

Implementation of Restorative Justice as a Criminal Policy: A Literature Review

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ARTICLE INFO	ABSTRACT
<p>Keywords Restorative Justice, Criminal Policy, Implementation Barriers</p> <p>Article history Received: February 2026 Accepted: May 2026</p>	<p>This literature review examines the implementation of restorative justice as a contemporary criminal policy instrument, tracing its paradigmatic shift from retributive punishment to relational healing. Drawing on scholarly literature published between 2020 and 2026, the study synthesizes conceptual foundations, regulatory frameworks, operational mechanisms, and implementation barriers. Findings reveal that while Indonesia has advanced restorative practices through sectoral regulations and juvenile diversion, fragmented legislation, resource constraints, and entrenched retributive cultures hinder consistent application. Evidence indicates that properly facilitated processes enhance victim satisfaction, reduce judicial burdens, and promote offender accountability, yet success depends on voluntary participation and institutional safeguards. The review concludes that realizing restorative justice's potential requires unified legislation, sustained capacity building, and systematic monitoring. Ultimately, it offers a culturally resonant pathway toward humane criminal justice reform.</p>

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Introduction

Global criminal justice systems have undergone a fundamental paradigmatic shift over the past decades, moving from retributive and punitive models toward restorative justice (RJ) as a contemporary criminal policy instrument. Historically centered on state-imposed punishment and offender deterrence, conventional penal systems have increasingly been critiqued for neglecting the relational and human dimensions of crime. In response, RJ has emerged as a postmodern victimological

approach that redefines criminal offenses not merely as violations against the state, but as harms to interpersonal relationships and community cohesion (Arsyad et al., 2023; Maglione, 2021; Mustaring et al., 2023). This conceptual reorientation emphasizes dialogue, victim-offender mediation, and holistic restoration, positioning RJ as a critical alternative within modern criminal policy discourse (Baihaky & Isnawati, 2024; Triana & Erowati, 2022).

The urgency of implementing RJ in practice stems from the documented limitations of retributive criminal justice, which has proven increasingly inefficient and socially counterproductive. Conventional punitive approaches frequently overlook victim needs, prioritize formal litigation over substantive justice, and contribute to systemic burdens such as court backlogs and severe correctional facility overcrowding (Ahzar, 2022; Fadhil, 2021; Sartika et al., 2023). Empirical data indicates that prison overcapacity often exceeds 100%, with punitive policies driving mass incarceration rather than rehabilitation or crime prevention (Sartika et al., 2023; Triana & Erowati, 2022). Consequently, RJ mechanisms such as diversion, penal mediation, and out-of-court settlements have gained policy traction as pragmatic solutions to alleviate judicial congestion, reduce state expenditures, and address the structural inefficiencies of traditional litigation (Al-Ghony et al., 2024; Kristiyadi & Setyawan, 2022; Mukti & Susanti, 2023).

Within contemporary criminal policy, RJ has transitioned from a marginal community-based initiative to an internationally recognized institutional framework. Supranational instruments, including United Nations guidelines and European Council recommendations, have increasingly codified RJ principles into national criminal justice strategies across diverse jurisdictions (Hobson & Payne, 2022; Marder et al., 2023; Rochaeti et al., 2023). In Indonesia, this policy shift is reflected in sectoral regulations governing juvenile justice, prosecutorial discretion, and police mediation, aligning RJ implementation with indigenous values of deliberation (*musyawarah*) and progressive law paradigms that prioritize human dignity over formalistic legalism (Damaiyanti et al., 2023; Priyana et al., 2023; Wijaya, 2022). Despite this normative advancement, the operationalization of RJ remains contested between “purist” approaches that advocate for systemic alternatives and “maximalist” perspectives that seek to integrate restorative mechanisms within existing penal structures (Butler et al., 2022; Maglione, 2021).

Notwithstanding its theoretical and policy appeal, the practical implementation of RJ faces persistent structural, cultural, and regulatory challenges. The absence of a comprehensive, unified statutory framework has resulted in

fragmented institutional guidelines, inconsistent enforcement practices, and legal uncertainty across police, prosecutorial, and judicial subsystems (Arsyad et al., 2023; Baihaky & Isnawati, 2024; Damaiyanti et al., 2023). Furthermore, entrenched retributive mindsets among law enforcement officials, inadequate mediator training, resource constraints, and risks of coercive settlement—particularly in cases involving power imbalances—continue to hinder effective RJ application (Nugraha et al., 2024; Safitri et al., 2023; Votruba et al., 2024). While scholarly discourse has extensively examined RJ's conceptual foundations and isolated case studies, there remains a lack of systematic synthesis that critically maps its policy implementation, evaluates empirical outcomes, and identifies cross-jurisdictional lessons for criminal justice reform.

To address this gap, this article presents a comprehensive literature review examining the implementation of restorative justice as a modern criminal policy instrument. By synthesizing peer-reviewed studies, policy analyses, and empirical evaluations published between 2020 and 2026, this review systematically maps the conceptual evolution, regulatory frameworks, practical mechanisms, and implementation barriers associated with RJ. The study aims to clarify how RJ functions within contemporary criminal policy, evaluate its documented impacts on judicial efficiency, victim satisfaction, and offender reintegration, and propose evidence-based recommendations for policy harmonization. Ultimately, this review contributes to academic and policymaking discourse by offering a structured synthesis that can guide the development of coherent, context-sensitive, and ethically sound restorative criminal justice systems.

Method

This study employs a standard narrative literature review design to examine the implementation of restorative justice (RJ) as a contemporary criminal policy instrument. A targeted search was conducted exclusively through Google Scholar, selected for its broad interdisciplinary coverage, accessibility to both peer-reviewed and grey literature, and relevance to legal-policy research in both Global North and South contexts. The search covered publications released between 2020 and 2026 and utilized Boolean strings combining core conceptual and operational terms: ("restorative justice" OR "keadilan restoratif") AND ("criminal policy" OR "penal policy" OR "implementation" OR "diversion" OR "mediation"). Inclusion criteria required peer-reviewed journal articles, government or institutional policy documents, and analytical reports that directly addressed RJ's conceptual evolution, regulatory frameworks, or practical application within criminal justice systems,

available in full-text Indonesian or English. Editorials, purely theoretical works lacking implementation relevance, and non-scholarly commentaries were excluded to maintain analytical focus and academic rigor.

Selected literature was critically appraised and organized using a structured extraction framework capturing authorship, publication year, jurisdiction, methodological orientation, key findings, and policy recommendations. Rather than adhering to rigid systematic review protocols, this study applies a flexible thematic synthesis approach to identify recurring patterns, conceptual debates, and implementation barriers across diverse legal and institutional contexts. Data were analyzed through iterative reading and deductive-inductive coding, clustering findings into four analytical dimensions: (1) normative and conceptual foundations of RJ in criminal policy, (2) institutional mechanisms and diversion practices, (3) structural and cultural implementation challenges, and (4) empirical outcomes and reform trajectories. This analytical structure enables a nuanced, policy-oriented synthesis that bridges theoretical discourse with practical criminal justice reforms.

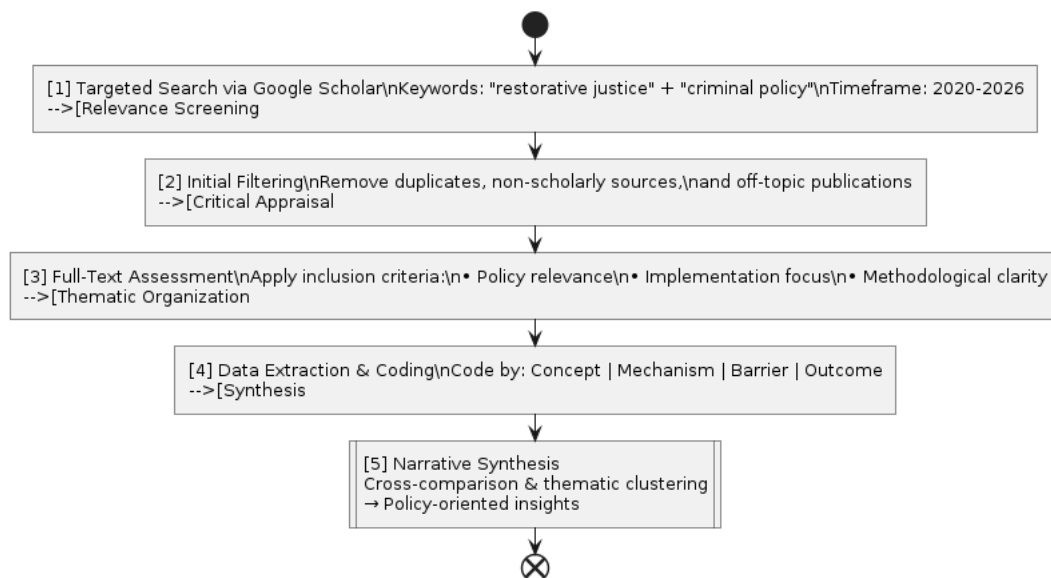


Figure 1. Narrative Literature Review Workflow

The workflow above illustrates a streamlined yet rigorous narrative review process centered on Google Scholar as the sole search platform. This choice reflects the practical realities of legal-policy research, where accessibility, interdisciplinary breadth, and inclusion of regional scholarship (including Indonesian-language sources) are prioritized alongside academic quality. Each stage functions as an analytical filter: initial keyword searches are refined through relevance screening, organized via thematic coding, and synthesized into a critical narrative that highlights implementation patterns, structural barriers, and policy implications. By

maintaining methodological transparency without the procedural complexity of systematic review protocols, this approach ensures interpretive flexibility while preserving academic accountability—particularly valuable for examining a multidisciplinary and context-sensitive field like restorative justice in contemporary criminal policy.

Result and Discussion

Conceptual Evolution and Normative Foundations of Restorative Justice

The paradigm shift from retributive to restorative justice represents a fundamental transformation in contemporary criminal policy discourse, moving beyond punishment-centered approaches toward relational healing and community restoration. Restorative justice has evolved from a marginal alternative practice in the 1970s to a globally recognized framework endorsed by international bodies including the United Nations and the Council of Europe (Maglione, 2021; Marder et al., 2023). This conceptual evolution reflects growing dissatisfaction with conventional penal systems that prioritize state-controlled punishment over victim needs, offender accountability, and community participation in justice processes (Arsyad et al., 2023; Mustaring et al., 2023).

The normative foundations of restorative justice are built upon five core principles: restoration of harm, active participation of all stakeholders, collaborative dialogue, material and emotional reparations, and offender responsibility (Mustaring et al., 2023; Triana & Erowati, 2022). Unlike retributive models that frame crime as a violation against the state, restorative justice reconceptualizes offenses as harms to interpersonal relationships and social fabric, necessitating healing rather than mere punishment (Arsyad et al., 2023; Wijaya, 2022). This philosophical reorientation aligns with progressive legal theories that prioritize human dignity and substantive justice over formalistic legal procedures (Baihaky & Isnawati, 2024; Wijaya, 2022).

In the Indonesian context, restorative justice resonates deeply with indigenous values of *musyawarah* (deliberation) and *mufakat* (consensus), which have historically governed community conflict resolution (Taqiuddin & Mulianah, 2024; Ternando et al., 2023). This cultural congruence provides a strong normative foundation for RJ implementation, distinguishing it from imported legal concepts that may clash with local wisdom (Rochaeti et al., 2023; Sartika et al., 2022). However, scholars caution against romanticizing traditional practices, emphasizing the need for critical adaptation that protects vulnerable parties, particularly in cases involving power imbalances (Rabbani, 2021; Safitri et al., 2023).

Table 1. Comparative Analysis of Retributive vs. Restorative Justice Paradigms

Dimension	Retributive Justice	Restorative Justice
View of Crime	Violation of state law	Harm to people and relationships
Primary Focus	Punishment and deterrence	Restoration and reconciliation
Key Stakeholders	State vs. offender	Victim, offender, community
Process	Formal adversarial litigation	Dialogue and mediation
Outcome	Incarceration/fines	Reparation, rehabilitation, reintegration
Victim Role	Passive witness	Active participant in decision-making
Offender Accountability	Abstract (to the state)	Concrete (to victim and community)
Community Involvement	Minimal or symbolic	Central and substantive

Sources: Arsyad *et al* (2023); Mustaring *et al* (2023); Triana & Erowati (2022); and Wijaya (2022)

Table 1 illustrates the fundamental paradigmatic differences between retributive and restorative justice across eight critical dimensions. The table demonstrates that restorative justice fundamentally reconfigures the justice process by centering victims, engaging communities, and prioritizing healing over punishment. These distinctions are not merely procedural but reflect divergent philosophical commitments about the nature of crime, justice, and social order (Arsyad *et al.*, 2023; Maglione, 2021). Understanding these differences is essential for policymakers seeking to integrate restorative approaches without diluting their transformative potential through superficial adoption within predominantly retributive systems.

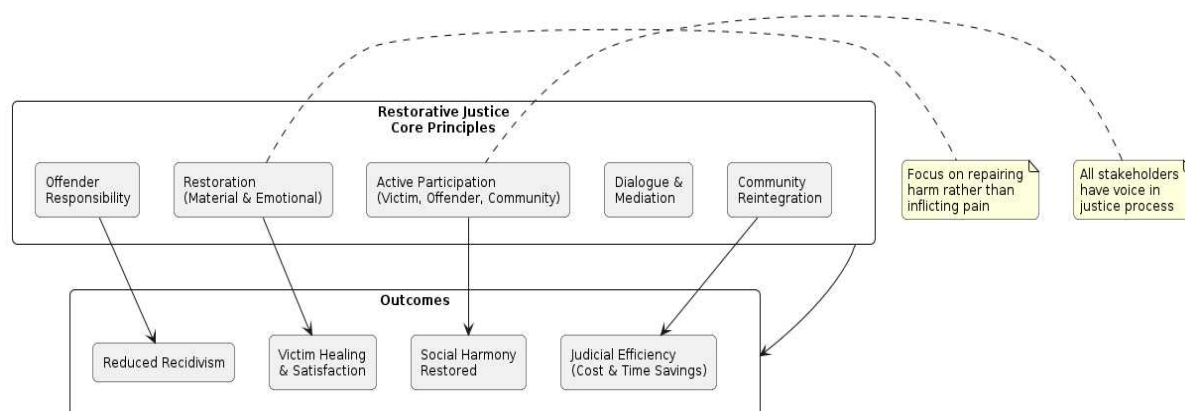


Figure 2. Conceptual Framework: Restorative Justice Principles

The diagram above visualizes the interconnected relationship between restorative justice principles and their intended outcomes, demonstrating how theoretical commitments translate into practical benefits. Each principle contributes to multiple outcomes, creating a synergistic effect that distinguishes RJ from fragmented reform efforts (Mustaring et al., 2023; Triana & Erowati, 2022). This framework helps explain why partial or superficial implementation often fails to achieve desired results, as the integrity of the restorative process depends on the simultaneous application of all core principles (Baihaky & Isnawati, 2024; Maglione, 2021).

Regulatory Frameworks and Institutional Mechanisms

Indonesia has developed a fragmented yet evolving regulatory framework for restorative justice, characterized by sectoral regulations rather than comprehensive national legislation. The landmark *Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak* (Juvenile Criminal Justice System Law) explicitly mandates restorative justice and diversion for children in conflict with the law, establishing the strongest statutory foundation for RJ in Indonesia (Aziz et al., 2022; Kelibia, 2023; Sartika et al., 2021). This law requires that all juvenile cases prioritize diversion through restorative mechanisms, except in cases involving repeat offenses or serious crimes carrying penalties exceeding seven years imprisonment (Aziz et al., 2022; Nugraha et al., 2024).

Beyond juvenile justice, operational guidelines for restorative justice have been issued through institutional regulations: Peraturan Kepolisian Nomor 8 Tahun 2021 for police, Peraturan Kejaksaan Nomor 15 Tahun 2020 for prosecutors, and Surat Keputusan Dirjen Badilum Nomor 1691/DJU/SK/PS.00/12/2020 for courts (Ahzar, 2022; Baihaky & Isnawati, 2024; Firmansyah, 2023). These regulations grant discretionary authority to law enforcement officials to apply restorative justice at investigation, prosecution, and adjudication stages, provided specific criteria are met (Wijaya, 2022). However, the absence of unified legislation creates legal uncertainty, jurisdictional overlaps, and inconsistent application across different regions and institutions (Arsyad et al., 2023; Damaiyanti et al., 2023).

Table 2. Regulatory Instruments Governing Restorative Justice in Indonesia

Regulation	Issuing Institution	Year	Scope	Key Provisions
UU No. 11/2012	Parliament (DPR)	2012	Juvenile Justice	Mandatory diversion; RJ as primary approach; exceptions for serious crimes

Perkap 8/2021	No.	National Police	2021	Investigation Stage	General & specific requirements; victim consent mandatory; mediation procedures
Perja 15/2020	No.	Attorney General	2020	Prosecution Stage	Discontinuation of prosecution based on RJ; criteria for eligibility
SK Dirjen 1691/2020	No.	Supreme Court	2020	Court Stage	Guidelines for judges; consideration of RJ in sentencing; victim protection
UU 12/2022	No.	Parliament (DPR)	2022	Sexual Violence	Explicit prohibition of RJ except for child perpetrators; victim restitution priority

Sources: Arsyad *et al* (2023); Baihaky & Isnawati (2024); Firmansyah (2023); and Safitri *et al* (2023)

Table 2 reveals the multi-layered regulatory architecture governing restorative justice in Indonesia, spanning legislative and institutional levels. The table highlights both progress (comprehensive coverage across justice stages) and fragmentation (lack of unified standards, potential conflicts between regulations). Notably, the 2022 Sexual Violence Law represents a critical boundary, explicitly prohibiting restorative justice for most sexual violence cases to protect victims from coercive settlements, reflecting evolving understanding of RJ's limitations in contexts of severe power imbalance (Rabbani, 2021; Safitri *et al.*, 2023).

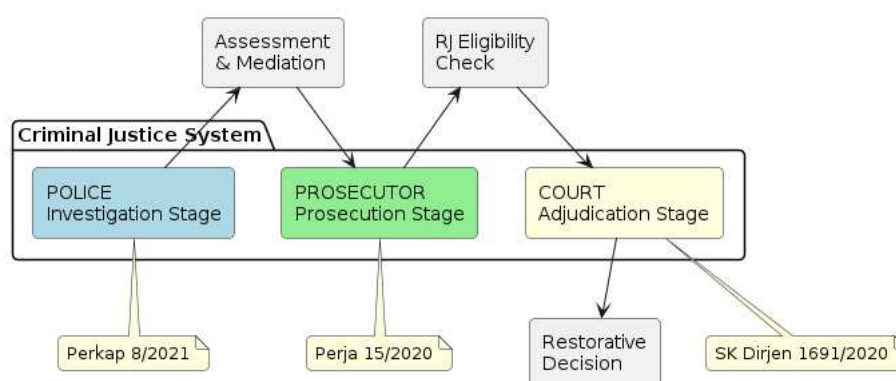


Figure 3. Institutional Mechanisms: RJ Implementation Across Justice Stages

The institutional workflow diagram demonstrates how restorative justice can be applied at multiple stages of the criminal justice process, creating what scholars term "multi-door" access to restorative outcomes (Baihaky & Isnawati, 2024; Mukti & Susanti, 2023). This flexibility allows for early resolution of appropriate cases, reducing judicial burden while preserving victim rights and offender accountability (Ahzar, 2022; Triana & Erowati, 2022). However, the diagram also reveals potential

coordination challenges, as each institution operates under distinct regulations with varying procedural requirements, necessitating robust inter-agency communication and standardized training (Arsyad et al., 2023; Damaiyanti et al., 2023).

Implementation Practices: Diversion and Penal Mediation

Diversion and penal mediation constitute the primary operational mechanisms for implementing restorative justice in Indonesia, particularly within the juvenile justice system. Diversion, defined as the transfer of juvenile cases from formal criminal proceedings to non-judicial resolution processes, is mandated by Law No. 11/2012 and operationalized through *musyawarah* (deliberative meetings) involving the child, parents, victim, social workers, and community representatives (Al-Ghony et al., 2024; Kelibia, 2023; Rosikhu et al., 2023). The process aims to achieve consensus-based agreements that may include restitution, community service, counseling, or educational programs, avoiding stigmatizing formal adjudication (Rahmadhani & Pratiwi, 2022; Syakirin, 2021).

Penal mediation extends restorative principles to adult offenders, particularly for minor offenses, traffic violations, and certain domestic disputes, though its application remains discretionary rather than mandatory (Kristiyadi & Setyawan, 2022; Sanjaya, 2023). Police frequently employ penal mediation through their discretionary powers, facilitating informal settlements that prioritize reconciliation and compensation over prosecution (Arifin & Fimaulidina, 2024; Zulfikar, 2021). However, critics note that informal mediation without proper safeguards risks coercing victims, particularly in cases involving intimate partner violence or significant power differentials (Rabbani, 2021; Safitri et al., 2023).

Table 3. Comparative Implementation: Diversion vs. Penal Mediation

Aspect	Diversion (Juvenile)	Penal Mediation (Adult)
Legal Basis	UU No. 11/2012 (Mandatory)	Perkap 8/2021, Perja 15/2020 (Discretionary)
Eligibility	Crimes < 7 years; non-recidivist	Minor offenses; victim consent; low social impact
Process	Formal musyawarah with Bapas, social workers	Informal mediation by police/prosecutor
Outcomes	Educational programs, restitution, supervision	Compensation, apology, case dismissal
Monitoring	Bapas supervision mandatory	Limited or no formal monitoring
Success Rate	Variable (depends on regional capacity)	High for minor disputes; controversial for serious cases

Sources: Al-Ghony et al (2024); Andiko et al (2024); Harliyanti et al (2021); and Kristiyadi & Setyawan (2022)

Table 3 highlights critical distinctions between diversion and penal mediation, revealing both the strengths and vulnerabilities of Indonesia's restorative justice implementation. The mandatory nature of diversion for juveniles represents progressive policy, yet its effectiveness is compromised by inadequate resources, insufficient trained personnel, and inconsistent application across regions (Andiko et al., 2024; Nashriana et al., 2023). Conversely, penal mediation's discretionary character allows flexibility but creates risks of arbitrary application and potential abuse, particularly when law enforcement prioritize case clearance over victim protection (Sanjaya, 2023; Zulfikar, 2021).

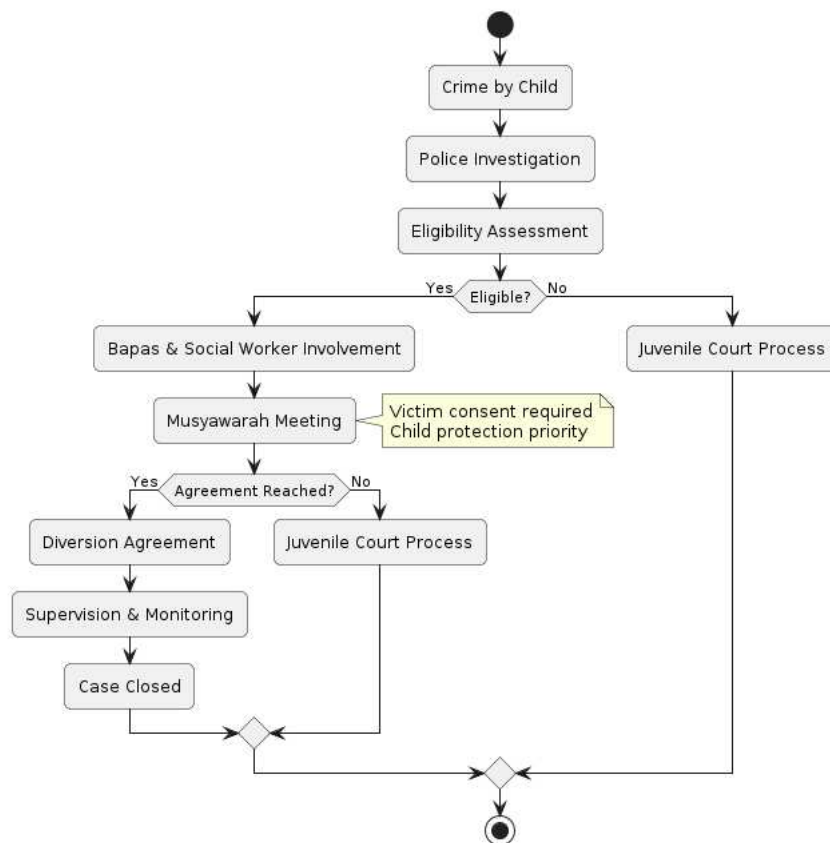


Figure 4. Diversion Process Flow for Juvenile Offenders

The diversion process diagram illustrates the structured pathway designed to keep children out of formal criminal proceedings while ensuring accountability and rehabilitation (Al-Ghony et al., 2024; Kelibia, 2023). The emphasis on consensus-building and Bapas (Social Welfare Agency) supervision reflects restorative principles, yet the diagram also reveals potential failure points where cases revert to formal courts due to failed negotiations or non-compliance (Anshari et al., 2021; Rahmadhani &

Pratiwi, 2022). Empirical studies indicate that diversion success depends heavily on mediator skills, family support, and community resources—factors that vary significantly across Indonesia's diverse regions (Harliyanti et al., 2021; Nashriana et al., 2023).

Conclusion

This literature review demonstrates that restorative justice (RJ) represents a paradigmatic shift in contemporary criminal policy, moving beyond retributive punishment toward relational healing, victim empowerment, and community reintegration, yet its implementation in Indonesia remains constrained by fragmented regulation, resource disparities, and entrenched retributive cultures among law enforcement. While sectoral instruments—such as Law No. 11/2012 on Juvenile Justice, Police Regulation No. 8/2021, and Attorney General Regulation No. 15/2020—provide operational pathways for diversion and penal mediation, the absence of a unified national RJ statute generates legal uncertainty, jurisdictional inconsistency, and uneven application across regions. Empirical evidence, though still emerging, suggests that properly implemented RJ processes yield high victim satisfaction, potential recidivism reduction among juveniles, and meaningful system-level efficiencies, yet these benefits are highly contingent on voluntary participation, skilled facilitation, and robust safeguards against coercion, particularly in cases involving power imbalances. Addressing persistent structural and cultural barriers requires an integrated reform strategy encompassing comprehensive legislation, sustained capacity building for mediators and justice officials, dedicated budgetary allocation for infrastructure and support services, and rigorous monitoring mechanisms to ensure accountability and continuous improvement. Ultimately, restorative justice in Indonesia holds transformative potential not only as a procedural alternative but also as a means to build a more humane, culturally grounded, and socially responsive justice system rooted in *musyawarah* and *mufakat* while upholding human dignity, victim protection, and substantive justice; achieving this vision requires sustained political commitment, interdisciplinary collaboration, and continuous scholarly engagement to address tensions between idealism and institutional reality.

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