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Restorative Justice Policy Model in the Future of Criminal Law

Rudini Hasyim Rado[1*], Restu Monika Nia Betaubun[2], Emiliana B. Rahail[3]

[1,3] Faculty of Law, Musamus University, Indonesia
[2] Faculty Law, Social and Political Sciences, Terbuka University, Indonesia
*Correspondence: rado_fh@unmus.ac.id

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ABSTRACT
Restorative justice as a constructive, creative, self-determined action with assistance and open opportunities for group involvement. Peaceful resolution of criminal cases using this mechanism has even been a local wisdom in various regions and customary laws in Indonesia which aims to resolve conflicts, restore balance and bring a sense of peace. As a cultural manifestation, the restorative justice approach should also be realised in practice through the criminal justice system, which has so far seemed rigid. This research focuses on the restorative justice policy model in the future of criminal law. This research is classified as qualitative research with empirical juridical and normative juridical methods oriented to the statutory approach and conceptual approach. This research concludes that restorative justice is a necessity because in addition to international challenges and obligations, it has also become a national trend in the future of criminal law, especially through the New Criminal Code which contains mechanisms for restoring victims' rights, penal mediation, diversion, supervision punishment and judicial pardon. These mechanisms can operate in various models of informal mediation, traditional village or tribal moots, victim-offender mediation, and reparation negotiation programmes.

Keywords: Restorative Justice, Policy Model, Criminal Justice System

1. Introduction

The criminal justice system in Indonesia is entering a new phase in its development, one of which is marked by the emergence of the principle of restorative justice (restorative justice) as an alternative to integrative criminal resolution with a focal point on direct participation from perpetrators, victims, and the community/other parties to jointly seek a fair solution by emphasising restoration to the original state and not oriented towards retaliation (Sartika et al., 2022). In several countries such as Austria, Czech Republic, France, Germany, Belgium, Poland, United Kingdom, Malaysia and even the Netherlands, this principle has long been and is currently developing with a style of renewing the justice system both due process model and crime control model in accordance with the legal system adopted (Budoyo & Sari, 2019).

Even in the massive dynamics of this conception of restorative justice, it has actually also been an agreement and trend at the international level, among others as seen in the 1995 IX UN Congress on "The Prevention of Crime and the Treatment of Offenders." In its document, it expressed the need for all countries to consider: "Privatising some law enforcement and justice functions" and "alternative dispute resolution/ADR" (Arief, 2008). In addition, to address the problem of court overload the congress participants emphasised conditional release, mediation, restitution and compensation, particularly for first-time and young offenders.

The results of the international meeting led to the creation of instruments on modern theories of justice through restorative justice, including (Lesmana, 2019):

1. The Committee of Ministers of the Council of Europe, 1999.
2. United Nations Office for Drug Control and Crime Prevention, 1999.
3. The EU Council Framework Decision 2001 on "The Standing of Victims in Criminal Proceedings".

4. Ecosoc (UN) has adopted Resolution 2002/12 on "UN Basic Principles of Restorative Justice Programmes in Criminal Matters" which includes mediation. This resolution calls for the principle of voluntariness between victim and offender as part of the process of achieving reintegration.
5. The United Nations Congress XI 2005 Bangkok Declaration, proposed the idea/model of restorative justice. This restorative justice model, among others, is manifested in the form of penal mediation which is often stated as "the third way", or "the third path" in efforts to control crime and the criminal justice system (Arief, 2012).

The various recommendations of the international legal seminar basically mean firstly, the need to enrich the formal justice system with informal justice systems/mechanisms in case settlement manifested in ADR models/forms (penal mediation); secondly, the desire to resolve conflicts and restore balance (restorative justice) by involving victims and perpetrators rather than simply imposing punishment (retributive or rehabilitative); thirdly, the desire to overcome the problem of overload (accumulation of cases) in the courts through mediation; and fourthly, the emergence of pressure on countries to include the idea of mediation in their criminal procedure laws.

Penal mediation as the spirit of restorative justice is an alternative to prosecution by providing the possibility of a negotiated settlement between the offender and the victim. It must be recognised that one of the oldest approaches to realising justice is through mediation/restorative justice. Furthermore, in addition to being an international concern, the study of mediation/restorative justice is not foreign to the Indonesian legal conception. From a philosophical perspective, this has officially been made one of the cornerstones of the Indonesian philosophy as reflected in the fourth principle of Pancasila, which essentially emphasises the principle of deliberation for consensus/democratic deliberation carried out on the basis of wisdom. Where the essence prioritises the achievement of a win-win solution, not a win-lost solution (Mulyadi, 2013). It can even be said that long before the presence of Dutch Colonial law, in a sociological perspective, mediation/restorative justice was already known and even applied as a local wisdom or local genius (Novian et al., 2018), in most regions and customary laws that exist in Indonesia which are family-oriented.

Tragically, in the juridical perspective of positive law in Indonesia, the existence of penal mediation is like "there is" and "there is not". It is said so because if you pay close attention to the criminal justice system adopted by KUHAP, it can be said that the Indonesian justice system reduces and even tends to eliminate the important role of individuals in efforts to resolve criminal cases. The search for justice seems to rely solely on the ability of the integrated system built by the Police, Prosecutor's Office, Courts and Correctional Institutions. Even after the emergence of the Advocates Law, which was originally expected to increase the role of individuals through victim assistance and out-of-court efforts, it did not change the "rigid" nature of the Indonesian criminal justice system.

Practically at present, out-of-court settlements are only limited through the discretion of law enforcers and are partial at the level of the criminal justice system (police and prosecutors). Even this discretion was almost without basis before the latest regulation was issued through: Police Regulation (Perpol) No. 8 of 2021 concerning Handling Criminal Offences Based on Restorative Justice, and Prosecutor's Regulation (PerJA) No. 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. Later, Supreme Court Regulation (PERMA) No. 1 of 2024 on Guidelines for Adjudicating Criminal Cases Based on Restorative Justice also emerged. The presence of these various provisions can be said to have expressly regulated the issue of restorative justice although partially and limited. Moreover, the legal force of the two regulations is not comparable to the legal force of a law. The impact of these internal policies and law enforcement practices seems to be a "middle way" to respond to various dissatisfactions with the current criminal justice system (Badilla et al., 2022).

This legal policy confusion has prompted the issuance and enactment of Law No. 1 of 2023 on the Criminal Code (KUHP), hereinafter referred to as the New Criminal Code, which will be enacted 3 (three) years after its enactment, which includes concepts and basic ideas regarding mediation/restorative justice as the future of criminal law in the future. Thus, the New Criminal Code is expected to be an adequate legal protection for the parties who have resolved criminal cases as well as mapping the ideal and contextual restorative justice policy model or mechanism.

As for the state of the art, previously there have been several studies with previous studies that focus on the discussion of penal mediation/restorative justice policies, namely: 1) Penal Mediation as an Alternative to

Criminal Case Settlement in the Perspective of Indonesian Criminal Justice System Reform, where this research emphasises more on the integration of penal mediation as a reform to a progressive criminal justice system. 2) Relevance of Penal Mediation in Indonesia in Criminal Law Reform, this research emphasises the urgency of penal mediation to be applied in the criminal justice system in Indonesia. However, the prominent difference from the previous research is that in addition to the scope of this research, it explores the current provisions of penal mediation/restorative justice in Indonesia. This research also focuses on how the restorative justice policy/mechanism model contained in the New Criminal Code that has been passed some time before, including the dynamics regulated in the upcoming Draft Criminal Code, so that it is clearly oriented towards the presentation of the ius constitutum and the presentation of the upcoming ius contituendum.

2. Method Research

This paper is the result of normative legal research, with a statutory approach and conceptual approach. Then secondary data sources come from legal materials consisting of primary legal materials in the form of the Criminal Code, Law No. 39 of 1999 concerning Human Rights, Law No. 16 of 2004 concerning Prosecutors, Law No. 22 of 2009 concerning Road Traffic and Transport, Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, Law No. 1 of 2023 concerning the Criminal Code, R-KUHAP, Perpol No. 8 of 2021 concerning Handling Crimes Based on Restorative Justice. 1 of 2023 concerning the Criminal Code, R-KUHAP, Perpol No. 8 of 2021 concerning Handling Crimes Based on Restorative Justice, PerJA No. 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, and PERMA No. 1 of 2024 concerning Guidelines for Adjudicating Criminal Cases Based on Restorative Justice. As well as secondary legal materials, namely literature on penal mediation/restorative justice. All legal materials were then analysed and presented in a qualitative descriptive analysis.

3. Results and Discussion

3.1 Restorative Justice in Current Criminal Law Legislation

In general, although the principles of restorative justice are rooted in noble values that have been alive for a long time, the term restorative justice was only introduced in the writings of Albert Eglash in the 1950s and was increasingly used in 1977. Eglash proposed restorative justice as a constructive, creative, self-determined action with assistance and opportunities for group involvement (Yudi Krismen & SH, 2022). The presence of restorative justice is present to exemplify a paradigm that is always opposed to retributive justice or a justice model that solely aims to retaliate or punish criminal offences.

Currently, the idea of restorative justice has not fully received an adequate legal umbrella in the criminal justice system in Indonesia. However, in practice, over time when there is an increase in the volume of cases resolved in court, polarisation and restorative justice mechanisms are one solution to reduce the volume of cases, as long as it is truly desired (voluntary) by the parties (suspects and victims), and to achieve broader interests, namely the maintenance of social harmonisation (Mulyadi, 2013). In ius constitutum, the conception that leads to mediation/restorative justice cannot in principle be resolved outside the court, although in certain cases, it is possible to resolve criminal cases outside the court.

According to Article 82 of the KUHP/WvS, in the event that the offence committed is an “offence punishable only by a fine”. The authority/right to prosecute the offence is extinguished, if the defendant has paid the maximum fine for the offence and the costs that have been incurred if the prosecution has been carried out (Hengki, 2018). This provision in Article 82 of the Criminal Code is known as “afkoop” or “amicable payment of fine” which is one of the reasons for the abolition of prosecution. This provision only provides the possibility of out-of-court settlement of criminal cases, but does not yet constitute “penal mediation”. Moreover, when traced, this provision is still oriented towards the interests of the offender (offender oriented), not victim oriented.

Another possibility is seen in Law No. 39/1999 on Human Rights which authorises Komnas HAM (established by Presidential Decree No. 50/1993) to mediate in cases of human rights violations (see Article 1 point 7, Article 76 paragraph (1), Article 89 paragraph (4), Article 96) (Silambi & Rosnida, 2022). However, there is no provision that explicitly states that all cases of human rights violations can be mediated by Komnas HAM, because according to Article 89 paragraph (4), Komnas HAM can also only advise the parties to settle the dispute through the courts (sub-c), or only make recommendations to the Government or DPR for further action (sub-d

and sub-e). Similarly, there is no provision that explicitly states that as a result of mediation by Komnas HAM, prosecution or punishment can be abolished (Rosnida, 2020). Article 96 paragraph (3) only stipulates that "mediation decisions are legally binding and valid as valid evidence".

Then, if you pay attention to Law No. 16/2004 on the Prosecutor's Office according to Article 35 letter c, it is stated that the Attorney General has duties and authorities including "setting aside cases in the public interest". The public interest referred to is the interests of the nation and state and/or the interests of the wider community. Thus, criminal cases are stopped or not processed to court (seponering) (Sudirdja, 2019). Criminal cases that have been seponering are automatically set aside or the termination of prosecution because it is deemed unnecessary (consideration of the principle of opportunity) is called beleidssepot (policy termination). Seponering cannot be issued arbitrarily, it must be in accordance with "in the public interest", so although this provision can set aside criminal cases outside the court, it is difficult to be considered as penal mediation because it does not involve victims. More explicitly, in Law No. 11 of 2021 concerning Amendments to Law No. 16 of 2004 concerning the Prosecutor's Office, there is also a mechanism that supports penal mediation as stipulated in Article 30C letter d, which reads that the Prosecutor's Office conducts penal mediation, confiscation of execution for payment of fines and substitute punishment and restitution. This provision has become the legal basis for the Prosecutor's authority to use penal mediation mechanisms in handling criminal cases.

In the development of Law No. 22 Year 2009 on Road Traffic and Transport, the possibility of mediation can be seen in Article 236, as follows:

(1) The party causing theTraffic Accident as referred to in Article 229 shall be obliged to compensate for the loss, the amount of which shall be determined by a court decision.

(2) The obligation to compensate as referred to in paragraph (1) in Traffic Accidents as referred to in Article 229 paragraph (2) may be carried out out of court if there is an amicable agreement between the parties involved.

The provisions of Article 236 paragraph (2) above show the possibility of mediation, which in this article is referred to as "an amicable agreement between the parties involved". However, it is limited to cases of "minor traffic accidents" (Krismiyarsi, 2020) as stipulated in Article 229 paragraph (2), namely minor traffic accidents are accidents that result in damage to vehicles and/or goods.

Furthermore, other developments as recorded in Law No. 11/2012 on the Juvenile Criminal Justice System (SPPA), contain provisions regarding penal mediation for juvenile cases, as follows:

Law No. 11/2012 on SPPA regulates restorative justice and diversion. In Article 1 numbers 6 and 7, it is stated:

1. Restorative Justice is the resolution of criminal cases by involving perpetrators, victims, families of perpetrators/victims, and other related parties to jointly seek a fair solution by emphasising restoration to the original state, and not retaliation.

2. Diversion is the transfer of a child's case from the criminal justice process to a process outside of criminal justice.

From the two definitions/limitations above, it explicitly contains the notions of "restorative justice" and "diversion" in juvenile criminal cases. In fact, there is a strong impression of emphasis on "mediation" as seen from the wording of Article 52 paragraph (4) which states: "Diversion process can be conducted in the mediation room of the district court". It is also evident from the objectives of diversion in Article 6, among others to: (a) achieve peace between the victim and the child; and (b) resolve the child's case outside the judicial process. These objectives are essentially the same as the definition of restorative justice as "Victim- Offender Mediation".

During the boom of "minor criminal offences". Internally, institutions of the criminal justice system (Police, Prosecutor's Office, and Supreme Court) flocked to formulate provisions regarding the settlement of criminal offences with penal mediation oriented towards restorative justice. Juridically, these arrangements are as follows (Prayoga & Setiabudi, 2021):

1. Regulation of the Indonesian National Police (Perpol) No. 8 of 2021 on Handling Criminal Offences Based on Restorative Justice. Article 1 point 3 and Article 3 regulate the requirements for handling criminal offences based on restorative justice.
2. Regulation of the Attorney General of the Republic of Indonesia (PerJA) No. 15 of 2020 on Discontinuation of Prosecution Based on Restorative Justice.
3. Supreme Court Regulation (PERMA) No. 1 Year 2024 on Guidelines for Adjudicating Criminal Cases Based on Restorative Justice.

Although it has been regulated internally, it is unfortunate that this regulation is still fragmentary and the regulation is not regulated at the level of the law. In addition, the inconsistency of these regulations has led to the consequence that there are different arrangements and requirements from one another. This difference can be seen in the following table:

Police Regulation No. 8 of 2021	PERJA No. 15 Year 2020	PERMA No. 1 Year 2024
There are no set penalty requirement	Setting the threat requirement which isn't more than 5 (five) years imprisonment	The arrangement as PerJA 15/2020
There is no minimum loss requirement	Setting the minimum requirement of loss is not more than 2,500,000 (two million five hundred thousand rupiah)	Same arrangement as PerJA 15/2020
Regulation of the possibility of restorative justice in drug cases	Does not regulate the possibility of restorative justice being applied in drug cases	Regulation of the possibility of restorative justice in drug cases

Looking at the table above in detail, it is clear that a number of these provisions have basic similarities regarding restorative justice, but are still centred on the orientation of criminal "case settlement" through penal mediation oriented towards restorative justice which is not or has not been sufficient in providing justice, certainty and legal benefits, especially for victims. Meanwhile, when viewed from its scope, the application of the rules is still different, some do not accommodate and some can be applied to narcotics offences. Thus, even though the existing provisions have provided the possibility of out-of-court settlement of criminal cases, especially for cases with "certain dimensions" and "certain loss amount requirements". The out-of-court settlement as stated above even though it contains restorative justice, it does not explicitly include mediation which can be a means of diversion (with the exception of the SPPA Law) for the termination of prosecution or the abolition of punishment.

3.2 Restorative Justice Policy Model in Criminal Law Development

In essence, restorative justice is a mechanism for resolving criminal offences through a negotiation forum between the perpetrator and the victim of the crime to make an agreement that is a win-win solution (Juita et al., 2017). In other terminology, it can be said that restorative justice is identical to penal mediation as a manifestation of the principle of deliberation for consensus known today. Typically, restorative justice/penal mediation is based on the following ideas and working principles: a) Conflict resolution; b) Process-oriented; c) Informal process; and d) Active and autonomous participation of the parties.

It is this principle that has prompted a considerable amount of attention to restorative justice. Especially nowadays, the use of restorative justice in the criminal justice system is growing and developing rapidly as previously described. This phenomenon, according to Muladi, is the purpose of punishment in the form of "criminal/conflict resolution" which is based on the living law in the community that should be confirmed in the upcoming Criminal Code as it is also lived by people in various parts of the world (Rado & Badillah, 2019). The practice of law enforcement based on conflict resolution needs to get various efforts/thoughts to find other models/alternatives. Therefore, restorative justice model/ penal mediation is one of the efforts to seek peaceful conflict resolution outside the court.

In Indonesia, there are many customary laws that can lead to restorative justice, but their existence is not recognised by the state or codified in national law. Customary law can resolve criminal offences that arise in society and provide satisfaction to the litigants. The emergence of the idea of restorative justice is a criticism of the application of the criminal justice system with imprisonment which is considered ineffective in resolving social

conflicts (Rado et al., 2016). The reason is that the parties involved in the criminal offence are not involved in the settlement of the case. The victim remains a victim, the perpetrator who is imprisoned also raises new problems for the family and so on (Purwanda et al., 2022). The restorative justice model was introduced because the current criminal justice and punishment system has caused problems. In the current system, the purpose of punishment is deterrence, revenge, and suffering as a consequence of the offender's actions. The indicator of punishment is measured by the extent to which inmates comply with prison regulations. Thus, the approach is more of a security approach (Soponyono, 2012).

According to Eko Soponyono, in restorative justice, crime is not seen as an offence against the interests of the state, but rather as a violation of one person's rights by another. In this case, restitution is the main goal. Victims and offenders are recognised, both in the problem and in the resolution. Victims' rights are recognised and offenders are encouraged to take responsibility (Soponyono, 2012).

Starting from such realisation, the existence of the upcoming New Criminal Code at least provides hope and fresh air towards criminal law policy, one of which focuses on restorative justice mechanisms and models. These mechanisms include: (1) victim's rights recovery; (2) penal mediation; (3) diversion; (4) supervision punishment; and (5) judicial pardon.

The mechanisms reviewed are categorised as direct programmes of restorative justice, such as victim rights recovery mechanisms, penal mediation and diversion. Meanwhile, such as criminal supervision and judicial pardon, are not direct programmes of restorative justice, but are included in enabler programmes that provide space for the implementation of restorative justice principles.

a) Restoration of Victims' Rights

The basic idea of the birth of restorative justice cannot be separated from the struggle to strengthen the rights of victims in the criminal justice system. This also underlies the provisions in the New Criminal Code that pay attention to the rights of victims in the imposition of punishment as regulated, among others: Article 54 paragraph (1) in sentencing shall be considered: (i) the impact of the criminal offence on the victim or the victim's family; (j) forgiveness from the victim and/or the victim's family. In addition, the importance of recovery support for victims is regulated regarding restitution as stipulated in Article 66 paragraph (1) letter d in the form of payment of compensation.

The position of victims in the new Criminal Code is prepared and based on the "idea of balance" which includes a monodualistic balance between the interests of the public/society and the interests of individuals/individuals as well as a balance between the protection or interests of the perpetrators of criminal acts (the idea of individualisation of punishment) and victims of crime (Putra, 2009). This foundation is important because in the future criminal justice system, victims are given several indicators of their recovery as a direct programme, including: 1) information disclosure by the court to victims; 2) the court considers the opinions, views and needs of victims; 3) accommodates assistance for victims who need it; and 4) informal mechanisms (mediation, arbitration) are used to facilitate victims. In addition, technical procedural mechanisms such as consolation facilities and compensation for victims (restitution/compensation) are optimal for victim recovery.

b) Penal Mediation

When the 2015 Draft Criminal Code concept at least provided hope for criminal law policy related to the cancellation of prosecutorial authority, one of which was due to the existence of an out-of-process settlement or peaceful settlement (penal mediation) as stipulated in the 2015 Draft Criminal Code Concept in Article 152 letter d. However, over time this provision was revised/deleted (Rado et al., 2016). However, this provision was revised/deleted over time. Nevertheless, as a direct programme, penal mediation in fact provides a space for dialogue between victims, perpetrators, and related communities to reconcile the form of this mechanism trying to be adopted in Article 199 of the Criminal Code which supports penal mediation through special channels or out-of-process settlements (afdoening buiten process). Currently, in some countries, penal mediation can be implemented at all stages of the judicial process, this has also been regulated in several internal regulations in the current criminal justice system in Indonesia.

c) Diversion

Diversion is one of the oldest and best-known restorative justice mechanisms in the criminal justice system. Therefore, diversion deserves attention. In principle, diversion -just like penal mediation at the pre-adjudication stage- is an alternative form of out-of-court settlement that is not merely orientated towards punishment such as imprisonment which is massively used today (Hiola et al., 2021). As a transfer of case settlement outside the court, the diversion system has similarities with penal mediation, but the fundamental difference is that diversion is resolved through non- formal channels as much as possible (not reaching the judge's desk) (Nur et al., 2022). The diversion process is also obliged to pay attention to the best interests of the victim, although currently diversion has not received widespread attention, but in children's cases this is explicitly regulated and can be applied.

d) Criminal Surveillance

This supervision punishment appears to be an improvement from the conditional punishment previously regulated in the WvS 1915 (Nasional et al., 2015). Although this supervision punishment is an enabler programme to create restorative justice. However, in essence, supervision punishment has properties that can function as a restoration of relations between the parties involved in a criminal offence, specifically the perpetrator and the surrounding community with the general condition that the perpetrator will not commit a crime again. In fact, specifically, supervision punishment is an alternative punishment which is also regulated in the new Criminal Code Article 65 paragraph (1) letter c. In addition, the priority of supervision punishment is not only intended to reduce the problem of overcrowding in correctional institutions but also as an effort to shift the paradigm of criminal law which was originally retributive and isolation towards a restorative and reintegration approach.

e) Judge's Apology

In Indonesia, the mechanism of judge's forgiveness in judicial practice is still unfamiliar and even appeared for the first time in the Draft Criminal Code. Judge's forgiveness is conceptually related to restorative justice. This idea opens up considerations on the humanitarian basis of a case, especially for the perpetrator/defendant. In cases where the defendant is forced to commit a criminal offence because they have no other choice, then the act can still be declared a crime, but the judge can decide that the defendant does not need to be punished. This is motivated by the idea of flexibility to prevent judges from becoming rigid. The pardon guidelines function as a safety valve or emergency exit or "middle way" (Syakir & Sujarwo, 2023). There are several requirements for the judge's forgiveness, among others: The severity of the criminal offence, the character/personality/character of the perpetrator, the circumstances at the time or after the criminal offence was committed, and the impact of imposing conventional criminal sanctions which would not bring goodness/justice.

Based on the presentation of both mechanisms of restoring victims' rights; penal mediation; diversion; criminal supervision; and judicial pardon. Therefore, the implementation of restorative justice that can be implemented into the case settlement model either through the criminal justice system or outside the criminal justice system are 1) "Informal mediation" model, which can be carried out by law enforcers by inviting the parties to conduct an informal settlement with the aim of not continuing the case if an agreement is reached by the parties. 2) Traditional village or tribal moots, according to this model, the whole community meets to resolve crime conflicts among its citizens in a form adapted to the structure of modern society and the rights of individuals recognised under the law. 3) Victim-offender mediation, Victim- offender mediation is the model that most people have in mind, with the mediator being either a formal official, independent mediator or a combination and can be applied at all stages of the criminal justice system. 4) "Reparation negotiation programmes", this approach is solely to assess the compensation or reparation to be paid by the offender to the victim, usually at the time of trial through a criminal prosecution in conjunction with a claim for compensation.

From the description above, it can be concluded that restorative justice has been applied to resolve criminal cases. Restorative justice/penal mediation has become part of the criminal justice system, either as an alternative outside the court or within the criminal justice system itself. Although its existence and application vary according to the institutions and institutions that regulate it, restorative justice/penal mediation has been alive and actual as justification for the legal instruments and institutions that underlie it, as well as various concepts, philosophies, social culture that surround it and it is a necessity if the current criminal law policy that will come has regulated and supported the principle of restorative justice.

4. Conclusions

Restorative justice as a manifestation of customary law or juvenile justice can also be applied in the context of Indonesia's current criminal justice system. However, since independence until now there is practically only 1 (one) Law that explicitly regulates restorative justice specifically for children in conflict with the law. Several other regulations try to accommodate the same thing but the level of regulation is below the Law and is still internal and fragmentary/limited. Therefore, with the emergence of criminal law orientation in the future, especially the mandate of international and national development through the regulation in the New Criminal Code and other legislation, the principle of restorative justice is massively regulated with various specific mechanisms, including direct programmes such as restoration of victims' rights, penal mediation and diversion as well as enabler programmes such as criminal supervision and judicial pardon.

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