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Transforming Public Trust in Restorative Justice: An Islamic and Social Law Perspective on the Prosecutor's Role in the Contemporary Era

Abstract: This study examines the transformation of public trust in implementing restorative justice by the prosecutor's office in Indonesia, particularly in a contemporary era that demands a more inclusive and responsive legal approach. Using a qualitative approach, this research combines insights from Islamic law and social studies to examine the factors influencing public trust in restorative justice and the prosecutor's role in resolving conflicts and promoting social harmony. The study gathers insights through in-depth interviews with legal academics, prosecutorial practitioners, and community representatives, aiming to understand their perceptions of the effectiveness and fairness of the restorative justice process. From the Islamic law perspective, the study highlights a normative framework rooted in values of justice, consultation (*shura*), and restoration (*islah*), which closely align with the core principles of restorative justice. Social studies provide additional depth by exploring the influence of individual experiences, legal awareness, and public perceptions of the prosecutor's office on trust dynamics. The findings indicate a gradual increase in public trust in restorative justice within Indonesia, reflecting growing acceptance of its potential as an alternative to conventional punitive measures. However, significant challenges persist, particularly regarding transparency and consistency in its implementation by the prosecutor's office. Studies on similar cases worldwide reveal that transparent processes and accountability are essential for maintaining public confidence, underscoring the importance of addressing these gaps in Indonesia. By positioning restorative justice as a culturally resonant and equitable alternative within Indonesia's legal framework, the study provides actionable insights for policymakers and practitioners striving to create a justice system that aligns with societal needs and ethical values.

Keywords: Islamic Law, Prosecutor's Office, Public Trust, Restorative Justice, Social Law

INTRODUCTION

Recently, the restorative justice approach has received increasing attention in Indonesia as an alternative to the criminal justice system.¹ In contrast to traditional judicial approaches that tend to punish perpetrators, restorative justice focuses on restoring relationships between perpetrators, victims, and the community through dialogue and mutual settlement.² The prosecutor's office, as a law enforcement agency responsible for prosecuting cases, plays a crucial role in implementing this approach, mainly as society increasingly demands an inclusive and fair justice system. Through restorative justice, it is hoped that the judicial process will punish and rebuild social harmony.³ This restorative justice approach aligns with the values taught in Islamic law. In Islam, justice includes deliberation and restoration of relationships, prioritizing peaceful settlement and opportunities for perpetrators to correct wrongs. These principles are very relevant to the values of restorative justice, where the main goal is to restore balance and justice for all parties involved.⁴ In Indonesia, where most of the population is Muslim, the implementation of restorative justice in line with religious principles can strengthen public support for the program and increase the sense of social justice.⁵

However, implementing restorative justice by the prosecutor's office faces significant challenges, especially in building public trust. Public trust in law enforcement institutions is still vulnerable, often influenced by negative perceptions related to transparency and accountability of the prosecutor's office in handling cases. The public wants a prosecutor's office that is firm and transparent in every stage of the legal process, including in terms of restorative justice. This public perception needs to be overcome so that the prosecutor's

¹ A. Syahird et.al., "Restorative Justice Approach as Ultimum Remedium of Corruption Crimes," *Pakistan Journal of Criminology* 16, no. 3 (2024): 949-962, <https://doi.org/10.62271/pjc.16.3.949.962>.

² D.E. Ismail et.al., "Collocation of Restorative Justice with Human Rights in Indonesia," *Legality: Jurnal Ilmiah Hukum* 32, no. 2 (2024): 394-417, <https://doi.org/10.22219/ljih.v32i2.35374>.

³ Moh Andika Surya Lebang, Diki Zukriadi, and Aqil Teguh Fathani, "Implementasi Restorative Justice, Sebagai Upaya Penegakan Hukum Pidana Yang Berperikemanusiaan Dan Berkeadilan," *Jurnal Cahaya Keadilan* 10, no. 2 (1 November 2022), <https://doi.org/10.33884/jck.v10i2.6464>.

⁴ F.S. Faried, H. Mahmud, and Suparwi, "Mainstreaming Restorative Justice in Termination of Prosecution in Indonesia," *Journal of Human Rights, Culture and Legal System* 2, no. 1 (2022): 66-77, <https://doi.org/10.53955/jhcls.v2i1.31>.

⁵ Hanafi Arief and Ningrum Ambarsari, "Penerapan Prinsip Restorative Justice Dalam Sistem Peradilan Pidana Di Indonesia," *AlAdl: Jurnal Hukum* 10, no. 2 (13 Agustus 2018): 173-190, <https://doi.org/10.31602/al-adl.v10i2.1362>.

office can carry out its functions more effectively and obtain support from the public.⁶ In addition, social factors also affect the level of public trust in restorative justice. Public trust depends not only on an excellent legal system but also on personal experience, legal understanding, and cultural values that exist in society. Many people do not understand or realise the benefits of restorative justice, and some even doubt its effectiveness because they are more familiar with the punishment-oriented approach to justice. This dynamic adds complexity to the prosecutor's office in carrying out restorative justice consistently and responsively.⁷

In this modern era, public demands for transparency and openness in the law enforcement process are getting higher. The public hopes the prosecutor's office can show its commitment to being open and responsible in the legal process, including implementing restorative justice. This contemporary era forces law enforcement institutions, including the prosecutor's office, to improve their professionalism and image in the public's eyes. Thus, restorative justice can be a means for the prosecutor's office to meet the demands of the public, who want a more equitable judicial approach.⁸ The prosecutor's office must strengthen the synergy between Islamic legal principles and social approaches in building public trust in restorative justice. The restorative justice approach can be more widely accepted by accommodating values close to people's beliefs, such as justice and deliberation. This synergy allows the prosecutor's office to implement restorative justice more effectively and make it an accepted part of the criminal justice system in Indonesia.⁹ However, the implementation of restorative justice in Indonesia still faces various obstacles. In addition to internal issues, such as limited resources, low public awareness poses a significant obstacle. Public ignorance of the benefits of restorative justice hampers the prosecutor's efforts to promote this approach as a better alternative solution to conflict resolution.

⁶ Cahya Wulandari, "Dinamika Restorative Justice Dalam Sistem Peradilan Pidana Di Indonesia," *Jurnal Jurisprudence* 10, no. 2 (23 Maret 2021): 233-249, <https://doi.org/10.23917/jurisprudence.v10i2.12233>.

⁷ G.S. García and P.T. Ordoñez, "Restorative justice. A paragon between criminal and transitional justice," *Araucaria* 26, no. 57 (2024): 483-504, <https://doi.org/10.12795/araucaria.2024.i57.23>.

⁸ M.B. Scholl dan C.B. Townsend, "Restorative justice: A humanistic paradigm for addressing the needs of victims, offenders, and communities," *Journal of Humanistic Counseling* 63, no. 3 (2024): 184-200, <https://doi.org/10.1002/johc.12204>.

⁹ Rudini Hasyim Rado and Nurul Badillah, "Konsep Keadilan Restoratif Dalam Sistem Peradilan Pidana Terpadu," *Jurnal Restorative Justice* 3, no. 2 (27 November 2019): 149-163, <https://doi.org/10.35724/jrj.v3i2.2214>.

Therefore, there needs to be a collaborative effort between the prosecutor's office and the public to disseminate an understanding of the benefits of restorative justice.¹⁰

This research offers a new contribution by integrating Islamic and social law perspectives in analysing the transformation of public trust in the implementation of restorative justice by the prosecutor's office in Indonesia. Previous research, such as that conducted by Sihombing (2024), which examined the history of restorative justice in the context of positive law¹¹, and Anang Riyan Ramadianto et al. (2022), which emphasises the synergy of implementing restorative justice on children's rights.¹² In contrast to the research conducted by researchers, it identifies challenges and opportunities in implementing restorative justice in contemporary Indonesian law. In addition, this research provides strategic recommendations for developing more responsive and inclusive policies, has the potential to increase synergy between legal practices and social values in society, and encourages the creation of a more just and humane justice system.

The results of this research are expected to contribute to the development of restorative justice policies by the prosecutor's office in Indonesia. In this context, the research is also expected to identify concrete steps that can be applied to strengthen public trust, such as increasing information disclosure and involving the community in the restorative justice process. Thus, the prosecutor's office is expected to be able to show transparency and accountability in every case settlement process. In addition, this research can provide practical recommendations that can support the prosecutor's office in overcoming existing obstacles, both from an internal and external perspective. The resulting recommendations are expected to guide the prosecutor's office in carrying out restorative justice as part of a fairer legal system and following the needs of the Indonesian people. Through this effort, it is hoped that public trust in the prosecutor's institution can increase. Overall, this study seeks to strengthen the role of the prosecutor's office in

¹⁰ M. Suzuki, "Possibility of Sincere Apology in Restorative Justice: When and How?," *International Journal of Offender Therapy and Comparative Criminology* 68, no. 13-14 (2024): 1342-1356, <https://doi.org/10.1177/0306624X221132238>.

¹¹ Lasmin Alfies Sihombing, "Restorative Justice, Kejahatan, Hukuman, Dan Peradilan Pidana: Sebuah Analisis Kesejarahan, Peluang Dan Tantangan," *UNES Law Review* 6, no. 3 (25 April 2024): 8902-8911, <https://doi.org/10.31933/unesrev.v6i3.1777>.

¹² Anang Riyan Ramadianto and Bayu Akbar Wicaksono, "Sinergitas Aparat Penegak Hukum (Aph) Dalam Mewujudkan Model Restorative Justice Terhadap Anak Berhadapan Dengan Hukum," *Jurnal Hukum Mimbar Justitia* 8, no. 2 (30 Desember 2022): 470-486, <https://doi.org/10.35194/jhmj.v8i2.2533>.

implementing restorative justice by paying attention to the principles of Islamic law and social aspects. This approach is expected to increase public trust and positively impact legal reform in Indonesia, where restorative justice can be an effective alternative in resolving criminal disputes.

METHOD

This research uses a qualitative approach¹³ to analyse the transformation of public trust¹⁴ in implementing restorative justice by the prosecutor's office, focusing on the perspective of Islamic law and social studies. This approach was chosen because it allows for an in-depth exploration of public perceptions, experiences, and expert views on implementing restorative justice. The data collection technique was conducted through in-depth interviews with key informants, including academics, legal practitioners, and community representatives who understand the restorative justice process. In addition, document analysis is carried out against relevant regulations, reports, and literature to understand the legal framework and the application of restorative justice by the prosecutor's office in Indonesia. The data obtained were analysed by thematic methods¹⁵, where the researcher identified key themes that emerged from the interviews and documents, such as public trust factors, implementation challenges, and synergies between Islamic legal principles and social approaches. This thematic analysis aims to comprehensively understand how various social and religious factors affect public trust in restorative justice and how the prosecutor's office can improve the effectiveness of this approach. The validity of the data is maintained through triangulation of sources and methods to ensure that the research results have a high level of validity and reliability.

¹³ Helaluddin and Hengki Wijaya, *Analisis Data Kualitatif: Sebuah Tinjauan Teori & Praktik* (Sekolah Tinggi Theologia Jaffray, 2019).

¹⁴ Falih Suaedi and Muhammad Zulfikar, "A Analysis of Digital Transformation in Public Services (Case Study: Banyumas Regency Public Service Mall)," *Ilomata International Journal of Social Science* 4, no. 4 (22 November 2023): 674-688, <https://doi.org/10.52728/ijss.v4i4.949>.

¹⁵ Joao Maia, Falih Suaedi, and Erna Setijaningrum, "Human Resource Development on The Technical Competence of Middle Manager and Employees in The Era of Globalization: A Literature Review," *RSF Conference Series: Business, Management and Social Sciences* 3, no. 3 (5 September 2023): 559-568, <https://doi.org/10.31098/bmss.v3i3.722>.

RESULTS AND DISCUSSION

The Concept and Principles of Restorative Justice in the Context of the Prosecutor's Office

The concept of restorative justice is a recovery-oriented approach that emphasises the importance of improving the relationship between perpetrators, victims, and the community after violating the law. In contrast to the traditional justice system, which focuses on sentencing, restorative justice allows all parties involved to participate in the conflict resolution process. In the context of the prosecutor's office, applying this concept means involving the prosecutor's office as a mediator who facilitates dialogue between the perpetrator and the victim, aiming to reach a mutually beneficial and recovery-oriented agreement.¹⁶ In practice, restorative justice puts forward several vital principles. The first is the active involvement of all parties affected by criminal acts. This includes victims who have the right to convey the impact of the action, perpetrators who are allowed to admit their mistakes, and the community who support the recovery process. This involvement is essential because it gives victims a voice and ensures they feel heard, often missing in conventional justice systems. The prosecutor's office, in this case, acts as a liaison who helps create space for this dialogue. The second principle is deliberation. In restorative justice, the settlement process is not unilateral but is carried out through discussion and mutual agreement. The prosecutor's office is a facilitator who ensures that discussions between the perpetrator and the victim go well, allowing both to express their opinions and expectations. Through deliberation, it is hoped that a solution can be reached that benefits one party and considers the interests of all parties involved. It also creates a greater sense of justice in society, where the legal process is more inclusive.¹⁷

Furthermore, the principle of restoration is the core of restorative justice. Recovery does not only mean restoring the situation to how it was but instead repairing relationships damaged by criminal acts. In the context of the prosecutor's office, this can include various forms of recovery, such as compensation for losses suffered by the victim, an apology, or rehabilitation measures for the perpetrator. The prosecutor's office plays a vital role in

¹⁶ A. Artaji et.al., "Resolution of Agrarian Conflicts on Plantation Land through Restorative Justice in Indonesia," *Lex Scientia Law Review* 8, no. 1 (2024): 107-136, <https://doi.org/10.15294/LSLR.V8I1.14060>.

¹⁷ Mr. Yayan Yayan, Personal Interview with Metro prosecutor's office, 2024.

supervising and facilitating the implementation of these remedial measures to ensure that the perpetrators are trying to correct the mistakes committed. The principle of responsibility is also fundamental in restorative justice. The perpetrator is not only seen as a person who must be punished but also as an individual responsible for his actions' impact. In this context, the prosecutor's office encourages perpetrators to understand the consequences of their actions and take steps to correct them. By providing space for perpetrators to show remorse and try to correct mistakes, it is hoped that it will reduce the likelihood of repeated violations in the future. This responsibility also creates awareness that criminal acts have a far-reaching impact on victims and society.¹⁸

Implementing restorative justice by the prosecutor's office is inseparable from various challenges. One of them is the public's perception that is still dominant towards the conventional justice system, which is more punitive. Many people see restorative justice as a less assertive approach to crime, so they hesitate to support it. Therefore, the prosecutor's office must educate and socialise about restorative justice's benefits for victims, perpetrators, and the community. Increasing public understanding of this approach can strengthen support for the restorative justice program implemented by the prosecutor's office. The Prosecutor's Office must adapt to local and cultural values in applying restorative justice. Justice, deliberation, and cooperation are highly valued in Indonesia, and restorative justice can be adapted to the social and cultural context. For example, the prosecutor's office can involve community leaders or local mediators in the dialogue process between the perpetrator and the victim to make this approach more relevant to the community. This increases the effectiveness of restorative justice and strengthens social bonds in the community.¹⁹

Spiritual and moral aspects also need to be considered in the context of restorative justice. In Islamic law, forgiveness and remorse have a significant position. Therefore, the prosecutor's office can utilise these principles in the recovery process by encouraging the

¹⁸ Nur Hidayati, "Keadilan Restoratif Kasus Korupsi Dalam Perspektif Keadilan Bermartabat," *Jurnal Geuthèè: Penelitian Multidisiplin* 5, no. 2 (26 Agustus 2022): 198–216, <https://doi.org/10.52626/jg.v5i2.166>.

¹⁹ Helena Hestaria, Made Sugi Hartono, and Muhamad Jodi Setianto, "Tinjauan Yuridis Penerapan Prinsip Restorative Justice Terhadap Tindak Pidana Korupsi Dalam Rangka Penyelamatan Keuangan Negara," *Jurnal Komunitas Yustisia* 5, no. 3 (1 September 2022): 112–28, <https://doi.org/10.23887/jatayu.v5i3.51892>.

perpetrator to repent and sincerely admit his or her guilt.²⁰ Integrating spiritual values in restorative justice can help create a more supportive atmosphere for perpetrators to commit to recovery, resulting in more sustainable outcomes. The Prosecutor's Office is vital in supervising and evaluating the restorative justice process. Once an agreement is reached, it is vital to ensure that all parties execute it properly. The prosecutor's office must monitor the implementation of recovery measures, including the payment of compensation or rehabilitation programs for perpetrators. These evaluations not only ensure accountability but also provide feedback to improve the restorative justice process in the future.²¹

With all the challenges and opportunities, implementing restorative justice by the prosecutor's office in Indonesia has great potential to create a fairer and more effective judicial system. Through an approach that focuses on recovery, engagement, and responsibility, restorative justice can provide a more constructive alternative to resolving legal conflicts. As a law enforcement agency, the Prosecutor's Office leads this initiative by leveraging local and spiritual values to build public trust in the justice system.²² The successful implementation of restorative justice is expected to reduce crime rates and strengthen social relations and harmony.

Dynamics of Public Trust in the Prosecutor's Institution

The dynamics of public trust in the prosecutor's institution in Indonesia is a complex and challenging issue. As a law enforcement agency, the Prosecutor's Office is essential to maintaining justice and legal certainty. However, corruption cases, abuse of authority, and lack of transparency in decision-making have eroded public trust. This trust is an essential foundation for the effectiveness of legal institutions because law enforcement becomes difficult and ineffective without the community's support.²³ One of the main factors that affect public trust in the prosecutor's office is the public's perception of the integrity and accountability of this institution. Negative cases involving prosecutor's officials often

²⁰ Rina Aggraini et.al., "Concept of Moral and Ethics in the Profession of Judges When Making Decission in A Case," *MILRev: Metro Islamic Law Review* 1, no. 1 (26 Desember 2022): 103-114, <https://doi.org/10.32332/milrev.v1i1.6193>.

²¹ Arief dan Ambarsari, "Penerapan Prinsip Restorative Justice Dalam Sistem Peradilan Pidana Di Indonesia."

²² Wahyu Jafar, Personal Interview with Lecturer, 2024.

²³ B.A. Green and L. Bazelon, "Restorative justice from prosecutors' perspective," *Fordham Law Review* 88, no. 6 (2020): 2287-2318.

receive a giant media spotlight, which can create a stigma attached to the entire institution. Public dissatisfaction with the prosecutor's performance, such as slow case handling processes or lack of firm action against law violators, contributes to a decline in trust. The public tends to judge the performance of institutions based on first-hand experience or the information they receive, so the prosecutor's office needs to build a positive reputation through transparency and accountability actively.²⁴

In addition, the public's lack of understanding of the functions and responsibilities of the prosecutor's office also affects public trust. Many people do not fully understand the role of the prosecutor's office in the judicial process, so they often feel disappointed when the expected results are inappropriate. To overcome this, the prosecutor's office needs to socialise and educate the public about the legal process, their rights as citizens, and the role of the prosecutor's office in protecting these rights. Through effective education, the public can better appreciate and understand the role of the prosecutor's office, which in turn can increase their trust. Social and cultural dynamics also play an essential role in shaping public trust in the prosecutor's office. In Indonesia, the culture of cooperation and deliberation is often integrated into conflict resolution, so people tend to appreciate approaches that prioritise participation and dialogue. If the prosecutor's office can adopt a more participatory approach in law enforcement, for example, by implementing restorative justice, this can help build a better relationship between the prosecutor's office and the community. By involving the public in the legal process, the prosecutor's office can strengthen trust and create a sense of ownership of the legal system.²⁵

Another challenge the prosecutor's office faces is the development of technology and information. With social media and broader access to information, the public is now faster to get information about the performance of the prosecutor's office. This means that mistakes or irregularities in the prosecutor's office can be immediately highlighted and go viral, increasing the impact on public trust. Therefore, the prosecutor's office must be more proactive in managing its image and reputation and be ready to clarify or explain if negative issues arise in the community. Transparency is one of the primary keys to rebuilding public

²⁴ Larashati Putri and Mochammad Najib Imanullah, "Kajian Sosiologi Hukum Tentang Tingkat Kepercayaan Masyarakat Terhadap Aparat Penegak Hukum," *Jurnal Hukum dan Pembangunan Ekonomi* 11, no. 1 (1 Agustus 2023): 162-171, <https://doi.org/10.20961/hpe.v11i1.68099>.

²⁵ Ahmad Zaid, Personal Interview, 2024.

trust. The Prosecutor's Office needs to increase transparency in the case-handling process by providing clear information about the stages and developments of the case being handled. In addition, community involvement in the supervision of legal processes, for example, through dialogue forums or public supervision, can also increase institutional accountability. Thus, the community feels more involved and controls the legal process.²⁶

The Prosecutor's Office must cooperate with other institutions to build public trust. The synergy between the prosecutor's office, the police, the courts, and civil society institutions can create a more comprehensive and transparent justice system. This collaboration can cover various aspects, from joint training to increase institutional capacity to educational programs for the community. By creating solid partnerships between institutions, public trust in the prosecutor's office can be strengthened because the public sees a joint effort in upholding law and justice.²⁷ Overall, the dynamics of public trust in the prosecutor's institution in Indonesia are influenced by various factors, ranging from public perception of the institution's integrity to social and technological changes. To rebuild this trust, the prosecutor's office must take a proactive and participatory approach, increase transparency, and establish partnerships with various parties. Through these steps, it is hoped that the prosecutor's office can strengthen its position as a trusted law enforcement institution committed to serving the community well.

Challenges and Strategies for Restorative Justice Implementation in the Contemporary Era

Implementing restorative justice in the contemporary era faces various challenges, especially in countries with strong and diverse legal traditions like Indonesia. One of the main challenges is the resistance of the established justice system, which tends to focus on the punitive aspect rather than the restoration. The existence of a legal structure oriented towards sentencing makes the application of restorative justice seen as a significant paradigm change. Therefore, all stakeholders need deep understanding and support to facilitate this shift. The second challenge is the public's lack of understanding and knowledge about restorative justice, including legal practitioners. Many people are still

²⁶ G. Wasileski, "Prosecutors and Use of Restorative Justice in Courts: Greek Case," *Journal of Interpersonal Violence* 32, no. 13 (2017): 1943-1966, <https://doi.org/10.1177/0886260515590127>.

²⁷ Badrun Tamam, Personal Interview, 2024.

trapped in the mindset that justice can only be achieved through strict punishment. This lack of understanding is often caused by a lack of socialisation and education about the benefits and basic principles of restorative justice. For this reason, practical education and campaigns are essential to increase public awareness and understanding of this approach and build more substantial public support for its implementation.²⁸

The next challenge concerns the difference of views between the perpetrators, victims, and the community. In the restorative justice process, it is essential for all parties to feel comfortable and safe participating. However, there are times when the perpetrator feels pressured to admit their mistakes, while the victim may feel deep trauma, making it difficult to engage in the recovery process. Therefore, strategies involving trained mediators and a supportive environment must address these differences and ensure all parties feel valued and heard. The prosecutor's office and other law enforcement agencies are central in implementing restorative justice but face internal challenges. Often, there is uncertainty and a lack of expertise among law enforcement officials regarding how to apply the principles of restorative justice in some instances. Therefore, training and education for law enforcers is essential to ensure they have the necessary skills to facilitate an effective recovery process. A more effective and consistent approach to implementing restorative justice is hoped to be created by strengthening their capacity.²⁹

In addition to domestic challenges, external factors such as cultural influences also play an essential role in implementing restorative justice. In Indonesia, where people have diverse cultural backgrounds and customs,³⁰ It is essential to adapt the principles of restorative justice to suit the local context. This can include integrating traditional values such as deliberation and consensus in recovery. Thus, this approach will feel more relevant and acceptable to the community and promote local wisdom that supports social justice. One of the essential strategies in implementing restorative justice is strengthening

²⁸ M. Weinrath dan B. Broschuk, "Police and Crown Prosecutor Use of Restorative Justice and Diversion for Adults and Youth in a High-Crime Area," *Canadian Journal of Criminology and Criminal Justice* 64, no. 4 (2022): 21-46, <https://doi.org/10.3138/cjccj.2022-0034>.

²⁹ D.L. Kusworo, A.O. Abdulkadir, and M.N.K. Fauzi, "Reflections on the Dismissal of Theft Charges Through Prosecutor's Restorative Justice House in Lampung," *Jurnal Media Hukum* 30, no. 2 (2023): 136-152, <https://doi.org/10.18196/jmh.v30i2.18384>.

³⁰ Wahyu Abdul Jafar et.al., "Philosophical Foundations and Human Rights in the Bajapuik Tradition: Bridging Local Wisdom and Islamic Law in Minangkabau Marriage Practices," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (30 Juni 2024): 212-233, <https://doi.org/10.18860/j-fsh.v16i1.27681>.

partnerships between law enforcement agencies, civil society, and non-governmental organisations. This collaboration can create a more comprehensive support network to facilitate recovery. Through these partnerships, community organisations can act as mediators and support providers for victims and perpetrators, assisting them in coping with trauma and rebuilding damaged relationships. This strengthens the restorative justice process and builds public trust in the justice system.³¹

Furthermore, it is essential to establish clear frameworks and regulations to support the implementation of restorative justice. Without a clear legal framework, implementing restorative justice principles can be hampered. Therefore, the government and law enforcement agencies need to develop regulations that govern the implementation of restorative justice, including procedures, responsibilities, and rights of all parties involved. A clear framework provides legitimacy to this process and helps create consistent standards in its implementation. New challenges and opportunities arise in implementing restorative justice in the digital era. Information technology can be used to facilitate communication between all parties involved, as well as to provide a platform for education and socialisation about restorative justice. For example, social media and online applications can help reach more people and educate them about this concept. However, the use of technology must also be accompanied by attention to the privacy and confidentiality of the parties' information, especially in sensitive cases.³²

Overall, the challenges in implementing restorative justice in the contemporary era require a holistic and collaborative approach. By understanding and overcoming these challenges and implementing effective strategies, restorative justice is hoped to be well integrated into the justice system. This will benefit not only perpetrators and victims but also society by creating a justice system that is fairer, more transparent, and responsive to the needs of society. Through joint efforts, we can realise more restorative justice amid the complexity of today's challenges. The following is a table that summarises the challenges and strategies for implementing restorative justice in the contemporary era:

³¹ B.F.M.T. Simbolon et.al., "The Prosecutor's Promise in Executing the Claim Cessation Based on Restorative Justice," *Revista de Gestao Social e Ambiental* 18, no. 7 (2024), <https://doi.org/10.24857/rgsa.v18n7-023>.

³² L. Andriyani, Hartiwiningsih, and P. Suwadi, "Reconceptualization of Restorative Justice in the Attorney General's Office of the Republic of Indonesia," *Revista de Gestao Social e Ambiental* 18, no. 1 (2024), <https://doi.org/10.24857/rgsa.v18n1-053>.

Table 1. Challenges and strategies for the implementation of restorative justice in the contemporary era

No.	Challenge	Implementation Strategy	Related Parties
1	Resistance from the established justice system	Increasing stakeholder understanding and support for restorative justice	Law Enforcement Agencies, Academics
2	Lack of public understanding of restorative justice	Conduct socialisation and educational campaigns to increase public awareness	Civil Society Organizations, Media
3	Differences of opinion between perpetrators, victims, and the community	Using trained mediators to facilitate the recovery process and create a supportive environment	Mediator, Psychologist
4	Uncertainty among law enforcement	Providing training and education to law enforcement officials on the implementation of restorative justice	Training Institutes, Universities
5	Local cultural influences and traditions	Adapting the principles of restorative justice to suit the local social and cultural context	Religious Leaders, Local Communities
6	Limitations in partnership with civil society	Building partnerships between law enforcement agencies, community organisations, and NGOs to support the recovery process	NGOs, Government, Community
7	Absence of clear frameworks and regulations	Develop regulations and procedures that support the implementation of restorative justice.	Policy Makers, Legislators
8	Challenges and opportunities of the digital age	Utilising information technology for education and socialisation about restorative justice while maintaining the privacy of the parties	Information Technology, Social Media

Source: author's interpretation

Table 1 organises the challenges and strategies faced in implementing restorative justice, the parties involved, and examples of actions to take. Table 1 summarises the various challenges faced in implementing restorative justice in the contemporary era, along with strategies that can be applied to overcome these challenges. The first challenge is the resistance of the established justice system, where punishment-focused law enforcement often hampers the acceptance of restorative justice. To address this, stakeholders such as law enforcement agencies and academics need to increase understanding and support for

this approach to create a more conducive atmosphere for its implementation. In addition, the lack of public understanding of restorative justice is a significant challenge that requires attention. Socialisation and educational campaigns conducted by civil society organisations and the media can help increase public awareness of restorative justice's benefits and fundamental principles. With better knowledge, the community will be better able to accept and support the implementation of this approach in law enforcement. Of course, differences of opinion between actors, victims, and the community also need to be well managed, where trained mediators can help facilitate dialogue and create a safe environment for all parties involved.

Limitations in partnerships between law enforcement agencies and civil society are also challenges that must be overcome. Building strong partnerships between law enforcement agencies, community organisations, and NGOs will support recovery and strengthen public trust in the justice system. In addition, developing clear regulations and training for law enforcement officials is essential to create a framework supporting restorative justice implementation. Thus, the use of information technology in socialisation and education about restorative justice can increase community involvement and expand the reach of understanding of the importance of this approach in achieving more comprehensive justice.³³

Implications of Restorative Justice for the Indonesian Legal System

The implications of restorative justice for the Indonesian legal system are significant, especially in the context of developing more humane and inclusive justice. In conventional legal systems, the focus often lies on sentencing the perpetrators without paying attention to the impact of the actions on the victim and society. By adopting the principle of restorative justice, the Indonesian legal system has the potential to divert attention from punitive punishment towards the restoration of relationships between perpetrators, victims, and society, which in turn can create a more harmonious social environment. One of the essential implications of implementing restorative justice is increased community participation in the conflict resolution process. This approach encourages the active

³³ M.M. Gunawan, P. Suwadi, and M. Rustamaji, "Comparison of Restorative Justice Implementation in Indonesia, Usa, Germany, Poland And Switzerland," *Revista de Gestao Social e Ambiental* 18, no. 1 (2024), <https://doi.org/10.24857/rgsa.v18n1-055>.

involvement of all parties involved, including victims, perpetrators, and the wider community. By involving the community, the justice process becomes more transparent and accountable, rebuilding public trust in the justice system. This is especially important in Indonesia, where corruption and injustice often shake public trust in legal institutions.³⁴

Implementing restorative justice also provides an opportunity to reduce the burden on the justice system, which has experienced a buildup of cases. By adopting alternative settlement methods, such as mediation and conciliation, many cases that previously had to go through formal litigation channels can be resolved faster and more efficiently. This saves legal resources and helps ease the mental and emotional burden for the victims and perpetrators involved. In addition, a shorter process can reduce costs incurred by all parties. In the context of criminal law, restorative justice can provide a better approach to dealing with offenders, especially for perpetrators who are young or involved in minor crimes. A too harsh system tends to create a prolonged stigma, making it more difficult to reintegrate actors into society. By offering rehabilitation and rehabilitation programs, restorative justice provides opportunities for perpetrators to correct their mistakes and give back to society. This has the potential to reduce recidivism rates and create a safer society.³⁵

Furthermore, implementing restorative justice can also provide space for victims to get more satisfactory justice. In the traditional process, victims often feel marginalised, with greater attention given to the perpetrator. However, in the restorative justice approach, victims can be involved in recovery, express their feelings and needs, and get appropriate reparations. This not only helps the healing process for the victim but also creates a greater sense of responsibility for the perpetrator to repair the damage caused. On the other hand, implementing restorative justice also requires changes in existing legal regulations and policies. Governments and law enforcement agencies need to develop a clear legal framework to accommodate the principles of restorative justice. This includes training for legal practitioners, the development of mediation procedures, and the creation of effective oversight mechanisms. Efforts to implement restorative justice can be hampered and

³⁴ Supriansa et.al., "The Essence of Restorative Justice in the Development of Indonesian Law," *Revista de Gestao Social e Ambiental* 18, no. 8 (2024), <https://doi.org/10.24857/rgsa.v18n8-025>.

³⁵ Marlina and M. Mulyadi, "Building restorative justice in Gampong as a bottom-up legitimisation of the protection of children in conflict with the law in Indonesia: case study in Aceh," *Cogent Social Sciences* 10, no. 1 (2024), <https://doi.org/10.1080/23311886.2024.2347410>.

ineffective without solid legal support.³⁶ Finally, implementing restorative justice in Indonesia can be a step towards more inclusive and sustainable justice. The legal system is expected to respond more to the community's needs by prioritizing restoring relations and dialogue. This aligns intending to create a more harmonious society where individuals are judged based on their mistakes and allowed to grow and develop. With a strong commitment from all parties, restorative justice can play an essential role in reforming the Indonesian legal system towards fairer and more humane justice.

Restorative Justice in the Perspective of Islamic and Social Law

Restorative justice is an approach to conflict resolution, and justice has significant relevance from the perspective of Islamic and social law.³⁷ In Islamic law, justice is seen in terms of the punishment imposed on the perpetrator, and it includes restoring the relationship between the perpetrator, the victim, and the community.³⁸ The principles of justice in Islam, such as *adalah* (justice), *ihsan* (kindness), and *salam* (peace), provide a solid basis for implementing a restorative justice approach, which aims to restore a disturbed state due to criminal acts or violations. Islamic law teaches that every individual has the right to be treated fairly and be able to right their wrongs.³⁹ In restorative justice, perpetrators can take responsibility for their actions and separate from the victims. This aligns with the principle of *taubah* (repentance), where the perpetrator is expected to regret their actions and try not to repeat the mistake. By integrating the repentance process into the justice system, the community is expected to support perpetrators in improving themselves.⁴⁰

³⁶ Nashriana et.al., "Enhancing Restorative Justice in Indonesia: Exploring Diversion Implementation for Effective Juvenile Delinquency Settlement," *Sriwijaya Law Review* 7, no. 2 (2023): 318-334, <https://doi.org/10.28946/slrev.Vol7.Iss2.2427.pp318-334>.

³⁷ L. Karjoko et.al., "The Urgency of Restorative Justice on Medical Dispute Resolution in Indonesia," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 16, no. 2 (2021): 362-392, <https://doi.org/10.19105/AL-LHKAM.V16I2.5314>.

³⁸ Aula Damayanti, "Contribution of Islamic Law to Legal Development in Indonesia," *MILRev: Metro Islamic Law Review* 1, no. 1 (26 Desember 2022): 17-33, <https://doi.org/10.32332/milrev.v1i1.6188>.

³⁹ Iim Fahimah and Wahyu Abdul Jafar, "Tabot Festival: Shia Tradition Within the Sunni Community of Bengkulu City on Sociology of Islamic Law Perspective," *Al-Istinbath: Jurnal Hukum Islam* 5, no. 2 (2020): 253-270, <https://doi.org/10.29240/jhi.v5i2.1777>.

⁴⁰ T. Andiko, Z. Nurdin, dan 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>.

Meanwhile, from a social perspective, restorative justice prioritises dialogue and communication between all parties involved, including perpetrators, victims, and the community. This approach encourages the active involvement of all parties in the conflict resolution process, thereby creating a sense of shared responsibility in achieving justice. This aligns with social values in many communities, where problem-solving is done through deliberation and consensus, not conflict or violence. In this way, restorative justice can strengthen social bonds and increase social solidarity. One example of applying restorative justice in Islamic law can be found in legally recognised mediation institutions, such as customary courts or family mediation. In this process, the mediator acts as a facilitator who helps the warring parties to reach a mutually beneficial agreement. This approach allows victims to get fair compensation while perpetrators can correct wrongs and improve their relationship with society. In this way, Islamic law can adapt to the needs of modern society, which wants more humane justice.⁴¹

However, implementing restorative justice in Islamic law also faces challenges, primarily related to the diverse interpretations of the concept of justice. Some may argue that restorative justice can undermine strict law enforcement, while others see it as achieving more comprehensive justice. Therefore, dialogue between stakeholders, including scholars, academics, and legal practitioners, is essential to reach a common understanding of how restorative justice can be effectively applied within the framework of Islamic law. From a social perspective, another challenge in the implementation of restorative justice is the stigma that is often attached to the perpetrators of crimes. The public often considers perpetrators as individuals who do not deserve a second chance. In this context, education and social awareness campaigns are needed to change people's views on criminals. Through an approach based on understanding and empathy, it is hoped that the community can accept the perpetrators as part of the community that needs to be restored, not exiled.⁴²

It is also important to involve various elements of society in implementing restorative justice, including educational institutions, community organisations, and the government.

⁴¹ N. Rochaeti, M.H. Prasetyo, dan J.H. Park, "Implementing of Restorative Justice to Build the Criminal Justice System in Indonesia: A Study of the Batak Toba Justice System," *Law Reform: Jurnal Pembaharuan Hukum* 19, no. 2 (2023): 221-247, <https://doi.org/10.14710/lr.v19i2.53184>.

⁴² Sriwiyanti, W. Saefudin, dan S. 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>.

Through this collaboration, the community can create a holistic support system for perpetrators and victims. For example, educational institutions can provide character and skills education to perpetrators to help them reintegrate into society after the restorative justice process. Thus, this approach demands justice for the victim and allows the perpetrator to contribute back to society.⁴³ Overall, applying restorative justice from the Islamic and social law perspective offers an exciting solution to the challenges faced in the current justice system. By emphasising the restoration of relationships, dialogue, and shared responsibility, restorative justice can help create a more just and harmonious society. This approach aligns with Islamic values that emphasise the importance of kindness, peace, and understanding between individuals. In this context, justice is seen from the legal side as an effort to restore the disrupted dignity and social relations. To achieve this goal, it is essential to continue to explore and discuss how restorative justice can be applied effectively in the context of Islamic and social law. Constructive dialogue between various parties will be indispensable to overcome differences of view and find inclusive solutions. Thus, restorative justice will not only be an alternative to the justice system but can also be an integral part of efforts to build a fairer, civilised, and harmonious society in the future.

CONCLUSION

The findings of this study show that the implementation of restorative justice by the prosecutor's office in Indonesia has made positive progress in meeting public expectations for a fairer and more inclusive judicial system. The analysis reveals that when restorative justice is applied in line with Islamic legal principles like justice, restoration, and consultation, it can significantly increase public trust in the prosecutor's office. This trust is fueled by society's desire for a legal system that focuses on punishment and restoring social relationships. This study contributes new insights by highlighting the importance of combining Islamic law with social approaches in applying restorative justice. By incorporating values familiar to the community, such as collective responsibility and consultation, the prosecutor's office can create a restorative justice system that better aligns

⁴³ A. Ariefulloh dkk., "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>.

with Indonesia's cultural and religious context. The research also emphasizes that to build public trust, the process must be transparent, and there should be efforts to educate the public to improve their understanding of restorative justice. For future research, it is important to explore the specific challenges the prosecutor's office faces in implementing restorative justice across different regions of Indonesia, given its diverse cultural and legal backgrounds.

Additionally, further studies could examine the long-term effects of restorative justice on reoffending rates and the reintegration of offenders into society. Research could also focus on identifying effective ways to integrate Islamic law into restorative justice programs and the role of community organizations in supporting these initiatives. Lastly, exploring how digital tools and platforms can improve transparency and public education about restorative justice would be valuable to ensure wider acceptance and success. By building on these findings, future research can help create a more effective and culturally relevant restorative justice system in Indonesia that meets the demands of modern society while staying true to the principles of justice and restoration that are integral to the country's cultural and legal traditions.

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AUTHOR CONTRIBUTIONS STATEMENT

Hadi Sucipto conceptualized the study, developed the research framework, and contributed to data analysis and manuscript writing. Falih Suaedi provided critical input on the study design, supervised the research process, and reviewed the manuscript for

academic rigor. Erna Setijaningrum conducted data collection, performed literature reviews, and assisted in drafting and revising the manuscript. Mia Amiati analyzed the findings, contributed to the interpretation of results, and supported editing the final manuscript. Rachmat Suhaimi Nasution provided methodological expertise, validated data accuracy, and reviewed the manuscript for coherence and clarity. All authors have read and approved the final version of the manuscript.

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