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Doi: 10.32332/milrev.v4i2.11184

Dates:

Received 05 June, 2025

Revised 25 August, 2025

Accepted 31 August, 2025

Published 03 September, 2025

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Psychological Recovery of Crime Victims within Contemporary Restorative Justice: An Islamic Legal Perspective

Abstract: This article examines the implementation of Restorative Justice (RJ) in Indonesia, focusing on its effectiveness in addressing victims' psychological recovery. Although RJ has been formally incorporated into national regulations, including Supreme Court Regulation (Perma) No. 1 of 2024 and Prosecutor's Regulation No. 15 of 2020, its practical application often prioritises procedural settlement over substantive victim healing. This study employs normative legal research, combining legislative, case, and conceptual approaches, to analyse RJ's legal framework and the structural barriers to its implementation. The findings identify several persistent challenges: the absence of mandatory psychological assessments, limited involvement of mental health professionals, weak post-mediation monitoring, and socio-cultural factors such as victim blaming and third-party interference. These obstacles undermine voluntariness, reduce effectiveness, and prevent RJ from fulfilling its intended role in safeguarding victims' rights and recovery. This study contributes to the literature by emphasising the urgent need to integrate psychological recovery mechanisms into RJ practices, supported by stronger legal provisions and institutional innovations. Policy recommendations include revising victim protection regulations, incorporating professional psychological support, and establishing specialised recovery centres. In this way, RJ can be repositioned as a mechanism for dispute resolution and a comprehensive, victim-centred framework for achieving substantive justice in Indonesia.

Keywords: Indonesian Criminal Law, Psychological Recovery, Restorative Justice, Victim Protection.

INTRODUCTION

Victims of criminal acts are individuals or groups who experience physical, psychological, or economic suffering due to a crime¹. In the Indonesian legal system, the protection of victims has been regulated in various regulations, including Law Number 31 of 2014 concerning the Protection of Witnesses and Victims². However, a retributive legal approach often does not pay attention to the overall aspect of victim recovery³. Therefore, restorative justice is an alternative in the criminal justice system oriented towards recovery and reconciliation⁴.

Restorative justice balances the interests of victims, perpetrators, and the community through a more participatory case-resolution mechanism⁵. This approach allows victims to obtain direct restoration of rights, while the perpetrator can take responsibility and correct his or her wrongdoing without having to experience excessive social stigma. In Indonesia, the implementation of restorative justice has been accommodated through various regulations, such as the National Police Regulation of the Republic of Indonesia Number 08 of 2021 concerning the Handling of Crimes Based on Restorative Justice and the Prosecutor's Regulation of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecutions Based on Restorative Justice⁶. In

¹ V Ariyanti, "Legal Protection for Victims of Sexual Violence in Indonesia in the Perspectives of Victimology and Fiqh Jinayah," *ElAqwal: Journal of Sharia and Comparative Law* 10, no. 2 (2023): 121-134, <https://doi.org/https://doi.org/10.24090/el-aqwal.v2i2.9411>.

² I. A. Ramdani, Amiruddin, and R. K Pancaningrum, "Witness Protection In Criminal Cases Handled By The Regional Police," *Journal of Kertha Semaya* 11, no. 9 (2023): 2098-2109.

³ Widiartana, "Restorative Justice Paradigm in Crime Prevention Using Criminal Law," *Justitia et Pax* 33, no. 1 (2017): 1-23, <https://doi.org/https://doi.org/10.24002/jep.v33i1.1418>.

⁴ M. C Risal, "Critical Analysis of the Implementation of Restorative Justice in the Criminal Justice System: Challenges and Opportunities," *Journal of Al Tasyri'iyah* 3, no. 1 (2023): 55-70.

⁵ W Putri, "Is Restorative Justice in Line with the Legal Values and Sense of Justice That Lives in Indonesian Society?," *Journal of Gema Keadilan* 9, no. 2 (2022): 1-15, <https://doi.org/https://doi.org/10.14710/gk.2022.16251>.

⁶ A. W. Brata, A. Purnawan, and I. Aulia, "Penerapan Restoratif Justice Dalam Penanganan Konflik Di Masyarakat," *Jurnal Hukum Khairu Ummah* 15, no. 1 (2022): 23-35, <https://doi.org/https://doi.org/10.30659/jku.v15i1.2307>.

addition, there is the Decree of the Director General of the General Judiciary of the Republic of Indonesia Number 1691/DJU/PS.00/12/2020, the Circular Letter of the Director General of the General Judiciary of the Republic of Indonesia Number 3 of 2020 and Number 1 of 2022, as well as Supreme Court Regulation (Perma) Number 1 of 2024 concerning Guidelines for Adjudicating Criminal Cases Based on Restorative Justice⁷.

Although there have been many regulations that support the implementation of restorative justice, its effectiveness in the psychological recovery of victims is still a challenge. This process is often more oriented towards resolving cases administratively than the emotional and psychological recovery of the victim. Many traumatised victims do not receive adequate psychological support during and after the restorative justice process takes place⁸. The lack of professionals involved in the mediation process and the lack of rehabilitation facilities for victims further exacerbate this condition.

In some regions in Indonesia, such as Takalar Regency, implementing restorative justice presents various challenges. Data from the Takalar Police⁹ and the Takalar District Attorney's Office¹⁰ show that in 2023, there were 192 cases submitted to the restorative justice mechanism, of which 12 cases did not reach a peaceful agreement. Meanwhile, in 2024, out of 169 cases filed, 35 failed to reach an agreement. These failures generally occur due to unmet victim conditions, social pressures, and the absence of post-peace monitoring.

To address these issues, this study reorganises the analysis into **four thematic clusters**: (1) *Islamic Legal Perspectives on Restorative Justice (RJ)*, (2) *Implementation of RJ in Takalar*, (3) *Psychological and Structural Barriers*, and (4) *The Urgency of Regulatory Reform*. Within the first cluster, the Qur'ānic principles of *ṣulḥ* (reconciliation), *diyāt*

⁷ Nuraida Fitri Habi et al., "Prioritizing Restorative Justice in the Settlement of the Sumbang Besak Adultery Case in Babeko Village, Jambi," *El-Mashlahah* 14, no. 2 (2024): 343–360, <https://doi.org/10.23971/el-mashlahah.v14i2.8030>.

⁸ S Muchtar, "The Authority of Penal Mediation by the Prosecutor's Office in the Criminal Justice System in Indonesia" (Universitas Hasanuddin, 2022).

⁹ Takalar Police, "Data on the Implementation of Restorative Justice of the Takalar Police," 2025.

¹⁰ Takalar District Attorney's Office, "Data on the Implementation of Restorative Justice of the Takalar District Attorney's Office," 2025.

(compensation), and *qiṣāṣ* (retributive balance) are not merely cited descriptively but critically contextualised in relation to contemporary RJ theories that emphasise accountability, healing, and reintegration. This provides a stronger theoretical foundation, highlighting the novelty of integrating Islamic jurisprudence into modern victim-oriented justice. In the second cluster, empirical findings from Takalar are presented using qualitative thematic analysis, with testimonies coded into categories such as unmet psychological needs, social pressure, facilitator bias, and limited post-mediation support. This coding process enhances interpretive depth and avoids merely narrative description.

The third cluster focuses on power dynamics that shape RJ processes, including the symbolic authority of prosecutors wearing official uniforms during mediation. By applying a power-relations framework, the analysis demonstrates how such asymmetry can discourage voluntary participation and reinforce victim vulnerability. Finally, the fourth cluster emphasises regulatory reform, where recommendations such as establishing *Crime Victim Recovery Centres*, the mandatory involvement of psychologists, structured training for RJ facilitators, and sanctions for obstruction are reframed as actionable and evidence-based. These proposals are grounded in both Islamic ethical imperatives and empirical shortcomings, ensuring that they are not perceived as utopian but as feasible pathways for institutional reform.

The implementation of restorative justice in Indonesia accelerates criminal resolution, but regulatory and institutional weaknesses make victims' psychological recovery suboptimal¹¹. In Islamic law, the principles of *ṣulḥ* (peace) and *afw* (forgiveness) have long emphasised the importance of restoring the victim's social and psychological relationships, not simply the termination of the criminal process¹². To support this system's success, a comprehensive approach is needed for victims' psychological recovery, including

¹¹ Barda Nawawi Arif, "The Implementation of Restorative Justice in the Indonesian Criminal Justice System," *International Journal of Law, Crime and Justice* 65 (2021): 102525, <https://www.sciencedirect.com/science/article/abs/pii/S1756061621000367>.

¹² Mutaz Qafisheh, "Restorative Justice in Islamic Criminal Law: A Comparative Analysis," *International Journal of Law, Crime and Justice* 69 (2022): 102683, <https://www.sciencedirect.com/science/article/pii/S1756061622000456>.

psychological assessments before mediation, professional involvement at each stage, and establishing special units for victim recovery in the criminal justice system.^{13,14}

Despite the growing number of studies on restorative justice in Indonesia, most existing research tends to focus on procedural aspects, legal certainty, or efficiency in reducing case backlogs, while the dimension of victims' psychological recovery remains understudied. Moreover, studies that attempt to integrate restorative justice with Islamic legal principles often limit their analysis to normative alignment, without critically elaborating how concepts such as *ṣulh* (reconciliation), *'afw* (forgiveness), and *ḥifẓ al-nafs* (protection of life) can provide a distinctive framework for victim-oriented recovery¹⁵. This creates a significant research gap, as the neglect of psychological recovery risks reducing restorative justice to a mere administrative mechanism rather than a substantive tool of justice.

The novelty of this study lies in its effort to bridge the psychological needs of victims with both positive law and Islamic legal values, particularly by analysing case experiences in Takalar Regency as an empirical illustration. Unlike previous works, this study critically positions the victim's psychological dimension as the central benchmark of restorative justice effectiveness, while proposing an Islamic ethical foundation that goes beyond retribution and efficiency. By doing so, this research contributes to improving restorative justice regulations in Indonesia and offers a distinctive Islamic legal perspective that strengthens its philosophical and practical justification.

This study aims to analyse victims' psychological recovery in implementing restorative justice in Indonesia and formulate the ideal concept of recovery as fulfilling the

¹³ Howard Zehr and Ali Gohar, "The Little Book of Restorative Justice: Revised and Updated," *International Journal of Offender Therapy and Comparative Criminology* 66, no. 1 (2022): 3–20, <https://doi.org/https://journals.sagepub.com/doi/abs/10.1177/0306624X211046001>.

¹⁴ Sriwiyanti, Wahyu Saefudin, and Siti Aminah, "Restorative Justice for Juvenile Offenders in Indonesia: A Study of Psychological Perspective and Islamic Law," *Journal of Islamic Law* 2, no. 2 (2021): 168–196, <https://doi.org/10.24260/jil.v2i2.335>.

¹⁵ Siti Zubaidah et al., "Integrating Tradition into Legal Reform: Reconstructing the Role of Reconciliatory Customary Judges in Diversion Processes within the Interplay of Islamic, Customary, and National Law," *Jurnal Ilmiah Mizani* 12, no. 2 (2025): 56–70, <https://doi.org/10.29300/mzn.v12i2.8439>.

goals of restorative justice¹⁶. In addition, this study will evaluate the effectiveness of the regulations that have been implemented and the obstacles faced in the implementation of this mechanism at various stages of the criminal justice system¹⁷. By analysing existing policies and identifying areas for improvement, this research is expected to contribute to reforming restorative justice regulations to be more oriented toward holistic victim recovery¹⁸.

METHOD

This study uses a mixed normative-empirical legal method. The normative component employs a statute approach, a case approach, and a conceptual approach. In implementing restorative justice, the statute approach is applied to analyse various regulations related to victims' psychological recovery. Meanwhile, a case approach is applied to review relevant court decisions to understand how the regulation is implemented in legal practice. In addition, a conceptual approach is carried out to examine the theories and legal principles underlying victim protection in the criminal justice system. Using a combination of these approaches, this research provides a comprehensive analysis of the effectiveness of regulations and the challenges in the psychological recovery of crime victims¹⁹.

At the same time, the study incorporates an empirical element through selective interviews with legal practitioners and crime victims in Takalar District who have participated in restorative justice mechanisms. The inclusion of these non-legal materials is intended to contextualise the normative findings. The selection of cases and informants was done using purposive sampling, focusing on cases handled under restorative justice

¹⁶ R. Hidayat, "Psychological Recovery of Crime Victims in Restorative Justice: Indonesian Experience," *Journal of Forensic and Legal Medicine* 94 (2023): 102440, <https://doi.org/https://www.sciencedirect.com/science/article/abs/pii/S1752928X23000440>.

¹⁷ Dwi Putri Sari and Irfan Setiawan, "Evaluation of Restorative Justice Policy Implementation in Indonesia," *International Journal of Law, Crime and Justice* 70 (2022): 102701, <https://www.sciencedirect.com/science/article/pii/S1756061622000638>.

¹⁸ N. R. Yunus and S. Arifin, "Reforming Restorative Justice Regulations for Holistic Victim Recovery," *International Journal of Law, Crime and Justice* 71 (2023): 102725, <https://www.sciencedirect.com/science/article/pii/S1756061623000258>.

¹⁹ Soerjono Soekanto and S Mamudji, *Normative Law Research: A Brief Overview* (Rajawali Pers, 2012).

during 2023–2024. Triangulation was conducted between primary legal sources, secondary literature, and empirical testimony to ensure validity. In addition, a conceptual approach is carried out to examine the theories and legal principles underlying victim protection in the criminal justice system²⁰. Using a combination of these three approaches, this research is expected to provide a comprehensive analysis of the effectiveness of regulations and the challenges in the psychological recovery of crime victims.

The collection of legal materials in this study includes literature studies on primary legal materials (laws, regulations, and court decisions), secondary legal materials (books, scientific journals, and research reports), and non-legal materials (empirical interviews). Primary legal materials include laws, regulations, and court decisions²¹, while secondary legal materials include books, scientific journals, and research reports supporting understanding applicable regulations²². In addition, non-legal materials such as interviews with legal practitioners and crime victims in Takalar District who have participated in the restorative justice mechanism are also used to enrich the analysis of the challenges in implementing restorative justice²³. For the analysis, the research applies doctrinal legal interpretation techniques, including grammatical, systematic, and teleological interpretations, complemented by qualitative categorisation to process empirical findings. This combined analytical strategy ensures that the findings are academically accountable and methodologically rigorous, while also responding to the research objectives concerning the psychological recovery of victims within restorative justice²⁴.

RESULTS AND DISCUSSION

Restorative Justice from the Perspective of Islamic Criminal Law

²⁰ M. Zainuddin and A. D Karina, "The Use of Normative Juridical Methods in Proving the Truth in Legal Research," *Smart Law Journal* 2, no. 2 (2023): 114–23.

²¹ J Ibrahim, *Normative Law Research Theory & Methodology* (Bayumedia Publishing, 2005).

²² Soekanto and Mamudji, *Normative Law Research: A Brief Overview*.

²³ S. S. Nugroho, A. T. Haryani, and Farkhani, *Legal Research Methodology*, 1st ed. (Oasis Library, 2020).

²⁴ M. B. Miles and A. M Huberman, *Qualitative Data Analysis: An Expanded Sourcebook*, 2nd ed. (SAGE Publications, Inc, 1994).

The shift in the legal paradigm has moved from a retributive approach that emphasises punishment toward restorative justice that prioritises the rehabilitation process, relationship restoration, fulfilment of victims' rights, and the reintegration of offenders into society. This approach seeks to accommodate the interests of all parties, especially victims, who now have a greater role in determining the forms of sanctions and compensation²⁵. Restorative justice in Indonesia seeks to restore relationships between victims, perpetrators, and communities after a crime by focusing on loss recovery, perpetrator accountability, and community engagement, although these concepts are complex to understand and apply in law enforcement practice²⁶. The main principle of restorative justice is the active participation of victims, offenders, the community, and mediators to maintain social harmony²⁷. Through participatory dialogue, all parties seek effective solutions and substantive justice. In Islam, *sulh* (compromise) is a sharia-recognised mechanism based on peaceful agreements, emphasising deliberation, mutual forgiveness, and restoring social relations to prevent prolonged conflict and achieve harmonious justice²⁸.

Although it has developed rapidly in the modern legal system, this concept has long been known in the treasures of Islamic law. The concept of restorative justice is already known in Islam, which is explicitly contained in the Qur'an Surah Al-Hujurat (49) verse 10, Ash-Shura (42) verse 40, Al-Baqarah (2) verses 178-179, and Al-Maidah (5) verse 45, which encourages peace and forgiveness between victims and perpetrators in order to achieve the integrity that is the goal of the law²⁹. From a philosophical point of view, restorative justice is closely related to the concept of *diyāt* in Islamic criminal law. One of

²⁵ Aista Wisnu Putra and Muhammaf Iftar Aryaputra, "Peran Advokat Dalam Penyelesaian Perkara Pidana Melalui Restorative Justice," *UNESREV* 6, no. 3 (2024): 8027, <https://doi.org/https://doi.org/10.31933/unesrev.v6i3>.

²⁶ Arpandi Karjono, Parningotan Malau, and Ciptono, "Penerapan Keadilan Restoratif Justice Dalam Hukum Pidana Berbasis Kearifan Lokal," *Jurnal USM Law Review* 7, no. 2 (2024): 1035.

²⁷ Muhammad Sibawaihi, Devika Rosa Guspita, and Badriyah, "Islamic Legal Strategies in Indonesian Contexts To Combat Cybercrime and the Spread of Illegal Data Dissemination," *Justicia Islamica* 21, no. 2 (2024): 357-376, <https://doi.org/10.21154/justicia.v21i2.9587>.

²⁸ Qafisheh, "Restorative Justice in Islamic Criminal Law: A Comparative Analysis."

²⁹ M. Yuner, "Keadilan Restoratif Menurut Perspektif Hukum Islam," *Jurnal Minang*, 2023, <https://jurnalminang.id/keadilan-restoratif-menurut-perspektifhukum-islam>.

the goals of this approach is al-istiadah or recovery, which is a criminal case resolution mechanism involving the parties to the dispute to improve the impact caused³⁰. This is reflected in the practice of *diyāt*, which functions as an alternative to the implementation of *qishash* because the application of this punishment is seen as more able to guarantee the achievement of justice, not only for the perpetrator, but also for the victim. The punishment of *qishash* and *diyāt* plays a role in preventing a person from committing a criminal act, so that it can function as a general and special preventive tool³¹. In addition, this punishment teaches an important lesson about respecting and not violating each individual's rights. Studying restorative justice from the perspective of Islamic criminal law is essential to show that this approach is not merely a modern innovation but part of the transformative and relevant values of Islamic law today.

Implementation of Restorative Justice

Restorative Justice (RJ) is an alternative approach to criminal case resolution to create restorative-based justice for victims, perpetrators, and society³². In contrast to the conventional justice system oriented towards punishment, RJ emphasises dialogue, reconciliation, and restoration³³.

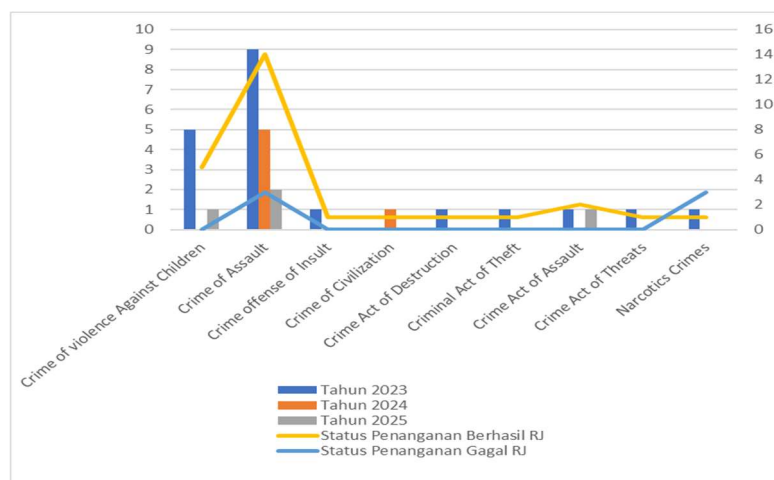
³⁰ Mira Maulidar, "Korelasi Filosofis Antara Restorative Justice Dan Diyat Dalam Sistem Hukum Pidana Islam," *At-Tasyri': Jurnal Ilmiah Prodi Muamalah* 13, no. 2 (2021): 143, <https://ejournal.staindirundeng.ac.id/index.php/Tasyri>.

³¹ Sudarti, "Hukum Qishash Diyat: Sebuah Alternatif Hukuman Bagi Pelaku Kejahatan Pembunuhan Berencana Di Indonesia," *Yudisia: Jurnal Pemikiran Hukum Dan Hukum Islam* 12, no. 1 (2021): 144, <https://doi.org/https://doi.org/10.21043/yudisia.v12i1.8991>.

³² R. B Sulaiman, "Restorative Justice: Implementation of Criminal Policy in the Indonesian Criminal Law System," *Indonesia Criminal Law Review* 2, no. 1 (2023): 1-18.

³³ S Awaluddin, "Restorative Justice: Its Concept and Arrangement in the Indonesian Legal System," *Amendment: Indonesian Journal of Defense, Political and Legal Sciences* 1, no. 1 (2024): 24-42.

Figure 1: Data on the Implementation of Restorative Justice of the Takalar District Attorney's Office in 2023-2025



Data Source: Takalar District Attorney's Office, 2025.

Based on data on the implementation of Restorative Justice (RJ) at the Takalar District Attorney's Office from 2023 to 2025, assault cases dominate with a high success rate, followed by the successful resolution of child violence cases, reflecting the prosecutor's commitment to child protection³⁴. Although RJ is effective in addressing various crimes, there are variations in success, especially in assault cases, which require careful assessment of each case. Overall, the number of RJ implementations shows positive results, as successful cases greatly outnumber failures. However, RJ's success is measured by quantity and quality, including victim satisfaction³⁵.

Restorative justice is rooted in the principle that justice does not only mean sanctioning the perpetrator, but also restoring the rights of the victim, both materially and psychologically³⁶. Thus, RJ aims to balance the fulfilment of victims' rights and the perpetrator's responsibility in correcting the impact caused by criminal acts. However, in

³⁴ Fahimul; Damanhuri Permatasari, Ermanita; Trismahwati, Diah; Fuad, "Perlindungan Terhadap Anak Korban Eksploitasi Seksual Dalam Perspektif Yuridis-Normatif Dan Psikologis (Studi Kasus Wilayah Hukum Polres Lampung Timur).," *Al-Adalah* 13, no. 2 (2016): 215, <http://ejournal.radenintan.ac.id/index.php/adalah/article/view/1860/1518>.

³⁵ L. Alfies Sihombing and Yeni Nuraeni, "Is Restorative Justice Effective? A Study of Efforts to Optimize the Criminal Justice System in Indonesia," *Jurnal Hukum Mimbar Justitia* 9, no. 2 (2023): 273-304.

³⁶ M. R. Baihaky and M Isnawati, "Restorative Justice: Meaning, Problematics, and Proper Application," *Journal of Sound Justice* 8, no. 2 (2024): 276-289, <https://doi.org/https://doi.org/10.31933/4mqgaj17>.

practice, implementing RJ often faces various obstacles that hinder the achievement of ideal justice³⁷.

The restorative justice approach is the main basis for upholding justice in society by focusing on the process of recovery and reconciliation between perpetrators, victims, and communities, not just to uphold justice formally³⁸. The success of RJ should not only be measured by the number of cases that can be resolved through this approach, but also by the extent to which RJ actually positively impacts the victim³⁹. Unfortunately, in practice, the focus is often only on the number of settlements, not on meaningful recovery for the victim.

One of the main criticisms of the implementation of RJ is that this process is more oriented towards quick resolution of cases, but does not consider the recovery aspect of victims⁴⁰. The implementation of RJ is only seen as a tool to reduce the burden of cases in court, without ensuring that victims actually get the justice and support they need. Some victims who chose to settle cases through restorative justice mechanisms revealed the following confessions:

Table 1: Testimony of Victims Choosing Peace through the Restorative Justice Process

Victim	Information
Victim of Persecution Initials T	The Restorative Justice process was successfully implemented, but this success was mainly due to the victim's respect for the facilitator, the Prosecutor's Office wearing uniforms, which created a psychological impact rather than genuine forgiveness for the offender. As a result, although the RJ process is procedurally considered successful, its core values and goals of restoring social conditions between the parties are not fully achieved. This is

³⁷ M. A Siswanto, "Reconstruction of Criminal Justice System Regulations in the Concept of Restorative Justice Against Children in Conflict with Justice Values-Based Law" (Sultan Agung Islamic University, 2024).

³⁸ Devina Anggelina, "Penerapan Konsep Keadilan Restorative Justice Pada Korban Tindak Pidana Ringan," *INNOVATIVE: Journal Of Social Science Research* 4, no. 1 (2024): 9191-9201, <https://j-innovative.org/index.php/Innovative>.

³⁹ J Braithwaite, "Setting Standards for Restorative Justice," *BRIT. J. CRIMINOL* 42 (2002): 563-577, <https://doi.org/https://doi.org/10.4324/9781315264868-11>.

⁴⁰ A. A Rahmawati, M., Saputro et al., "Opportunities and Challenges in the Implementation of Restorative Justice in the Criminal Justice System in Indonesia," 2022.

evident in both sides' continued tension and reluctance to communicate after the case resolution.

Victim of
 Fraud Crime
 Initials T

The Restorative Justice process succeeded because the offender fulfilled the victim's conditions. However, this success mainly occurred because prosecutors wore uniforms as facilitators, making victims reluctant to reject reconciliation. Although a formal peace agreement was reached, the victim refused to forgive the offender. As a result, the core values and goals of Restorative Justice—social restoration and repairing relationships—were not fully achieved. They no longer communicate despite living as neighbours. (This information was conveyed by the victim while crying because the offender's actions still hurt her).

Data Sources: Analysed from primary sources, interviews of victims of crimes who agree on restorative justice

Table 1 above presents data on the implementation of Restorative Justice (RJ) in cases of assault and fraud, highlighting the success factors and challenges faced. From the data, it appears that although RJ was procedurally declared successful due to peace agreements, this success was mainly influenced by external factors, such as the victim's respect for the facilitator, the Prosecutor's Office wearing uniforms, rather than the restoration of social relations between victim and offender. In assault cases, the victim remains unwilling to communicate, while in fraud cases, the victim still harbours resentment despite agreeing to peace. This indicates that RJ's success is measured more administratively by the number of resolved cases, not by the recovery of victims and the community⁴¹. This shows that there is a psychological unpreparedness of the victim in forgiving the perpetrator during the implementation of restorative justice.

The role of the prosecutor's office and other law enforcement officials in restorative justice should be limited to neutral facilitation, avoiding uniforms to reduce psychological pressure on victims⁴². A uniformed facilitator can create a hierarchical atmosphere, making victims reluctant to decide freely. Neutrality and equality are essential to ensure recovery

⁴¹ Rifqi Alif Darmawan et al., "Analysis of the Effectiveness of the Application of Restorative Justice in Criminal Cases in Indonesia," *Jurnal Wawasan Sosial* 4, no. 1 (2024): 1-15, <https://jws.rivierapublishing.id/index.php/jws/article/view/612/1270>.

⁴² Baihaky and Isnawati, "Restorative Justice: Meaning, Problematics, and Proper Application."

and consent arise from free will, without coercive influences. The lack of guarantees for psychological recovery in minor crime cases causes victims to face trauma and stress without access to state support, forcing them to cope alone⁴³. Additionally, the absence of mandatory psychological assessments means RJ often focuses only on settlements without checking victims' mental readiness, risking further harm. Regulatory gaps are clear, as RJ success is measured by the number of cases resolved rather than victims' well-being, with no long-term monitoring after RJ. If RJ is used merely to reduce court workloads without ensuring emotional recovery, its main purpose as a healing mechanism will not be achieved⁴⁴.

Challenges of Restorative Justice Implementation

It is important to evaluate the effectiveness of RJ so that it not only focuses on resolving cases but also ensures comprehensive recovery for victims. In addition, considering and assessing the approaches and mechanisms law enforcement officials use in implementing RJ is essential, especially when RJ fails because victims do not receive recovery⁴⁵. The following describes the reasons why victims did not agree to settle the case through restorative justice:

Table 2: Evidence of Victims Not Choosing Peace Through Restorative Justice

Victim	Information
Victim of Criminal Intimidation with Initials J	The implementation of Restorative Justice was unsuccessful because the offender could not fulfil the conditions proposed by the victim. In addition, the limited 14-day timeframe for implementing RJ became an obstacle, leaving the offender without enough time to consider and decide on meeting the victim's conditions. This indicates that the time aspect of the RJ mechanism needs greater attention to avoid hindering the effectiveness of restorative case resolution.

⁴³ Institute for Criminal Justice Reform, "Restorative Justice Yang Tidak Me-Restore Dan Tidak Justice," Institute for Criminal Justice Reform, 2022, <https://icjr.or.id/restorative-justice-yang-tidak-me-restore-dan-tidak-justice/>.

⁴⁴ A. F. Sugiharto and M Ganda, "Implementation of the Principle of Restorative Justice for Rape Victims as a Restoration of the Right to Health," *Journal of Indonesian Medicine* 11, no. 3 (2023): 103-110.

⁴⁵ Adi Syahputra Sirait and Budi Sastra Panjaitan, "Community Service Order Punishment: Alternatives in The Criminal Law System From Maqāṣid Al-Sharī'ah Perspective," *NURANI* 24, no. 2 (2024): 273-296.

Victim of Persecution Crime Initials D	The Restorative Justice process could not be effectively carried out because the offender was unable to meet the conditions proposed by the victim, namely the demand for high restitution (with the victim accompanied by an NGO that appeared to encourage such demands) and the request for continued detention, even though the offender was 70 years old and in declining health. In addition, the 14-day deadline for implementing RJ was a limiting factor, leaving the offender without enough time to consider and decide on fulfilling the conditions. This situation indicates the need to evaluate the RJ mechanism, particularly regarding time flexibility and the proportionality of demands submitted by the parties.
Victims of Domestic Violence Initial S	The victim wanted the defendant to experience a deterrent effect and submitted a special request for divorce as part of the case resolution process. This request shows that the victim seeks justice through legal sanctions and intends to terminate the legal relationship with the defendant to protect herself and ensure a more comprehensive recovery.
Victim of Criminal Persecution Initials A	The victim felt resentment toward the defendant because of the violent act of being grabbed in front of many residents, which caused embarrassment and psychological pressure. Additionally, the victim had long been subjected to slander by the defendant, making this incident further reinforce the sense of injustice and the urge to demand legal accountability.
Victim of Criminal Persecution Initials B	The victim's family is very disappointed by the defendant's act of assault, especially since the victim is a person with a disability who should receive proper protection and treatment. In addition, conflicts between the defendant's family and the victim's family have occurred repeatedly, and this incident further worsened their relationship. Therefore, the legal process continues to provide a deterrent effect so the defendant does not repeat his actions in the future.

Data Sources: Analysed from primary sources, interviews of victims of crimes who disagree with restorative justice

Based on Table 2 above, the victim's refusal to settle through Restorative Justice (RJ) is caused by several main factors: the offender's inability to meet the proposed conditions, the limited time for implementing RJ, the victim's desire to create a deterrent effect, psychological factors such as resentment and a sense of injustice, and prolonged conflicts between the victim's and offender's families. In addition, there are indications that

NGOs influenced the victim to demand disproportionate compensation, further complicating the RJ process. This shows that RJ's success depends not only on procedures but also on the victim's readiness, the proportionality of claims, and the absence of third-party intervention that can hinder a peaceful resolution⁴⁶.

The condition that is often proposed by victims in the Restorative Justice (RJ) mechanism is material restitution, namely NTI losses in the form of money or goods as a form of responsibility of the perpetrator for losses suffered by the victim in the form of medical expenses, compensation for damages, or other forms agreed upon by both parties⁴⁷. However, there are obstacles in fulfilling it because victims think restitution must reflect the suffering they experience⁴⁸. At the same time, the perpetrator felt that the amount submitted was too large and difficult to meet,⁴⁹ as experienced by the victim with the initials D⁵⁰. This is because there is no standard mechanism that fairly determines the amount of restitution in the RJ process.

In addition to material restitution, an official apology is also one of the important requirements in RJ⁵¹. This apology serves as a condition and form of acknowledgement of wrongdoing from the perpetrator to the victim and is often considered the first step in the emotional recovery of the RJ victim⁵². Some perpetrators agree to undergo RJ to avoid

⁴⁶ Yana Priyana, Abdul Aziz Assayuti, and Muhamad Romdoni, "Exploring the Effectiveness of Restorative Justice Practice in Criminal Law System," *West Science Law and Human Rights* 1, no. 3 (2023): 107-14.

⁴⁷ D. Nofarizal and R Pardede, "Restorative Justice Law Settlement Against Perpetrators Of Persecution," *Collegium Studiosum Journal* 7, no. 2 (2024): 423-438.

⁴⁸ D. B Santiarto, "Getting to Know the Renewal of Restorative Justice in the Courts," Supreme Court of the Republic of Indonesia, 2024, <https://www.mahkamahagung.go.id/id/artikel/6494/mengenal-pembaruan-keadilan-restoratif-di-pengadilan>.

⁴⁹ I. Permatasari, T. Farina, and N Ali, "Restitution And Protection Of The Rights Of Victims Of Crime: Policies, Challenges And Practices In The Kuala Kapuas District Court," *Syntax Literate: Indonesian Scientific Journal* 10, no. 2 (2025): 1167-1178.

⁵⁰ "Victims of Persecution, Interview" (Takalar, 2025).

⁵¹ R. Rahmawati, D. Zahroh, and D Rosita, "Juridical Study of Apologies for Offenders in the Perspective of Restorative Justice," *Progressive Politics: Journal of Law, Politics and Humanities* 1, no. 2 (2024): 344-348, <https://doi.org/https://doi.org/https://doi.org/10.62383/progres.v1i2.717>.

⁵² R. D. Pratiwi and M Ardi, "Obstacles To The Application Of Restorative Justice Principles In Juvenile Criminal Cases," *Journal of Lex Suprema* 1, no. 2 (2019): 1-19, <https://ejournal.undip.ac.id/index.php/phpidana/article/view/25036>.

harsher punishments, but do not feel guilty for their actions⁵³. This makes the apology submitted a mere formality without any sincere regret without regret⁵⁴. In cases like this, victims who hope to get justice are even more disappointed because they feel that they do not get recognition for the suffering they experienced, which is conveyed directly by the victim in a state of crying.^{55,56}

Victims also often propose certain conditions in RJ, such as promises by the offender not to repeat the offence, participation in rehabilitation programs, or performing social work as accountability⁵⁷. However, sometimes the offender only agrees to these actions to speed up the RJ process, but fails to fulfil them later. The implementation of Restorative Justice (RJ) in Indonesia is also influenced by social and cultural factors that often hinder the effectiveness of victim recovery⁵⁸. In communities that uphold strong communal values, resolving criminal cases through RJ often does not fully align with the principle of restoration-based justice (justice as healing)⁵⁹. The victim's position becomes difficult because they must face social norms, family or community pressure, and limited access to adequate psychological support to forgive the offender, even if they are not emotionally ready⁶⁰. The pressure to forgive, victims who choose RJ often face social stigma,

⁵³ Rahmawati, M., Saputro et al., "Opportunities and Challenges in the Implementation of Restorative Justice in the Criminal Justice System in Indonesia."

⁵⁴ Maria Silvy E Wangga, "Implementation of Restorative Justice in Criminal Cases in Indonesia," *Law and Humanities Quarterly Reviews* 1, no. 3 (2022).

⁵⁵ "Victims of Fraud Crimes" (Takalar, 2025).

⁵⁶ Hendro Widodo et al., "Restitution as an Instrument of Justice for Victims of Domestic Sexual Violence: A Study of Positive and Islamic Law in the Contemporary Era," *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 676–699, <https://doi.org/10.32332/milrev.v4i1.10436>.

⁵⁷ Fauzan, "Alternatives to Criminal Conviction in a Comparative Analysis of Positive Law and Islamic Criminal Law," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 1 (2022): 183–202, <https://doi.org/10.29240/jhi.v7i1.4308>.

⁵⁸ A. P. Ayuba et al., "The Effectiveness of the Implementation of Restorative Justice in Solving Cases of Persecution at the North Gorontalo Resort Police," *Jpmnt: Journal of Nian Tana Community Service* 2, no. 3 (2024): 64–79.

⁵⁹ Toha Andiko, Zurifah Nurdin, and Efrinaldi, "Implementation of Restorative Justice in a Customary Court in Rejang Lebong District, Bengkulu, Indonesia: A Maqāṣid Al-Sharī'ah Review," *Juris: Jurnal Ilmiah Syariah* 23, no. 1 (2024): 93–106, <https://doi.org/10.31958/juris.v23i1.12008>.

⁶⁰ M. Rahmawati and K Soufi, "Need for Breakthrough in Recovery of Victims of Sexual Violence, ICJR and IJRS Support the Inclusion of the Victim Trust Fund Mechanism or Victim Assistance Fund in the TPKS Bill," Institute for Criminal Justice Reform, 2022, <https://ijrs.or.id/2022/02/08/rilis-pers-perlu-terobosan-pemulihan-korban-kekerasan-seksual-icjr-dan-ijrs-dukung-masuknya-mekanisme-victim-trust-fund-atau-dana-bantuan-korban-dalam-ruu-tpks/>.

especially in cases that occur publicly or involve offenders with a certain social status⁶¹. In a society that still has a conservative view of justice, victims who receive RJ are often considered weak or do not dare to demand their rights and are considered as people who "sell" justice or are even ostracised because they are considered detrimental to the interests of the community in upholding the law⁶².

Another challenge is the lack of public understanding of victims' rights in RJ, which often causes the psychological recovery aspect to be overlooked⁶³. In fact, in some cases, law enforcement officials themselves do not understand the importance of psychological recovery in RJ⁶⁴ and focus more on a quick administrative process than on making sure that the victim actually feels restored⁶⁵. There are also problems in enforcing the rights of the perpetrator in the RJ, which indirectly affects the victim's decision to accept or reject the RJ. Some victims chose not to undergo RJ because they felt that the perpetrator did not receive severe enough sanctions⁶⁶. After the victim reported, the law enforcement officers (APH) did not detain the perpetrator, so the victim felt that RJ did not provide a deterrent effect and instead worsened their situation⁶⁷. The lack of clarity in handling the perpetrator is also a factor that makes the victim reluctant to choose RJ. The main weakness in the application of RJ from the above analysis essentially leads to the victim's unpreparedness in carrying out RJ due to a lack of attention to the victim's psychological recovery⁶⁸. Therefore,

⁶¹ M. T McCarthy, "Legal Study On The Application Of Restorative Justice In The Settlement Of Crimes Committed By Children," 2013.

⁶² C Menkel-Meadow, "Restorative Justice: What Is It and Does It Work?," *Annual Review of Law and Social Science* 3 (2007), <https://doi.org/https://doi.org/10.1146/annurev.lawsocsci.2.081805.110005>.

⁶³ P. Isba, M. S. Sakmaf, and Jumiran, "Evaluation of the Application of Restorative Justice in Criminal Conflict Resolution: Perspectives of Victims and Perpetrators," *DELICTUM: Journal Of Criminal Law And Islamic Criminal Law* 23, no. 1 (2024): 14-30.

⁶⁴ Pratiwi and Ardi, "Obstacles To The Application Of Restorative Justice Principles In Juvenile Criminal Cases."

⁶⁵ Ariefulloh et al., "Restorative Justice-Based Criminal Case Resolution in Salatiga, Indonesia: Islamic Law Perspective and Legal Objectives," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 1 (2023): 19-36, <https://doi.org/10.18326/IJTIHAD.V23I1.19-36>.

⁶⁶ L Arifah, "Juridical Review of the Application of Restorative Justice in Cases of Abuse of Minors" (Sultan Agung Islamic University, 2024).

⁶⁷ A. S Asmita, "Analysis of the Application of Restorative Justice as an Alternative to Case Resolution to the Crime of Rape Committed by Police Members," *Referendum: Journal of Civil and Criminal Law* 1, no. 4 (2024).

⁶⁸ Isba, Sakmaf, and Jumiran, "Evaluation of the Application of Restorative Justice in Criminal Conflict Resolution: Perspectives of Victims and Perpetrators."

it is important to balance the rights of victims and the rights of perpetrators in the RJ so that the peace process can run more fairly and not cause dissatisfaction from one of the parties.

In the case analysed, the NGO accompanying the victim complicated the RJ process. One example is the case of a victim with the initials D, where the NGO directed the victim to demand restitution that was considered disproportionate to the actual losses. In addition, the NGO demanded that the offender be detained, even though the offender was 70 years old and in poor health. This case shows that the role of NGOs in RJ can be a double-edged sword. On one hand, NGOs can help protect victims' rights, but on the other, excessive demands can hinder the recovery and reconciliation process central to RJ. Obstructing the implementation of restorative justice is a significant challenge that needs to be criminalised, either under the new Criminal Code or laws outside the Criminal Code. This obstruction can be committed by various parties, including victims through extortion, offenders through intimidation and threats, families exerting psychological or physical pressure, and other actors such as the community, advocates, or NGOs. The criminalisation of such acts aims to ensure that the RJ process can run smoothly.

The Urgency of Victim Psychological Recovery Regulation in Restorative Justice

Regulations that regulate the right to psychological recovery for victims of crime still have limitations that create gaps in the implementation of Restorative Justice (RJ). One main regulation regulating victim protection is the Law on Witness and Victim Protection Institutions (LPSK). However, the right to psychological recovery is only granted to victims of serious crimes such as terrorism, human trafficking, and sexual violence⁶⁹⁷⁰, while victims

⁶⁹ Deni Setiyawan et al., "Law Enforcement of Sexual Violence on Social Media: An Islamic Restorative Justice Perspective," *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 1 (2025): 90-111, <https://doi.org/10.18860/j-fsh.v17i1.28185>.

⁷⁰ Witness and Victim Protection Agency, *Testimony: Information Media for the Protection of Witnesses and Victims*, 2nd ed. (Witness and Victim Protection Agency, 2017).

of misdemeanours or crimes resolved through RJ do not have the same access to psychological recovery services⁷¹.

Some factors causing the lack of guarantees for victims' psychological recovery include⁷²: (a) the absence of regulations, mechanisms, or facilities to involve psychologists or counselors in the RJ process, so victims do not receive adequate emotional support to overcome their trauma;⁷³ (b) the lack of post-RJ monitoring, which leaves victims still feeling the psychological impact even though the case is legally resolved; and (c) a greater focus on the offender than the victim, because in some cases, RJ prioritises the offender's interests to receive a lighter sentence rather than ensuring proper recovery for the victim⁷⁴.

To understand the challenges of RJ in practice, interviews show that some victims refused RJ because they felt it did not provide the justice they expected. For example, a victim with the initials Y experienced prolonged trauma even after RJ, as the relationship with the offender was not restored, and the victim still felt unsafe. This demonstrates that legal settlement through RJ does not automatically ensure psychological recovery. Therefore, regulations are needed to guarantee psychological rehabilitation before RJ so justice is achieved both legally and emotionally. Legal reform can include revising the LPSK Law to allow all victims access to rehabilitation services, not only those affected by serious crimes, and clarifying RJ implementation rules.

Psychological assessments should also be mandatory in every RJ process to ensure victims are mentally ready. Currently, there is no dedicated institution for victims' psychological recovery, and the lack of professionals leads to unstructured interventions. Establishing institutions such as Crime Victim Recovery Centres is essential to provide

⁷¹ Rahmawati and Soufi, "Need for Breakthrough in Recovery of Victims of Sexual Violence, ICJR and IJRS Support the Inclusion of the Victim Trust Fund Mechanism or Victim Assistance Fund in the TPKS Bill."

⁷² M Reksodiputro, "Victims of Crime Should Not Be Ignored," Institute for Criminal Justice Reform, 2019, <https://icjr.or.id/korban-kejahatan-tak-boleh-diabaikan/>.

⁷³ A. Tiawarman and A Redi, "Reform of the Criminal Law System in Indonesia Through Restorative Justice for the Recovery of Victims and Perpetrators," *Journal of Retentum* 7, no. 1 (2025): 358-369.

⁷⁴ Sudarta, "Konsep Perlindungan Korban Dalam Sistem Peradilan Pidana Nasional Dan Sistem Hukum Pidana Islam," *Al-Manahij: Jurnal Kajian Hukum Islam* 16, no. 1 (2022): 1-23.

therapy and support. These centres could be integrated under the Ministry of Law and Human Rights, the police, prosecutors, or courts, or initiated by NGOs, Legal Aid Units, and other organisations. Strengthening regulations and institutions will improve RJ's effectiveness. Public education about victims' rights and the importance of psychological recovery is also crucial, so victims do not feel pressured to reconcile before they are ready. The government should work with these institutions and ensure sufficient resources are available.

Another step that is no less important is the supervision of the implementation of RJ, so that this process is carried out without pressure or intimidation of the victim⁷⁵⁶. This supervision must cover various aspects, ranging from the reporting mechanism if the victim feels pressured to the periodic evaluation of each RJ case to ensure that the victim gets justice. If there is an indication that the victim is forced to accept the RJ, then there must be a mechanism to review the decision and provide additional protection for the victim.

In addition to supervision, increasing the capacity of RJ facilitators is also an important factor in ensuring this mechanism's success⁷⁷. Therefore, training is needed for RJ facilitators in trauma-informed mediation, which is a mediation method that takes into account the psychological impact experienced by the victim. With this training, facilitators can understand the psychological needs of victims and ensure that the peace process runs smoothly by considering emotional aspects that may still be unstable. In this case, the presence of a professional psychologist in each stage of RJ is indispensable to provide assessment and emotional support to the victim. Without a psychologist involved, the RJ process risks becoming just a formality that does not really provide benefits to the victim.

⁷⁵ A. R. Hakim and Fitriati, "Internal Supervision by the Police on the Restorative Settlement of Crimes," *Journal of Swara Justisia* 8, no. 4 (2025): 927-935.

⁷⁶ Arif Rahman Hakim and Fitriati, "Pengawasan Internal Oleh Kepolisian Terhadap Penyelesaian Tindak Pidana Secara Restoratif," *Unes Journal of Swara Justisia* 8, no. 4 (2025): 927-935.

⁷⁷ S. M Pfander, "Evaluating New Zealand's Restorative Promise: The Impact of Legislative Design on the Practice of Restorative Justice," *Kōtuitui: New Zealand Journal of Social Sciences Online* 15, no. 1 (2019): 170-185, <https://doi.org/https://doi.org/10.1080/1177083X.2019.1678492>.

In addition to training for facilitators, the government and law enforcement also need to set national standards in facilitating RJ⁷⁸. This standard should ensure that any mediation process is carried out with the psychological recovery aspect of the victim in mind, rather than simply reaching a quick legal agreement. With national standards, it will be easier to measure the success of RJ based on the impact of recovery given to victims, not just on the number of successful cases resolved.

CONCLUSION

This study confirms that the implementation of Restorative Justice (RJ) in Indonesia, although formally supported by various regulations, remains unable to guarantee the psychological recovery of victims fully. The findings reveal that RJ practices are still dominated by administrative efficiency and case-resolution indicators, while substantial recovery—particularly regarding psychological well-being—tends to be neglected. This gap underscores a fundamental theoretical tension between the normative ideals of restorative justice and its empirical realisation in Indonesia. From an Islamic legal perspective, the neglect of victim recovery is also inconsistent with the principles of *ṣulḥ* (reconciliation), *ʿafw* (forgiveness), and *maṣlaḥah ʿāmmah* (public welfare), which emphasise holistic restoration of dignity and relationships rather than mere settlement of disputes. Identifying specific obstacles, such as the psychological pressure created by uniformed law enforcement officers acting as facilitators, represents a novel contribution of this study, offering insights not yet widely discussed in previous scholarship.

Based on these findings, several regulatory and institutional reforms are proposed, including the revision of the LPSK Law, the establishment of specialised institutions such as Crime Victim Recovery Centres, the involvement of psychologists in every stage of RJ, and the prohibition of law enforcement officers from wearing uniforms when acting as facilitators. Combined with community education and inter-institutional collaboration, these steps are essential to align Indonesia's RJ practice with international standards and Islamic ethical frameworks. Such reforms would ensure that RJ functions not merely as an

⁷⁸ Rahmawati, M., Saputro et al., "Opportunities and Challenges in the Implementation of Restorative Justice in the Criminal Justice System in Indonesia."

administrative tool for case termination but as a comprehensive mechanism for justice and meaningful victim recovery. This study is limited by its focus on case studies in Takalar, which may not fully capture the diversity of RJ implementation across Indonesia. Further research is needed to conduct comparative analyses in different regions, explore cultural factors shaping victim participation, and operationalise Islamic legal principles into measurable policy frameworks. Such future studies will enrich the discourse and provide stronger foundations for developing Indonesia's more victim-centred restorative justice system.

ACKNOWLEDGEMENTS

The author would like to express sincere gratitude to the Institute for Research and Community Service, Hasanuddin University, for the support, facilitation, and assistance provided during this study. The author also acknowledges that Hasanuddin University funded this research under Grant Number 00518/UN4.22/PT.01.03/2025. Permission to mention the institution in this acknowledgement has been obtained.

AUTHOR CONTRIBUTIONS STATEMENT

NA was responsible for conceptualisation and methodology. AM contributed to data curation. MA prepared the original draft. MM reviewed and edited the manuscript. AA contributed to the reviewing process. All authors have read and approved the final version of the manuscript.

CONFLICT OF INTEREST

The authors declare that there is no conflict of interest regarding the publication of this article.

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