad Fatahillah Akbar, "Pembaharuan Keadilan Restoratif dalam Sistem Peradilan Pidana Indonesia," *Masalah-Masalah Hukum* 51, no. 2 (April 28, 2022): 199–208, <https://doi.org/10.14710/mmh.51.2.2022.199-208>.

<sup>3</sup> Janet C. Gerson, "Restorative Justice and Alternative Systems," in *Encyclopedia of Violence, Peace, & Conflict (Third Edition)*, ed. Lester R. Kurtz (Oxford: Academic Press, 2022), 125–36, <https://doi.org/10.1016/B978-0-12-820195-4.00161-8>.

criminal justice system through the Juvenile Criminal Justice System Law, but there is limited application in the adult criminal justice system.<sup>4</sup> The implementation of RJ in the adult criminal justice system faces various obstacles, ranging from a lack of resources to, lack of understanding among law enforcement officials to social resistance to this new paradigm.

Faced with this reality, restorative justice is an attractive alternative, but its implementation requires a more in-depth evaluation.<sup>5</sup> The implementation of restorative justice in the adult criminal justice system in Indonesia faces various obstacles, both in terms of policy, social, and structural. One of them is the lack of adequate understanding of the principles of restorative justice among law enforcement officials and the community. In addition, limited resources and training to run restorative justice programs are also major obstacles to its implementation. Although this concept offers a lot of potential to reduce recidivism rates, especially by changing the way offenders are viewed, its widespread implementation still faces various hurdles.<sup>6</sup> Therefore, it is important to explore in more depth how the principles of restorative justice can be adapted and applied more widely in the adult criminal justice system, in order to make a greater contribution to reducing recidivism rates in Indonesia.

The phenomenon of high recidivism rates in Indonesia reflects the limitations of the punishment approach that has been relied upon. Although the correctional system aims to provide punishment, in reality, it is not effective enough to prevent offenders from re-offending. Meanwhile, restorative justice, which emphasizes the recovery and rehabilitation of offenders as well as the restoration of damaged social relationships, has shown great potential in reducing recidivism rates. However, although restorative justice principles have been adopted in the juvenile criminal justice system through the Juvenile Criminal Justice System Law, their application in the adult criminal justice system in Indonesia is still limited. In this context, this study aims to answer the main problem of how the effectiveness of restorative justice in reducing recidivism compares to conventional methods of punishment and the obstacles to its implementation, and efforts that can be made to expand the application of restorative justice so as to achieve more holistic and integrated justice.

To answer the problem, this research adopts a normative-empirical approach using comparative and conceptual analysis to evaluate the effectiveness of restorative justice in reducing recidivism. Through an in-depth literature review and analysis of the applicable laws and regulations, this research will identify the challenges and obstacles that exist in the

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<sup>4</sup> Akbar, "Pembaharuan Keadilan Restoratif dalam Sistem Peradilan Pidana Indonesia."

<sup>5</sup> Muhammad Zainuddin, Zakki Mubarak, and Rielia Bachriani, "Politik Hukum Restorative Justice dalam Pembaharuan Hukum Pidana di Indonesia," *Semarang Law Review (SLR)* 3, no. 1 (April 27, 2022): 120, <https://doi.org/10.26623/slr.v3i1.5050>.

<sup>6</sup> Afifah Firdaus and Indra Yugha Koswara, "Pembaharuan Hukum Pidana di Indonesia: Analisis Tentang Pidana Pengawasan dan Asas Keseimbangan," *Lex Renaissance* 9, no. 1 (June 28, 2024): 1–22, <https://doi.org/10.20885/JLR.vol9.iss1.art1>.

implementation of RJ in the Indonesian adult criminal justice system. Empirical data will be obtained through interviews with stakeholders in the Bogor District Court. This research will also analyze various restorative justice practices that have been implemented in other countries and assess their successes and challenges.

Previous research has shown significant challenges in addressing recidivism in Indonesia, focusing on the failures of a punishment-oriented correctional system. Nashriana, et.al. (2023) highlighted the limited understanding and resources in the application of restorative justice (RJ) in adult criminal justice,<sup>7</sup> while Faried, et.al. (2022) revealed that although rehabilitation can reduce recidivism, conventional approaches are still dominant in the Indonesian correctional system<sup>8</sup>. Research by Isba, et. al. (2024) also showed that the application of RJ in Indonesia, although beginning to be adopted in the juvenile criminal justice system, is still very limited in adult criminal justice, with the main barriers being a lack of training for law enforcement officials and social resistance to the concept.<sup>9</sup> Based on these findings, this research will complement the novelty of evaluating in more depth the effectiveness of RJ in reducing recidivism in adult criminal justice, as well as analyzing barriers to its implementation that have not been comprehensively addressed in previous research.

In addition, this research also aims to provide strategic recommendations regarding the capacity building of resources, training, and advocacy needed to expand the understanding and application of restorative justice principles in Indonesia. This includes training for law enforcement officers, development of educational modules for the community, and advocacy to policymakers to further support the implementation of restorative justice in the adult criminal justice system. It is hoped that with these steps, restorative justice can become a more integrated and accepted approach by society, so that it can contribute to reducing recidivism rates and creating a more humane and effective criminal justice system.

## **2. METHOD**

This research uses the Normative-Empirical approach method to explore the phenomenon<sup>10</sup> of recidivism and the application of restorative justice in the criminal justice

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<sup>7</sup> Nashriana Nashriana et al., "Enhancing Restorative Justice in Indonesia: Exploring Diversion Implementation for Effective Juvenile Delinquency Settlement," *Sriwijaya Law Review* 7, no. 2 (July 31, 2023): 318–34, <https://doi.org/10.28946/slrev.Vol7.Iss2.2427.pp318-334>.

<sup>8</sup> Femmy Silaswaty Faried, Hadi Mahmud, and Suparwi Suparwi, "Mainstreaming Restorative Justice in Termination of Prosecution in Indonesia," *Journal of Human Rights, Culture and Legal System* 2, no. 1 (March 30, 2022), <https://doi.org/10.53955/jhcls.v2i1.31>.

<sup>9</sup> Penias Isba, Marius Suprianto Sakmaf, and Jumiran, "Evaluation of Restorative Justice Implementation in Criminal Conflict Resolution: Victim and Offender Perspectives," *DELICTUM: Jurnal Hukum Pidana Islam* 3, no. 1 (October 1, 2024): 14–30, <https://doi.org/10.35905/delictum.v3i1.10736>.

<sup>10</sup> Depri Liber Sonata, "Metode Penelitian Hukum Normatif dan Empiris: Karakteristik Khas dari Metode Meneliti Hukum," *Fiat Justisia: Jurnal Ilmu Hukum* 8, no. 1 (November 5, 2015), <https://doi.org/10.25041/fiatjustisia.v8no1.283>.

system in Indonesia. This method combines normative analysis of related regulations,<sup>11</sup> such as Law No. 12/1995 on Corrections, which emphasizes the rehabilitation of prisoners as one of the efforts to reduce recidivism, as well as Law No. 8/1998 on the Criminal Procedure Code (KUHP), which regulates criminal law procedures in general. In the context of restorative justice, an important regulation is the Supreme Court Regulation (PERMA) No. 4 of 2014, which regulates the guidelines for the implementation of restorative justice in the settlement of criminal cases, especially in efforts to reduce recidivism. In addition, Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. 30 of 2018 concerning Procedures for the Implementation of Restorative Justice in Corrections is also a reference to assess the effectiveness of this approach in the correctional system. Then, the empirical approach involves case studies and interviews with stakeholders at the Bogor District Court. The data collected will be analyzed descriptively to identify gaps between theory and practice,<sup>12</sup> and evaluate the effectiveness of restorative justice policies in reducing recidivism rates, with a focus on its application to the adult population. It is hoped that the results of this study can provide empirical and theory-based recommendations that can improve the correctional system and expand the application of restorative justice to reduce recidivism rates in Indonesia.

### **3. RESULT AND DISCUSSION**

#### **3.1 Effectiveness of Restorative Justice in Reducing Recidivism Compared to Conventional Punishment Methods**

Indonesia's criminal justice system, which has prioritized a punitive approach to solving crimes, has faced challenges in reducing recidivism rates.<sup>13</sup> Data yang dirilis oleh Badan Pemasarakatan Kementerian Hukum dan HAM menunjukkan bahwa sekitar 65% narapidana yang dibebaskan kembali terlibat dalam tindak kriminal dalam waktu kurang dari tiga tahun setelah bebas, menunjukkan kegagalan dalam tujuan rehabilitasi dan reintegrasi.<sup>14</sup> Punitive approaches that focus on incarceration and sanctions alone, without consideration of social restoration or long-term behavioral change, have proven ineffective in breaking the cycle of criminality.<sup>15</sup> Therefore, the concept of restorative justice (RJ) is an attractive alternative in responding to this problem. Restorative justice focuses on repairing relationships between offenders, victims, and the community, and provides opportunities for offenders to take responsibility for their actions, rather than simply punishing them. In RJ,

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<sup>11</sup> Kornelius Benuf dan Muhamad Azhar, "Metodologi Penelitian Hukum sebagai Instrumen Mengurasi Permasalahan Hukum Kontemporer," *Gema Keadilan* 7, no. 1 (2020): 20-33, <https://doi.org/10.14710/gk.2020.7504>.

<sup>12</sup> Zainuddin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2021).

<sup>13</sup> Haezah Lintang Dahayu, "Analisis Kritis Penerapan Restorative Justice: Perbandingan Konsep Dalam Sistem Peradilan Pidana Di Indonesia Dengan Australia Dan Filipina," *Jurnal Kertha Semaya* 12, no. 10 (October 11, 2024): 2671-86.

<sup>14</sup> Ditjenpas, "Narapidana Terima Remisi Khusus Natal Tahun 2023."

<sup>15</sup> Muhammad Rif'an Baihaky and Muridah Isnawati, "Restorative Justice: Pemaknaan, Problematika, dan Penerapan yang Seyogianya," *Unes Journal of Swara Justisia* 8, no. 2 (July 2, 2024): 276-89, <https://doi.org/10.31933/4mqgaj17>.

which emphasizes healing and reconciliation, offenders have the opportunity to right their wrongs through direct interaction with victims and the community. This concept, if implemented correctly, is expected to reduce recidivism rates and build healthier social relationships among all parties involved.

In Indonesia, although RJ has been implemented in the juvenile justice system through the Juvenile Justice System Law, its application in the adult criminal justice system is still very limited. Supreme Court Regulation (PERMA) No. 4 of 2014 provides the legal basis for the implementation of RJ in the resolution of criminal cases, but its implementation at the adult justice level still faces various obstacles. One of the main challenges is the lack of understanding of RJ principles among law enforcement officials.<sup>16</sup> Based on interviews with several judges at the Bogor District Court, many of them admitted that they did not sufficiently understand how RJ principles could be practically applied in adult criminal cases, especially when it comes to serious crimes. For example, one judge said, “Our justice system is used to prison sentences and fines, while RJ requires an approach that is more sensitive to the dynamics of the offender and victim relationship.” Another barrier is social resistance, where society tends to view imprisonment as a fairer form of justice, and often does not consider RJ as an equal alternative.

However, a number of studies and case studies suggest that RJ is more effective in reducing recidivism than conventional sentencing methods. For example, in New Zealand, a country that pioneered the implementation of RJ, a study showed that the recidivism rate of RJ program participants was only about 17% after five years, compared to 45% for those serving conventional prison sentences.<sup>17</sup> This RJ program in New Zealand involves direct dialogue between the offender and victim with a trained mediator, allowing for mutual agreement on responsibility and deeper healing. In Indonesia, although there have been no major studies directly measuring the impact of RJ on recidivism, some case studies conducted in the Bogor District Court have shown positive results. Based on interviews with court staff involved in the implementation of RJ, it was found that offenders who participated in RJ programs tended to have lower recidivism rates compared to those who only served prison sentences. One example revealed by a mediator was the case of an inmate who was involved in an RJ program after being involved in theft. After following the RJ process, which involved the victim directly in mediation meetings, the offender showed significant behavioral changes and did not re-offend. One mediator at the Bogor

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<sup>16</sup> Mirza Sahputra, “Restorative Justice sebagai Wujud Hukum Progresif dalam Peraturan Perundang-Undangan di Indonesia,” *Jurnal Transformasi Administrasi* 12, no. 01 (August 25, 2022): 87–96, <https://doi.org/10.56196/jta.v12i01.205>.

<sup>17</sup> Ian D. Marder, “Mapping Restorative Justice and Restorative Practices in Criminal Justice in the Republic of Ireland,” *International Journal of Law, Crime and Justice* 70 (September 1, 2022): 100544, <https://doi.org/10.1016/j.ijlcj.2022.100544>.

District Court explained, “Through this process, offenders better understand the impact of their actions on the victim, and this motivates them not to repeat the same mistakes”.

In addition, in some cases observed, RJ programs involved not only perpetrators and victims, but also their families and surrounding communities. This suggests that RJ focuses not only on the individual but on restoring broader social relationships. Nonetheless, the biggest challenge in implementing RJ in Indonesia is the limited understanding and resources available for effective implementation. Limited resources, both in terms of training mediators and facilities for meetings between perpetrators and victims, are a major barrier. One mediator at the Bogor District Court noted that one of the reasons why RJ has not been widely implemented is “lack of adequate training for mediators and lack of facilities to support the program.” Therefore, while the implementation of RJ can have positive results in reducing recidivism, it is still hampered by various limitations that need to be addressed by improving understanding, training, and more adequate resource support.

In this context, it is worth noting that a significant difference between restorative justice and conventional methods of punishment lies in their focus.<sup>18</sup> Conventional approaches that prioritize punishment, such as imprisonment, tend to be oriented towards retribution and the separation of offenders from society without providing opportunities for comprehensive recovery. In contrast, restorative justice views crime not only as a violation of the law, but also as a violation of broader social relations. Thus, RJ places victims and perpetrators in a more equal position in efforts to restore relationships.<sup>19</sup> In an observational study conducted at the Bogor District Court, it was found that several offenders who participated in RJ reported significant changes in their mindset, particularly in relation to a sense of responsibility towards victims. RJ can change the paradigm of the offender, who previously only saw the law as a tool of retaliation, to an understanding that is more based on social responsibility and improving relationships between individuals.<sup>20</sup>

However, despite positive results in some cases in Indonesia, the challenges in implementing restorative justice remain great. One of the main challenges faced is resistance from law enforcement officials. In interviews with several prosecutors and judges at the Bogor District Court, it was found that many legal officers felt more comfortable with conventional approaches. The assumption is that the application of RJ is good in theory, but in practice, there are many aspects that need to be considered, such as the readiness of the perpetrator and victim to interact. On the other hand, the community also tends to be skeptical of this program because there is still a view that justice can only be achieved

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<sup>18</sup> Haezah Lintang Dahayu, “Analisis Kritis Penerapan Restorative Justice.”

<sup>19</sup> Jonathan Hobson and Brian Payne, “Building Restorative Justice Services: Considerations on Top-down and Bottom-up Approaches,” *International Journal of Law, Crime and Justice* 71 (December 1, 2022): 100555, <https://doi.org/10.1016/j.ijlcj.2022.100555>.

<sup>20</sup> Conrad Dhing et al., “Implementing Restorative Justice Training: A Pathway to Enhanced Communication and Conflict Resolution,” *American Journal of Pharmaceutical Education* 88, no. 9 (September 1, 2024): 101166, <https://doi.org/10.1016/j.ajpe.2024.101166>.

through harsher prison sentences.<sup>21</sup> This is further exacerbated by the lack of adequate training and debriefing for mediators involved in the RJ process, which can reduce the effectiveness of the program. It has been observed that although the mediators have good intentions, their lack of knowledge of effective mediation techniques often undermines the RJ process, potentially exacerbating the relationship between offender and victim if not handled with care.

Nevertheless, there is a great opportunity to reduce recidivism if resource capacity-building measures can be implemented.<sup>22</sup> As a mediator at the Bogor District Court stated, “More intensive education and training for mediators and law enforcement officers is key to increasing the effectiveness of RJ.” In addition, advocacy to the community and policymakers in support of RJ implementation must also be strengthened, in order to build collective awareness of its benefits in reducing recidivism. New Zealand and several European countries that have successfully implemented RJ with positive results show that with a strengthened training system, supportive infrastructure, and structured advocacy, RJ can be an effective solution to improve the criminal justice system that has focused on punishment alone. If these steps are followed with consistency and seriousness from all relevant parties, then restorative justice has the potential to become a more effective and humane alternative in reducing recidivism rates in Indonesia.

### **3.2 Challenges and Efforts to Implement Restorative Justice in the Indonesian Criminal Justice System**

The implementation of RJ in Indonesia's adult criminal justice system faces complex challenges.<sup>23</sup> One of the main obstacles is the lack of in-depth understanding of RJ principles among law enforcement officials. Based on interviews with several judges, prosecutors, and correctional officers at the Bogor District Court, most admitted that they had not received specialized training on RJ, which led to the low effectiveness of RJ implementation in the field. As one judge put it, “We know RJ is good in theory, but in practice, we are more tied to the existing system, which focuses more on punishment.” This is also evident in the Supreme Court Regulation (PERMA) No. 4/2014, which provides guidelines for the implementation of RJ, but many officers feel unprepared to implement the program to its full potential due to their limited understanding and skills<sup>24</sup>. They are more

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<sup>21</sup> Dwi Putro Putro, “Truth-Post Era dalam Hukum Kebenaran M” (Sanabil, 2020), [https://linter.untar.ac.id/repository/penelitian/buktipenelitian\\_10216001\\_2a165515.pdf](https://linter.untar.ac.id/repository/penelitian/buktipenelitian_10216001_2a165515.pdf).

<sup>22</sup> Muhamad Ega Setiawan Poetra and Padmono Wibowo, “Peran Pembimbing Kemasyarakatan Guna Mencegah Residivisme Pada Balai Pemasyarakatan Kelas I Jakarta Barat,” *Jurnal Pendidikan Kewarganegaraan Undiksha* 10, no. 1 (January 25, 2022): 190–200, <https://doi.org/10.23887/jpku.v10i1.42709>.

<sup>23</sup> Rica Regina Novianty, “Implementasi Restorative Justice Dalam Kasus Tindak Pidana Anak Di Indonesia Implementation of Restorative Justice in Child Crime Cases in Indonesia,” *Jurnal Lex Researchia* 1, no. 1 (2024), <https://doi.org/10.56466/lex/Vol1.Iss1.1988>.

<sup>24</sup> Henny Saida Flora et al., “Keadilan Restoratif Dalam Melindungi Hak Korban Tindak Pidana Cyber: Manifestasi Dan Implementasi,” *Jurnal Ius Constituendum* 8, no. 2 (June 8, 2023): 169–84, <https://doi.org/10.26623/jic.v8i2.6365>.

trained in conventional procedures and feel resistance to RJ arises from a lack of knowledge and awareness of its effectiveness in reducing recidivism.

Limited resources are another major issue.<sup>25</sup> RJ programs require special training for mediators, facilities for meetings between offenders and victims, and a significant amount of time and budget.<sup>26</sup> Despite Minister of Law and Human Rights Regulation No. 30/2018, which regulates the implementation of RJ in correctional settings, implementation in the field is often hampered by budget constraints and a lack of trained personnel. Few correctional institutions have sufficiently trained staff to effectively run RJ programs. In many cases, mediators involved in RJ processes do not have sufficient background or skills to facilitate discussions between offenders and victims in a way that is constructive and leads to meaningful healing.<sup>27</sup> Therefore, capacity building of human resources in the field of RJ is urgently needed.

Another obstacle is social resistance to the concept of RJ. Indonesian society still tends to see imprisonment as a more “fair” form of justice compared to a more rehabilitative approach.<sup>28</sup> The reluctance of communities to accept offenders who have committed crimes back into their midst, even through RJ programs, is a major challenge. This is exacerbated by the social stigma against prisoners, which can worsen their reintegration into society after serving their sentence.<sup>29</sup> Therefore, a paradigm shift in society and education on the benefits of OPD is a very important step to be widely implemented.

Efforts to address this challenge should involve several strategic measures.<sup>30</sup> Ongoing training for law enforcement officials, including judges, prosecutors and correctional officers, as well as the development of practical experience-based training modules, should be an integral part of Indonesia's legal education system. This will ensure that legal professionals understand the basic principles of RJ and are able to identify appropriate cases for the program. Capacity building of trained personnel, such as professional mediators, should also be prioritized. Mediator training and certification programs should be expanded, with particular attention to mediation facilitation techniques that can help perpetrators and victims reach a better understanding of their responsibilities in the recovery process.

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<sup>25</sup> Hildayastie Hafizah and Surastini Fitriasih, “Urgensi Penyelesaian Dugaan Kesalahan Medis Melalui Restorative Justice,” *Jurnal USM Law Review* 5, no. 1 (April 30, 2022): 205–23, <https://doi.org/10.26623/julr.v5i1.4884>.

<sup>26</sup> Arpandi Karjono, Parningotan Malau, and Ciptono Ciptono, “Penerapan Keadilan Restoratif Justice Dalam Hukum Pidana Berbasis Kearifan Lokal,” *Jurnal USM Law Review* 7, no. 2 (July 23, 2024): 1035–50, <https://doi.org/10.26623/julr.v7i2.9571>.

<sup>27</sup> Muhammad Rif'an Baihaky and Muridah Isnawati, “Restorative Justice.”

<sup>28</sup> Sahputra, “Restorative Justice sebagai Wujud Hukum Progressif dalam Peraturan Perundang-Undangan di Indonesia.”

<sup>29</sup> Fajar Iman Nugraha and Ali Muhammad, “Mitigasi Residivisme Dengan Proses Pembimbingan Dan Pengawasan Serta Integrasi Intervensi Psikologis Kognitif Oleh Pembimbing Kemasyarakatan,” *Jurnal Komunikasi Hukum (JKH)* 10, no. 2 (August 1, 2024): 150–60.

<sup>30</sup> Abdul Wahid, “Keadilan Restoratif: Upaya Menemukan Keadilan Substantif?,” *Jurnal Ius Constituendum* 7, no. 2 (October 16, 2022): 307–21, <https://doi.org/10.26623/jic.v7i2.5793>.

Secondly, to address budget and facility limitations, there needs to be more adequate funding from the government to support RJ programs. This includes budget allocations for training, the provision of adequate mediation facilities, and the development of experience-based training modules for mediators. The government can also work with non-governmental organizations that already have experience in implementing RJ to build the necessary infrastructure.

Third, to overcome social resistance, it is important to involve the media and community organizations in educational campaigns about the importance of RJ as an alternative to punishment that focuses more on recovery and reintegration, rather than solely on punishment. A case study in the Netherlands showed that the successful implementation of RJ relies heavily on the active participation of the community in supporting the reintegration of offenders into the community. With a more coordinated and evidence-based approach, restorative justice can be implemented more effectively,<sup>31</sup> contributing to reducing recidivism rates and creating a more rehabilitative and sustainable criminal justice system. This will bring significant changes in the correctional system and provide wider opportunities for offenders to change their behavior and return to being productive members of society.

The application of RJ in Indonesia can be considered by looking at practices that have been implemented in other countries, where some countries have obtained encouraging results in reducing recidivism and improving the criminal justice system. For example, in New Zealand, which is a pioneer in the implementation of RJ, studies show that recidivism rates for prisoners who participate in RJ programs are much lower than those who serve conventional prison sentences. The advantages of RJ in providing offenders with the opportunity to take responsibility for their actions and repair relationships with victims, which leads to a reduction in the propensity to reoffend, have been shown to be significant.<sup>32</sup>

In Canada, the implementation of RJ has also shown a positive impact in reducing crime and aiding the social reintegration of inmates.<sup>33</sup> In Canada, RJ programs are implemented more broadly and are not limited to minor cases or first-time offenders, but also involve offenders with more serious offenses. According to MacRae (2019), in some areas of Canada, the implementation of RJ can reduce recidivism rates by up to 30%

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<sup>31</sup> Erma Sirande, Hijrah Adhyanti Mirzana, and Audyna Mayasari Muin, "Mewujudkan Penegakan Hukum Melalui Restorative Justice," *Jurnal Hukum Dan Kenotariatan* 5, no. 4 (November 15, 2021): 570–89, <https://doi.org/10.33474/hukeno.v5i4.11001>.

<sup>32</sup> Ali Muhammad I Kadek Wijata, "Dampak Positif Hubungan Antara Kelompok Masyarakat Peduli Pemasarakatan (Pokmas Lipas) Terhadap Kesuksesan Pemulihan dan Reintegrasi Klien Pemasarakatan Balai Pemasarakatan Kelas II Karanagsem," November 7, 2023, <https://doi.org/10.5281/ZENODO.10079435>.

<sup>33</sup> Dhing et al., "Implementing Restorative Justice Training."

within five years of program implementation.<sup>34</sup> Mediation processes involving both victims and offenders can help reduce social tensions and provide opportunities for offenders to make changes, especially when compared to prison sentences, which tend to exacerbate social alienation.

On the other hand, Finland is also an example of a country that has successfully used RJ as an alternative in their criminal justice system. The country implemented a restorative dialogue model, where offenders and victims sit together to discuss the impact of the criminal act. As a result, Finland has lower recidivism rates than countries with conventional sentencing systems.<sup>35</sup>

In Indonesia, while comparisons with these countries illustrate potential, RJ implementation remains limited and faces many challenges. Based on data from the Corrections Agency of the Ministry of Law and Human Rights in 2023, approximately 65% of released prisoners re-offended in less than three years after release.<sup>36</sup> This suggests an urgent need to re-evaluate punishment-focused approaches to sentencing, which have proven ineffective in reducing recidivism.

When compared to countries such as New Zealand or Canada, Indonesia still faces structural difficulties, including limited training for law enforcement officials and a lack of facilities that support RJ programs. For example, the Bogor District Court in interviews with stakeholders, indicated that the lack of effective mediation facilities and a lack of resources for training mediators were major barriers to the wider implementation of RJ. This leads to significant differences between the idealized principles of RJ and the reality of its implementation in Indonesia.<sup>37</sup>

Overall, while countries with more advanced RJ practices such as New Zealand and Canada, have shown promising results in reducing recidivism, Indonesia still faces serious obstacles related to legal understanding, policy, and limited human resources. Learning from the experiences of these countries, Indonesia needs to strengthen the capacity of legal institutions, provide specialized training for law enforcement officers, and increase logistical support to effectively implement RJ. By doing so, it is hoped that Indonesia's criminal justice system will prioritize rehabilitation and social recovery, ultimately reducing the country's high recidivism rate.

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<sup>34</sup> Muhammad Fadhel Febriansyah, "Perbandingan Pengaturan Restorative Justice Dalam Hukum Pidana Indonesia Dan Negara Kanada," *Jurnal Kajian Hukum Dan Kebijakan Publik* 2, no. 2 (2025): 841–50, <https://jurnal.kopusindo.com/index.php/jkhkp>.

<sup>35</sup> Aino Jauhiainen, "Ongoing Studies on Victim- Offender Mediation in Finland: An Overview," Nordic Research Council for Criminology, December 19, 2022, <https://www.nsfk.org/blog/ongoing-studies-on-victim-offender-mediation-in-finland-an-overview/>.

<sup>36</sup> Ditjenpas, "Narapidana Terima Remisi Khusus Natal Tahun 2023."

<sup>37</sup> Steve Kirkwood, "A Practice Framework for Restorative Justice," *Aggression and Violent Behavior*, Practice Frameworks in the Criminal Justice System, 63 (March 1, 2022): 101688, <https://doi.org/10.1016/j.avb.2021.101688>.

#### 4. CONCLUSION

The implementation of RJ in Indonesia's criminal justice system has proven to have significant potential in reducing recidivism rates, although its implementation still faces various challenges. This study identifies that a lack of understanding by legal officers, limited resources, and social resistance to the concept of RJ are the main obstacles to its implementation. The main objective of this study is to evaluate the effectiveness of RJ compared to conventional sentencing methods, as well as to examine the challenges faced in its implementation in Indonesia. The findings show that while RJ can contribute to offender rehabilitation and improved social relations, the gap between theory and practice remains a major issue. This research contributes to the development of Indonesian legal policy by recommending capacity building of the legal apparatus and community education to support the wider and more effective implementation of RJ. Its contribution to science lies in enriching the understanding of the application of RJ in the Indonesian context and providing a basis for more comprehensive policies to reduce recidivism.

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