

Restorative Justice in Domestic Violence Cases: Law Implementation and Challenges in Indonesia

Tuti Susilawati¹, Edi Setiadi², Yoyon Darusman³

¹²Universitas Islam Bandung, Indonesia

³Universitas Pamulang, Indonesia

Correspondent: tsadanrekan@gmail.com¹

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ABSTRACT: Despite Law Number 23 of 2004, the problem of domestic violence (KDRT) remains unsolved. The majority of victims of domestic violence are women, and the retributive method of punishment is believed to be less effective in protecting them. The purpose of this research is to examine how well the restorative justice policy in Indonesia complies with current legislation and how it helps victims of domestic violence regain their rights. This study explores the possibility of adopting restorative justice through the use of normative legal research methodologies that take a legislative approach and conduct a literature review. By facilitating healing for victims and offenders and facilitating reconciliation, the study found that restorative justice could be a more compassionate alternative. But there are a lot of problems with putting it into practice, including the fact that police officers don't comprehend it and that mediators need training. Thus, in order to guarantee that restorative justice is effectively implemented, training is necessary for mediators as well as community and law enforcement outreach.

Keywords: Violence, Domestic, Restorative Justice, Victims' Rights.



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INTRODUCTION

Every individual who is an Indonesian citizen certainly has the desire to build a family. Every family unit certainly hopes for a life full of peace, love, and grace. Individuals who have families in their daily lives hope to feel love, care for each other, respect each other, and provide a safe environment for their family members. Every Indonesian has the right to have a family and have children, and these rights have been regulated in the 1945 Constitution. (Soetjoe, 2007)

In living a household life, every family wants to build good relationships among its members, which can be seen from the harmony and harmony in the interactions between individuals in the family. When everyone in the family is content with their lives and there is no fight, tension, disappointment, or discord, we say that the family is harmonic. Domestic violence can result from a variety of unspoken disagreements inside a family, therefore it's clear that not all families are harmonious.

The following figures pertain to the number of violent incidents in Indonesia and Banten Province for the years 2021-2023, as documented on the Simfoni-PPA website by the Ministry of Women and Children's Empowerment (PPA):

Tabel 1. Number of Cases of Violence in Indonesia and Banten Province

Year	VIOLENCE CASE		VIOLENCE CASE	
	Indonesia	Place of Incident Household	Banten	Place of Incident Household
2021	25. 210	14. 752	829	539
2022	27. 593	16. 902	1. 131	736
2023	29. 883	18. 007	1. 026	719

Data Source: Website Simfoni Kementrian PPA

The above data shows that in Indonesia, in 2021, there were 25, 210 incidents, of which 14, 752 incidents occurred in the household environment. In 2022, the number of cases increased to 27, 593, with 16, 902 of them originating from household incidents. In 2023, 29, 883 cases were recorded, and 18, 007 of them were incidents that occurred in households.

The Criminal Code's article 351 definition of violence, abuse or violence is any act done intentionally to harm the health of another person and any act done intentionally to cause suffering to another person. While in general violence means physical actions or acts that use violence, force directed at certain objects that are living creatures such as humans and animals. Such violent actions or acts can cause damage to objects/goods so that they cannot function properly, while the consequences of violence against living creatures such as humans can cause wounds or injuries to certain parts/organs of the body, even the consequences of very severe violence can be fatal, namely causing death or loss of life of a person who is a victim of the violent act.

In the process of investigating domestic violence cases, the police pay special attention to handling cases by giving the main role to female police officers in accordance with the investigation steps. Also, in the stage where law enforcement is involved, the people concerned are summoned. Pursuant to the Criminal Procedure Code's Article 1 number 2, this summons is an attempt to conduct an investigation, which is a step to collect evidence to clarify cases of domestic violence. Summoning the parties involved in this crime is carried out for the sake of testing, and can include summoning suspects and witnesses. The next step is the 'Examination' which is carried out on suspects, witnesses, or experts. In situations involving domestic abuse, it is important to conduct an examination of experts in order to hear information about the crime that occurred. (Sompotan, 2018:16)

Evidence of domestic violence may include the use of legally binding documents, such as a *visum et repertum* letter, signed by a public official with the authority to do so. Thus, in the course of their investigation, the National Police investigators rely on the *visum et repertum* letter to establish that the victim has, in fact, been a victim of domestic abuse. According to the law, the offender has committed an act of violence, and this information serves as solid proof that this has happened, impacting the victim's psychological damage. (Setiawan, Muhadar, & Heryani, 2018: 11)

Legal analysis of restorative justice can also be done through a legal system approach proposed by Lawrence M. Friedman (Saifullah, 2007: 29). A well-functioning legal system must incorporate norms of legal structure, culture, and substantive law. Laws pertaining to restorative justice are essentially governed by both domestic and international statutes. All three of these things are necessary for a country's legal system to function. The impact of modernisation and globalisation, in terms of both evolution and revolution, on social reality alters the very nature of the legal system within a given community.

It is believed that Indonesia's law enforcement authorities will be responsible for implementing restorative justice throughout the country. The Indonesian National Police is a prime example; they are the country's primary investigators and the vanguard of Indonesian law enforcement (Waluyo, 2016). According to Law No. 2 of 2002 on the Indonesian National Police, the force can come up with novel approaches to enforcing criminal laws so long as they are consistent with societal standards and values (Hamzah, 2009). By providing advantages and legal clarity, this seeks to satisfy society's sense of justice.

Restorative justice theory offers answers to important questions about how to resolve criminal cases. These questions include, first, whether the criminal justice system does a good job of helping victims; second, how to lessen tensions, particularly between offenders and victims as well as the community; and third, how to help victims overcome the feelings of hopelessness they have after committing a crime.

A fundamental aspect of restorative justice theory is the relationship with the offender to support the victim and other members of the community in meeting their responsibilities for unacceptable behavior. Where the offender acknowledges responsibility for their actions (shame) and seeks to make amends (reintegration process) to the victim and sometimes to the community.

Law enforcement officials have a responsibility to ensure the safety of their communities by taking a number of measures to prevent harm, including the spread of mental and physical illnesses and other dangers. The community is granted this protection so that they can fully enjoy all legal rights. (Soekanto & Mamudji, 2014)

The Indonesian word *lindung*, meaning to safeguard, prevent, maintain, or fortify, is the origin of the English word *protection* in the comprehensive dictionary of the language. Conservation, upkeep, guarding, physical protection, and shelter are all ways to look at the word *protection*. A common definition of *protection* is the act of attempting to keep something, be it interests or goods, safe from harm. Furthermore, *protection* also encompasses the safeguarding that individuals provide to those who are less fortunate.

Every citizen of the Republic of Indonesia has the right to be recognised, guaranteed, protected, and provided with legal certainty in accordance with the principles of justice and equality before the law, as stated in Article 2D paragraph 1 of the 1945 Constitution. As a result, everyone has the right to be treated equitably and fairly by the state and its legal system when it comes to protecting their rights and responsibilities. Those rights and responsibilities cannot be forcibly taken away. (Hernoko, 2010)

The goal of legal protection is to achieve what the law is all about: fairness, security, and advantages. A country can provide protection to its people through two approaches, namely by implementing prohibitions or implementing sanctions. The existence of various regulations that are set to regulate is an example of preventive legal protection, while imposing sanctions on people who violate existing rules is an example of legal protection in the form of punishment. (Nurisman & Kho, 2022: 1215)

The role of law is to protect individuals in communities, nations, and countries. In addition, the law guarantees both physical and mental as well as personal rights such as human rights, property rights, and other individual rights. This also includes those who are serving sentences in prison throughout their detention. One of the goals of correctional institutions is to provide development, both in knowledge and skills, so that prisoners are ready to reintegrate into society after their sentence. (Basri, 2021:105)

METHOD

Legal study that makes use of secondary data from normative studies or resources found in libraries is known as normative legal research (Soerjono Soekanto and Sri Mamudji: 2003). Doctrinal legal research and normative legal research are interchangeable terms. Finding a rule, principle, or doctrine of law to address a legal problem is the goal of normative legal research, as stated by Marzuki (2010). Law is typically understood in this field of law as the text found in statutes and regulations, or as a set of rules and standards that serve as guidelines for what is and isn't acceptable conduct among humans (Amiruddin & Asikin, 2006). Normative juridical methodology is employed in this study. The normative legal research approach, also known as doctrinal research, examines the law in two forms: the written word (the law as it is in the holy book) and the judicial decision-making process (the law as it is decided by the judge).

RESULTS AND DISCUSSION

Although several laws and regulations have tightly governed the position of Restorative Justice, no explicit guidelines have been put in place to govern its execution in Indonesia as of yet (Siregar (2007). Restorative Justice is governed by the following laws:

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA)

Several provisions in this law detail the procedures for applying Restorative Justice principles to situations involving young offenders. Article 1 Paragraph 6 of Law Number 11 of 2012 concerning the SPPA states that by bringing together the perpetrator, the victim, and any other relevant parties, Restorative Justice seeks to offer a just settlement to criminal cases. The focus should be on restoring the original state, rather than retaliation. (Manan (2008)

Furthermore, following an explanation of what Restorative Justice is, there are a number of articles that detail how to put it into practice, including:

- a. Article 5 paragraphs (1), (2) and (3) read as follows:
 - 1) Restorative justice must be given top priority in the juvenile criminal justice system.
 - 2) Paragraph (1)'s reference to the Juvenile Criminal Justice System encompasses:
 - a. Juvenile investigations and prosecutions must adhere to statutory regulations, unless otherwise stated in this Law.
 - b. Courts hold trials for children within the general judicial system.
 - c. Juveniles receive guidance, mentoring, supervision, and/or assistance both while serving their sentences or after committing crimes.
 - 3) Paragraph (2), letters a and b, mention the Juvenile Criminal Justice System, which requires an effort at diversion.
- b. Article 8 paragraphs (1), (2), and (3) read as follows:
 - 1) The Diversion Process is implemented through a Restorative Justice-based process of discussion that includes the following parties: members of the victim's immediate family, community mentees, and licensed social workers.
 - 2) Social welfare workers and/or members of the community may be included in the discussions mentioned in paragraph (1) if deemed essential.
 - 3) The following factors should be taken into account by the Diversion Process: first, the needs of the victim; second, the care and well-being of the child; third, the prevention of shame and reprisal; fourth, social cohesion; and fifth, respect for authority and morals.
- c. Article 93 adds that communities can help safeguard children from the time of prevention initiatives all the way to their social reintegration by doing the following:
 - a. Communicate with the proper authorities when child rights are violated;
 - b. Provide suggestions for the creation and implementation of policies pertaining to children;
 - c. Carry out research and education on the subject of children;
 - d. take part in programs that help kids get their problems solved through restorative justice and diversion;
 - e. work with local groups to help kids get back on their feet and rejoin society;
 - f. keep an eye on how police officers deal with cases involving kids; or
 - g. spread the word about kids' rights and the rules and regulations that affect them.

Therefore, it is not the intention of the authors of Law Number 11 of 2012 with respect to the Juvenile Criminal Justice System (SPPA) that every article address Restorative Justice. The portion pertaining to Restorative Justice that provides an explanation is found in Article 93 Letter D,

Article 8 Paragraphs (1), (2), and (3), Article 5 Paragraphs (1), and Article 1 Paragraph (6). The main point of these articles is that Restorative Justice is heavily regulated to keep children out of the court system, so they don't get stigmatised for being in trouble with the law. The hope is that they can naturally reintegrate into society. Consequently, in order to

make this a reality, everyone must be involved. Restorative justice for victims and children should be the goal of the process.

The following decree pertaining to the execution of guidelines for the execution of restorative justice was issued by the Director General of the General Court of the Supreme Court of the Republic of Indonesia: 1691/DJU/SK/PS. 00/12/2020.

All of the rule's provisions are detailed in the attached suggestions for using Restorative Justice in a normal court setting. To help ensure that the Supreme Court's Restorative Justice regulations, circulars, and decisions on the sustained focus on incarceration in the criminal justice system are applied effectively, this technical guide was compiled. (Supreme Court Dir, 2020)

The focus of the criminal justice system's evolution has shifted from punishing criminals to reuniting the interests of victims with those of holding them accountable for their actions. All district courts in Indonesia are required to follow these guidelines. Through Restorative Justice, cases involving minor offences, juveniles, women who have run afoul of the law, and drug cases are resolved according to these standards. The rules lay out the groundwork and provide step-by-step instructions for using them legally.

Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice

This regulation outlines the necessity of resolving criminal cases through Restorative Justice, which aims to restore society to its original condition while also protecting victims and offenders from acts of crime that lack a vengeful spirit. It is a necessary mechanism for the renewal of the criminal justice system and the implementation of prosecutorial authority.

The following sections of this rule detail the procedures that the Indonesian Attorney General must follow in order to dismiss a restorative justice-based prosecution:

- a. "The foundation upon which the termination of prosecution based on Restorative Justice is carried out is: " Article 2, Letters a-e.
 - 1) justice;
 - 2) public interest;
 - 3) proportionality;
 - 4) criminal law as a last resort; and
 - 5) fast, simple and low cost.
- b. Article 3 paragraph (1) to paragraph (5) reads as follows:
 - 1) For reasons of legality, the Public Prosecutor may decide to dismiss a case.

- 2) In the following instances, a case is closed due to legal reasons:
 - a. The accuser's death;
 - b. The criminal prosecution has concluded;
 - c. A court ruling has been made that has permanent legal force against an individual in the same case (*nebis in idem*);
 - d. A criminal complaint is nixed or dropped; or
 - e. The case has been settled out of court (*afdoening buiten procedure*).
- 3) In order to resolve cases outside of court, as mentioned in paragraph (2) letter e, the following rules may be followed:
 - a. The maximum fine for certain crimes has been voluntary paid and is in line with legislative regulations; or
 - b. The original situation has been restored through the application of the Restorative Justice concept.
- 4) As mentioned in paragraph (3) letter b, prosecution ceases when issues are settled outside of court using the Restorative Justice strategy.
- 5) In accordance with paragraph (4), the Public Prosecutor carries out the responsible and hierarchically submitted process of terminating prosecution based on Restorative Justice.
- c. If the following conditions are met, a. the offender has committed a crime for the first time; b. the offence carries a maximum penalty of 5 (five) years in prison or a fine; and c. the value of the evidence or losses exceeded Rp. 2, 500, 000. 00 (two million five hundred thousand rupiah), then a criminal case can be closed and prosecuted under the Restorative Justice premise, as stated in Article 5, paragraph (1).
- d. As amended, Article 5, paragraph 8, states that certain crimes cannot be prosecuted through the Restorative Justice system. These crimes include those that violate public order and morality, assault on state security, insults to the president and vice president, friendly nations, drug-related offences, environmental crimes, and corporate-sponsored wrongdoing.
- e. When determining whether to forward the case file to the court, the Public Prosecutor considers the accomplishment of the requirements for termination of prosecution based on Restorative Justice, as specified in Article 6.

Hence, as previously stated in several articles, this law lays out the processes for the Attorney General's Office of the Republic of Indonesia to follow in order to terminate Restorative Justice-based charges. The responsibility and authority to guarantee the efficiency of the legal system of law enforcement lies with the Attorney General, who ought to take into account the ideals of expedited, uncomplicated, and economically viable justice. On top of that, he or she needs to figure out how to handle cases in a way that will help prosecutions that are done independently for the benefit of justice according to law and conscience, as well as those that use a Restorative Justice approach and follow all the rules and regulations.

The Chief of Police's Circular Letter No. 8 of 2018 on Restorative Justice's Role in Criminal Case Settlement

In Circular Letter Number 8 of 2018, Addressing the Implementation of Restorative Justice in the Settlement of Criminal Cases, the Chief of Police lays out the ground rules for how police investigators can apply the principles of Restorative Justice to their work, including the following provisions:

1. According to Law No. 8 of 1981, which deals with Criminal Procedure Law, Article 7 Paragraph (1) Letter j, investigators have the power to do other things that are their responsibility under the law because of their obligations;
2. These other actions are defined as investigative if they fulfil the following requirements: Article 18 of Law Number 2 of 2002 concerning the Republic of Indonesia National Police and Article 16 paragraph (1) letter 1 of Article 16 of that law; and Article 5 paragraph (1) number 4 of Law Number 8 of 1981 concerning Criminal Procedure Law. First, they must be in accordance with all applicable laws and regulations. Second, they must be reasonable and appropriate for the position held. Third, they must be based on reasonable considerations that are justified by compelling circumstances. Fourth, they must respect human rights.

Following on from the description in Number 2 above, it forms the foundation for the announcement of case settlements using the Restorative Justice approach. This regulation, of course, also details the procedures for handling cases, beginning with the formal and material requirements, and the mechanism for implementing Restorative Justice.

The positivist-influenced formal law has failed to appease the public's sense of justice, and as a result, recently, restorative justice has become a popular subject. As an alternative to traditional forms of conflict resolution, restorative justice facilitates formal and legal settlements while also assisting with victim-offender mediation, offender reparative efforts, victim-offender conferences, and offender initiative to understand the consequences of their actions.

It is believed that the Police Institution, in its capacity as a law enforcement body, can establish a system of restorative justice. According to the following laws: Law 02 of 2002 on the Indonesian National Police, Police Regulation 8 of 2021 on the Handling of Criminal Acts Based on Restorative Justice, and Police Chief Regulation 06 of 2019 on Criminal Investigation, the Police Institution applies restorative justice.

Community members, victims, and offenders are all subject to strict regulations regarding the participation of restorative justice in the resolution of criminal cases in Indonesia, as outlined in Perja Number 15 of 2020, the Termination of Prosecution Based on Restorative Justice Regulation of the Attorney General of Indonesia (Pane (2023)). The perpetrator and victim must enter into a legally enforceable peace agreement as a basic principle of restorative justice. This strategy aims to achieve peace by prioritising solutions that benefit both victims and perpetrators of criminal activities. It also ensures that the offender may fairly compensate the victim for their losses. As a rule, the criminal justice system's goal is to enforce the law. Domestic abuse victims should be certain that the operating system is designed to manage illegal acts and provide them with legal clarity, as required by applicable laws. The criminal justice system can help enhance social welfare

by supporting the implementation of social protection programs for victims of domestic violence. What the criminal justice system should prioritise are societal factors that contribute to the greater good.

As a method of handling criminal cases, restorative justice seeks to end crime by making amends to those harmed by it, including victims, offenders, and the community at large, for the harms inflicted upon all parties involved. Through a peaceful "meeting" method, everyone involved has a chance to work out their differences, according to the theory of restorative law, which has been utilised in legal protection and problem solving by regulations and circulars from the Supreme Court. In accordance with Decree No. 1691/DJU/SK/PS. 00/12/2020, which is a document outlining standards for the restoration of fair conditions through the application of justice, this document serves as a manual for judges presiding over cases that employ a restorative justice strategy. The hope is that this technical training can help make restorative justice more effective and less focused on punishment.

When it comes to domestic abuse, the restorative justice method shines, particularly when it comes to helping the offender and victim mend fences. Implementing this technique with utmost care and attention to the victim's security elements and protection demands can effectively realise its aims. Article 16 of Law No. 23 of 2004 on the Elimination of Domestic Violence states that victims have the right to get protection in this context:

1. The police must grant temporary protection to the victim within one twenty-four hour period after becoming aware of or receiving a report of domestic violence.
2. The protection mentioned in paragraph (1) can only be granted for a maximum of seven days.
3. Within one twenty-four hour period after the protection is granted, the police must apply to the court for a protection order determination letter.

Thus, victims, offenders, and the community must work together for domestic violence restorative justice measures to safeguard victims' rights. Offenders are given a second chance to make amends for their crimes and rejoin society through this restorative justice approach, which places an emphasis on rehabilitation and reintegration.

Law Number 23 of 2004 concerning the Elimination of Domestic Violence still inadequately addresses victims' rights to mental health services, gender-responsive law enforcement, and the restoration of relationships damaged by criminal acts; victims of domestic violence should also be provided with assistance.

When it comes to domestic abuse cases, the restorative justice method allows for a great deal of room for everyone to actively participate in finding a solution. The culprit, who is typically represented by the prosecution, listens to the victim's demands and expectations. As a result of improper handling, this often becomes nothing more than supplementary evidence or testimony.

On the contrary, the offender speaks out about the situation while being self-aware, accepting responsibility for his or her acts, and remorseful for the damage they did. This ensures that the families of the victims and the perpetrators, as well as any other interested parties, have an equal opportunity to participate, which helps to stabilise the case. Through restorative justice, people are given a chance to talk things out and figure out how to fix things the best way possible.

As an alternative to the punitive nature of traditional litigation, restorative justice provides a more compassionate and recovery-focused means of resolving conflicts. Alternative dispute resolution approaches, such as restorative justice, offer a more compassionate and recovery-focused approach than traditional litigation techniques, which frequently place an emphasis on punishment.

The primary factor affecting the how effective restorative justice programs are is the level of comprehension and dedication displayed by all stakeholders, including community members, victims, offenders, and law enforcement. Everyone participating in the procedure, law enforcement, offenders, victims, and the community at large, must comprehend and commit to restorative justice for it to be effective.

First, the participation of skilled mediators is an essential component in the efficacy of restorative justice; second, it is critical that all parties have a thorough grasp of the concepts of restorative justice in this setting so that they may actively engage in the process. To ensure that all parties are on the same page and can contribute to the restorative justice, it is crucial that they have a firm grasp of the principles underlying it. Trained mediators play an additional crucial role in making this approach work.

It is the mediator's responsibility to ensure that all parties are well-informed about restorative justice and its procedures and goals. A mediator's communication skills should allow them to walk each party through the steps of restorative justice and what they can anticipate from the process.

The effectiveness and efficiency of the restorative justice process can be severely compromised in the absence of a qualified mediator. The restorative justice process runs the risk of being ineffective and failing to live up to expectations in the absence of a skilled mediator.

There needs to be a strong emphasis on training and instruction for mediators in this context so that they can do their jobs well. Third, law enforcement and affiliated institutions must support restorative justice for it to be successfully implemented. If we want mediators to do their jobs well, we need to invest heavily in their education and training (Center (1994). To successfully implement restorative justice, we need the backing of institutions like police departments.

Restorative justice can only be successful if all three branches of government, police, prosecutors, and judges, are on the same page regarding its guiding principles. All branches of law enforcement, from police to prosecutors, must be on the same page when it comes to restorative justice's foundations and be prepared to back its implementation. In order to resolve a criminal case outside of the criminal court system, the victim must provide their agreement; the prosecutor or police department, as an agency with the power to administer and oversee restorative justice; The community's backing is necessary for any settlement that does not involve the criminal law.

Recognising and respecting human rights and creating simpler social justice for the community are the objective of restorative justice. Because it prioritises returning things to how they were, victims of domestic violence find the restorative justice method more compassionate. The goal of restorative justice for victims of domestic violence is to help them regain their dignity and honour.

CONCLUSION

The formal and material requirements, as well as the procedure for implementing Restorative Justice, are laid forth in this regulation that governs the treatment of cases. In addition to providing context for the description in Provision 2 above, it lays out the groundwork for using a Restorative Justice approach to case settlements; this can be useful when dealing with instances involving women.

Depending on the specifics of the case, there are a variety of approaches to implementing restorative justice practices; in fact, some approaches combine elements from different approaches. Among the many tools at a Restorative Justice practitioner's disposal are:

1. Conference, a meeting or discussion between the victim and the perpetrator;
2. Circle, a negotiation process;
3. Victim assistance, a companion for the victim;
4. Ex-perpetrator assistance, a companion for the ex-perpetrator;
5. Restitution, compensation for the victim; and
6. Community service, community service to those affected.

The preceding description should have made it clear that there are already various rules that govern the effort to apply Restorative Justice, and that the process for doing so has been explained. However, in practice, Restorative Justice has not been fully and adequately implementing legal initiatives, particularly in instances of violence against women. In Indonesia, the criminal justice system is heavily skewed towards following the rules, which put the rights of the accused suspect ahead of those of the victim. (Atmasasmita, 1996)

Notably, the present criminal justice and sentencing system frequently leads to problems, which is why the notion of Restorative Justice was established. As things are, the penal system cannot be held up as an example of how victims should be treated in order to achieve justice, since it solely centres upon the idea of punishing offenders for the sake of prevention, vengeance, and the pain and suffering they caused. While this school of penal law places an emphasis on safety, it fails to adequately address victims' rights to bodily and mental healing as well as their economic losses (Mansyur (2010). As part of the Restorative Justice framework, the state must ensure that all victims of crime, particularly those who have been victims of violence against women, have their rights upheld. It is imperative that situations of violence against women, whether it be interpersonal, familial, or societal in nature, be resolved using the principles of Restorative Justice in order to ensure victims receive justice. Restorative Justice's overarching goal is consistent with Bentham's utilitarian legal theory, which posits that the rule of law exists to serve the common good. How much good the law can do for people is a good indicator of how fair it is. According to this utilitarian idea, the Restorative Justice method, which is backed by rules and regulations, will be useful if put into practice correctly. When the norms of law are applied correctly, they will bring about the desired results, which in this instance are victims' feelings of justice. (Muladi, 1995)

In an effort to achieve justice, it is necessary to take steps to ensure that victims' rights are respected. For example, in a Restorative Justice case, the victim may choose to resolve their case through this principle, but in order for this to happen, the offender must meet certain requirements

laid out by the victim in the peace agreement. The victim or reporter can then signal the conclusion of a case through the Restorative Justice principle by writing a letter of withdrawal of the case report, provided that both parties have approved the agreement. As a result of the confirmation of the binding force of the agreement, which is also known as the concept of *pacta sunt servanda*, the peace accord is now legally enforceable.

This principle explains how the law respects and upholds the status of parties' agreements in accordance with the process of lawmaking. Judges and third parties are not allowed to interfere with the contents of agreements that the parties have made in the relevant agreement, and no one can diminish the rights of others to decide what is in an agreement they have made, because legally made agreements are as powerful as laws passed by lawmakers and must be obeyed by the parties involved.

So, according to the researcher's analysis, several statutes and rules already control the theoretical implementation of the Restorative Justice philosophy, but in practice, the concept has not been fully realised (Aprita & Adhitya, 2020). There has to be mutual understanding between the reporting party or victim and the police regarding the intent, purpose, and impact of the Restorative Justice principle in order for its implementation to run smoothly in resolving cases of violence against women. In this case, the reporting party or victim is the other important party.

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Law No. 39/1999-Human Rights

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