



Harmonization of Restorative Justice Regulation in the Legal System in Indonesia

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Abstract—Ensuring regulatory harmonization is crucial for upholding uniformity and legal clarity within the legislative framework, as underlined by Prof. Jimly Asshiddiqie and Prof. Satjipto Rahardjo. This paper examines the difficulties and approaches in aligning restorative justice rules within Indonesia's legislative framework. Restorative justice, which focuses on mending the damage caused by illegal actions, is gaining recognition as an alternative method for resolving criminal cases. Nevertheless, implementing this initiative encounters obstacles due to a requirement for greater comprehension and contradictions in regulation. This study uses normative juridical research techniques to analyze pertinent laws and regulations to find any deficiencies and suggest modifications to improve the implementation of restorative justice. The findings expose inconsistencies in the extent and implementation of restorative justice among law enforcement agencies. The study highlights the necessity of regulatory harmonization to guarantee the uniform and efficient use of restorative justice principles. Indonesia can establish a comprehensive legal framework by aligning rules and enhancing equality and legitimacy in criminal matters. This research enhances the advancement of Indonesia's legal system by offering valuable perspectives on the integration of legislation concerning restorative justice. It, in turn, enhances the effectiveness of law enforcement and ensures fairness for all individuals engaged in the judicial proceedings.

Keywords—Attorney General's Office; Harmonization of Regulations; Police; Restorative Justice; Supreme Court.

I. INTRODUCTION

Regulation harmonization is crucial in aligning and coordinating various legal regulations, ensuring consistency, clarity, and legal certainty within the legislative system.[1] Prof. Jimly Asshiddiqie expressed this viewpoint. Meanwhile, according to Prof. Satjipto Rahardjo, regulation harmonization is a fundamental prerequisite to achieving justice and legal certainty in a healthy legal system.[2] Without harmonization, the risks of uncertainty and inconsistency in law application will increase. Thus, both perspectives emphasize the importance of regulation harmonization as the primary foundation in maintaining the integrity and sustainability of the legal system.

Legal harmonization is creating alignment and compatibility among various legal regulations. This concept first emerged in legal studies in Germany in 1992, aiming to demonstrate that within the legal realm and governmental policies, there exists diversity that may lead to inconsistencies.[3] Such disparities often occur when regulations governing the same matter or action are established by different entities, particularly in internal regulations not yet covered by higher-level regulations, such as those concerning restorative justice not explicitly addressed in legislation.

Restorative justice is a method of settling criminal cases that prioritizes the restoration of the damage caused by illegal actions.[4] The objective is to attain peace by guaranteeing that the victim's damages are adequately compensated and that the victim is able to grant forgiveness to the wrongdoer. Restorative justice diverges from traditional criminal procedural law by placing greater emphasis on communication and mediation, engaging multiple parties such as offenders, victims, families, and other relevant stakeholders. Article 1 of the Indonesian Criminal Code (KUHP) provides a precise definition of a criminal act, which is both regulated and subject to punishment according to the law.[5] Criminal offenses violate regulations established by the state, where defendants are prosecuted by public prosecutors and judged by the court, usually focusing solely on the offender

and the state, neglecting the needs of victims and their rights fulfillment. This regulation has led to the emergence of restorative justice as an alternative to address the imbalances in the criminal justice system.

According to Liebmann,[6] restorative justice is a legal system aimed at restoring the well-being of victims, offenders, and disrupted communities caused by crimes. Its fundamental principles include prioritizing victim support and healing, holding offenders accountable, facilitating dialogue between victims and offenders, restitution for losses incurred, raising offenders' awareness to avoid future crimes, and involving communities in integrating both parties.[7] Restorative justice, as outlined in National Police Chief Regulation No. 8 of 2021, is a systematic approach that brings together offenders, victims, families, community leaders, religious figures, traditional leaders, and other relevant parties to achieve a just resolution focused on restoring the situation to its original state.

PerJA No. 15 of 2020 establishes specific requirements for restorative justice, including the condition that the offense must be the first occurrence, the financial losses must not exceed Rp 2.5 million, and a mutual agreement between the perpetrator and the victim. The maximum penalty for such cases is five years. Furthermore, the competence of the prosecution to dismiss cases is governed by Article 35 letter c of Law No. 16 of 2004, which confirms that this power still belongs to the prosecution. The introduction of restorative justice, a progressively favored method for resolving criminal cases, has encountered substantial obstacles. The main obstacles are comprehending the concept and coordinating the implementation of relevant rules. Thus, it is crucial to prioritize regulatory harmonization initiatives to optimize the effectiveness of restorative justice implementation at all levels of law enforcement.

Restorative justice has emerged as a prominent focal point in Indonesia's judicial system, offering an alternate method for resolving criminal cases. While acknowledged as a successful approach to dealing with the damage created by criminal activities, the execution of this method encounters numerous obstacles. A significant barrier is the limited comprehension of this idea among legal professionals and the general population. Moreover, discrepancies among diverse rules about restorative justice further impede its implementation. The primary concern revolves around consolidating and synchronizing laws pertaining to restorative justice across all tiers of law enforcement. Ensuring reliable and efficient law enforcement through the concepts of restorative justice is not only a theoretical problem but an urgent requirement. Within this particular framework, the significance of current legislation becomes crucial in guaranteeing the effective execution of restorative justice. This project aims to investigate the feasibility of standardizing legislation about restorative justice across all levels of law enforcement, ranging from the police to the prosecution. In order to enhance the efficiency and effectiveness of implementing restorative justice, the aim is to establish a cohesive and integrated legislative framework. This approach will enhance comprehension and consciousness of this topic among legal professionals and the general populace.

II. LITERATURE REVIEW

A. *Harmonization of Legislation*

Legal harmonization is an essential element of law, as explained by L.M. Gandhi in the book "Tussen eenheid en verscheidenheid". The essay "Harmonization of Institutional and Administrative Law (1988)" focuses on the modification of statutory rules, government decisions, judges' rulings, the legal framework, and legal principles.[8] The aim is to enhance legal unity, legal certainty, justice, proportionality, usefulness and clarity of law, while preserving legal pluralism when necessary. The National Legal Development Agency Institute, as detailed by M. HasanW., defines legal harmonization as a scientific endeavor that encompasses philosophical, sociological, economic and juridical values. In practice, it involves a comprehensive study of a draft legal regulation to determine its harmony or conformity with other national statutory regulations, unwritten laws, and international conventions and agreements ratified by the Government of the Republic of Indonesia. The process of legal harmonization, as outlined by Kusnu Goesniadhie, spans five steps:

1. Determine the specific areas where there is a lack of consistency in implementing regulations;
2. Identify the factors that contribute to this lack of consistency;
3. Interpretation methods and legal construction techniques should be employed to rectify disharmonious legal situations and promote harmony.
4. Enhancing legal reasoning to ensure that legal interpretation and construction outcomes are logical and coherent;
5. We are formulating logical arguments based on a comprehension of good governance to justify and elucidate the outcomes of legal interpretation, construction, and reasoning.

Harmonization prevents and overcomes legal disharmony. It can also guarantee the process of drafting laws that adhere to principles of legal certainty. Harmonization of statutory rules refers to the process of aligning and integrating statutory regulations within the legal system in order to accomplish legal objectives.[9] Legal disharmony occurs if there is an incongruity between one legal norm and another. According to L.M. Gandhi,

legal disharmony can be located at the center of general legislation or general norms, for example, differences of opinion and aspirations regarding goals, principles, legal systems, and the organization of authority. In observations in the practice of L.M. Gandhi stated the causes of disharmony, namely:

1. Distinctions among different laws or statutory rules. In addition, the growing quantity of regulations poses a challenge in knowing or identifying them. Therefore, the rule asserting that individuals are presumed to possess knowledge of all relevant laws could be more effective.
2. Legal discrepancies between laws and their corresponding implementing rules;
3. The distinctions between statutory regulations and government agency policy. We are knowledgeable about operating principles that contradict the forthcoming legislation and regulations.
4. Distinctions between legislative regulations and jurisprudence and supreme court circulars;
5. Contradictory policies of central government agencies;
6. Discrepancies between policies of central and regional governments;
6. Disparities between legal provisions and specific interpretations;
7. Systematic and transparent resolution of conflicts arising from the division of authority among government agencies is necessary.

Legal regulations in Indonesia are harmonized comprehensively in Law Number 12 of 2011 concerning the Formation of Legislative Regulations. This law establishes the basic framework for establishing, aligning, and harmonizing statutory regulations. In the articles, harmonization is defined as activities that include reviewing, adjusting, and aligning statutory regulations to comply with the hierarchy and principles of regulatory formation. Article 9 emphasizes that laws and regulations must not conflict with Pancasila, the 1945 Constitution of the Republic of Indonesia, and laws and regulations of a higher level. Furthermore, articles 18 and 19 regulate the mechanism for harmonizing, rounding up, and consolidating the conception of draft laws carried out by relevant ministries or institutions before being submitted to the House of Representatives.

Harmonization aims to ensure legal certainty by ensuring that laws and regulations are consistent and do not conflict, thereby providing legal clarity to the public.[8] Harmonization also aims to create harmony and harmony between regulations so that all legal regulations can operate in accordance with the values of Pancasila and the constitution. This harmonization process involves reviewing existing regulations to identify potential disharmony, adjustments to overcome disharmony, and alignment to ensure consistency with higher regulations.

Undoubtedly, harmonization efforts are not without challenges. The large number and complexity of existing regulations often pose significant obstacles in the harmonization process. In addition, good coordination between government agencies is crucial to ensure regulatory alignment. The constantly changing social, political and economic dynamics also necessitate legislation to be continuously updated and adapted. Thus, harmonization of laws and regulations is an important and ongoing effort to maintain the integrity of the legal system in Indonesia, ensuring that all regulations run in harmony and support the state's goals in realizing justice, legal certainty and legal benefits for society.

From the previous description, it may be inferred that harmonization refers to the act or procedure of adapting legal ideas and systems in order to achieve legal simplicity, utility, certainty, and justice. Legal harmonization involves the creation of statutory regulations that resolve conflicts and inconsistencies between legal norms. The aim is to establish a set of national statutory regulations that are harmonious, balanced, integrated, consistent, and adhere to principles.

B. Restorative Justice

The theory of restorative justice, has been developing since four decades ago and continues to develop today. The term "restorative justice" was first introduced by psychologist Albert Eglash in 1977.[10] However, the intensity of discussion of this concept has only increased in the last two decades, along with the development of the science of victimology which focuses on the study of victims. Although this approach is relatively new in the modern criminal justice system, its philosophy and characteristics have long existed in the administration of traditional or customary justice systems in Indonesia. Restorative justice refers to a theory of justice that recognizes that crime causes harm to individuals and society, and demands reparation of that harm. This approach allows the parties involved to participate in the resolution process, emphasizing that the needs of victims, perpetrators and society do not stand alone, and that justice institutions must be actively involved in providing a positive impact. The primary objective of restorative justice is to establish a system of criminal justice that is responsive to the requirements of those harmed, providing a promising and positive outlook toward the Indonesian criminal justice system.

Legal professionals, policymakers, and individuals interested in criminal justice and victimology must understand the regulations governing restorative justice in Indonesia. These include Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Attorney General's Regulation Number 15 of 2020, and Regulation of the Head of the Indonesian National Police (PERKAP) Number 6 of 2019 and Number 8 of 2019 2021.[11] Law Number 11 of 2012 specifically governs the implementation of restorative justice in dealing with criminal cases involving

children. Article 1 Point 6 of this law defines diversion as the transfer of children's cases from the criminal justice system to an alternative process aimed at achieving reconciliation between victims and children, preventing the deprivation of children's freedom, and promoting children's accountability. Furthermore, according to Article 7, redirection is required for illegal acts that warrant a prison sentence of less than seven years and do not involve a repeat offense. Regulation Number 15 of 2020, issued by the Attorney General, outlines the conditions under which prosecutors may halt prosecution based on restorative justice. This can occur when there is reconciliation between the offender and the victim, and when such a resolution does not lead to social unrest in the community. These provisions are specified in Article 3 and Article 5 of the regulation.[12] Head Regulation The Republic of Indonesia State Police (PERKAP) Number 6 of 2019 and Number 8 of 2021 also provide guidelines for investigators to apply a restorative justice approach during the investigation by emphasizing the importance of mediation and peaceful resolution, as stated in Article 14 and Article 15. This regulation shows Indonesia's commitment to adopting a restorative justice approach in the criminal justice system, primarily focusing on recovering victim losses, perpetrator responsibility, and community involvement to achieve more humane and inclusive justice.

The restorative justice method can be viewed as a critique of the existing criminal justice system, which prioritizes retributive objectives and frequently disregards the rights of victims to be involved in the development of their cases. The retributive justice system focuses on punishment as retribution for crimes committed, while the rights of victims are often neglected. In this system, the main focus is on punishing perpetrators without paying attention to the recovery needs of victims and affected communities.[13] In restorative justice, a balance of restoration between the perpetrator and the victim is achieved by involving both parties in every legal decision. It is hoped that both parties will truly desire the outcome of the case resolution. Victims actively participate in the process, while perpetrators of crimes are urged to assume accountability for their acts by rectifying their errors, either through apologies, returning stolen items, or engaging in community service.

Given the rising number of criminal cases in Indonesia, it is imperative to prioritize the implementation of solutions that emphasize substantial justice. This strategy will safeguard the rights of all parties involved and reinstate social cohesion. The existing criminal justice system frequently falls short in delivering a perception of fairness, leading experts to explore more equitable options that include the concerns of both victims and offenders—measures aimed at achieving harmony within the justice system. This process begins with pinpointing where inconsistencies or conflicts within the legal framework exist, followed by an investigation into the underlying causes of these issues.[13] Attempts are made to convert these discrepancies into a unified and harmonious legal framework by utilizing legal interpretation and construction techniques. The consequences of these interpretative and constructive efforts must be both intelligible and in accordance with logical reasoning, which is of the utmost importance. Ultimately, developing solid and valid arguments that align with sound governance principles is crucial. It will help strengthen and clarify legal interpretation and construction outcomes, leading to a more cohesive and efficient justice system.

Restorative justice, a more compassionate method that focuses on repairing the harm caused by crime, involving all affected individuals, and rebuilding social ties, has the potential to revolutionize the Indonesian criminal justice system. Its implementation is crucial in addressing the deficiencies of the current system, which often prioritizes retributive punishment at the expense of victims' interests. This approach, consistent with the established principles of customary law, can serve as a fundamental foundation for transforming the system, creating a more equitable, impartial, and adaptable system that caters to the needs of all parties involved. This potential for change should inspire and motivate us all.

C. *Establishment of Regulatory Codification*

The regulations governing the scope of criminal acts that can be subject to restorative justice in the three legal institutions are[14]:

1. Decree (SK) of the Directorate General of General Courts (Badilum) Number: KEP-180/DJU/HK.02.3/02/2017 concerning Handling Criminal Cases with a Restorative Justice Approach within the General Courts.
2. Regulation of the Attorney General of the Republic of Indonesia (PerJa) Number: PER-005/A/JA/03/2018 concerning Technical Instructions for Handling Crimes with a Restorative Justice Approach in the Prosecutor's Office.
3. National Police Chief Regulation (Perpol) Number: PERKAPOLRI Number 8 of 2021 concerning Guidelines for the Implementation of Restorative Justice in the National Police of the Republic of Indonesia.

Based on the restorative justice regulations issued by the three institutions, it appears that there are differences in the scope of criminal acts that can be subject to restorative justice, which has the potential to cause inconsistencies in the application of restorative justice. These differences are related to the handling of cases of narcotics abuse, ITE, traffic accidents, and the environment. Restorative justice is permitted in police regulations for traffic

accidents and ITE cases, while the Attorney General's Office and the Supreme Court have not accommodated these types of criminal acts.[15] Apart from that, in cases of narcotics addicts/abusers, restorative justice can be applied in the Police and Supreme Court, but not in the Prosecutor's Office. Furthermore, in terms of following up on the resolution of criminal cases using a restorative justice approach, the police, and prosecutors rely on the authority to stop the legal process from implementing restorative justice without punishing the perpetrator. Therefore, regulations are needed to provide a basis for law enforcement agencies to consider restorative justice without punishing the perpetrator.

Regulatory codification is the systematic process of consolidating and categorizing several legal regulations into a single document or legal code that is structured and organized. This procedure aims to establish a transparent and comprehensible legal structure that is readily available to the general public, legal professionals, and relevant stakeholders. Implementing regulatory codification is founded on the principles of legal simplification and harmonization. Codification is the process of consolidating several legal regulations into a single document or code. It helps to minimize redundancy, inconsistency, and ambiguity in the legal framework. Enhancing legal clarity and certainty can promote the efficiency of the law enforcement process.

In Indonesia, establishing regulatory codification is regulated by laws and other statutory regulations. The National Law Agency, along with similar institutions such as the Ministry of Law and Human Rights (Kemenkumham), National Legal Development Agency (BPHN), Supreme Court, People's Representative Council (DPR), National Law Commission (KHN), and Legal Research and Study Institute (LPPH), is responsible for codifying various existing legal regulations.[11] Their duties include drafting, coordinating, and consulting to form and improve legal regulations in Indonesia. This process, which involves analysis, preparation, and editing of legal texts by a team of legal experts and other related parties, ensures that various legal aspects related to the interests of society and current developments are arranged neatly and structured to provide legal clarity and certainty for all parties.

Codification of legal regulations in Indonesia covers various legal fields, including criminal law, civil law, constitutional law, state administrative law, and so on. Examples of codification of necessary legal regulations in Indonesia include the Criminal Code (Criminal Code), the Civil Code (Civil Code), the ITE Law (Electronic et al. Law), and the ASN Law (Apparatus State Civil Law). The establishment of codified legal regulations is an integral part of the government's efforts to improve the quality of the legal system, provide better legal protection for citizens, and support the development of laws that are just and sure.

III. METHOD

Normative juridical research methodology is employed, with an emphasis on a thorough examination of the laws and rules guiding restorative justice and legislative enhancements for Indonesia's integrated criminal justice system.[16] This strategy entails a thorough analysis of all relevant laws, doctrines, and regulations to pinpoint gaps and recommend changes to the law that would enhance enforcement in certain situations. This study draws upon legal sources, including the Republic of Indonesia Prosecutor's Regulation Number 15 of 2020, Police Regulation No. 8 of 2021, and Decree of the Director General of Badilum Number 1691/DJU/SK/PS.00/12/2020, that are pertinent to the subject matter. Understanding harmonizing statutory rules is the first step in the analysis process. Next, the relationships between the current regulations are determined. After that, each regulation's goals and substance were reviewed to see how it fits into Indonesia's restorative justice system. The analysis seeks to consolidate the legislation regulating restorative justice in Indonesia by proposing a new law to replace the current ones and ensure more optimal and effective execution. Therefore, it is expected that this research will have a substantial and favorable impact on the advancement of Indonesia's legal system, namely in the domains of criminal justice and the implementation of restorative justice.

IV. RESULT AND DISCUSSION

As discussed in harmonizing legal product formation, several aspects require special attention. This aspect includes the hierarchy of legislation, principles of legislation formation, substantive material, and other legal aspects. The aim is to ensure that the legal products produced do not contradict or overlap with existing legislation. The Theory of Hierarchy of Legislation, introduced by Hans Kelsen and Hans Nawiasky, asserts that the legal system has a hierarchical structure consisting of interconnected legal norms. In this structure, lower norms are subject to higher norms, reaching their peak at the Basic Norm or "*Grundnorm*." This theory means that every regulation or law must align with higher rules, thus creating consistency and stability in the legal system. This hierarchy provides the basis for consistent and orderly interpretation and application of the law, ensuring no contradictions exist between existing legal regulations. In this study, the author will further discuss regulations or Standard Operating Procedures (SOPs) regarding Restorative Justice from each law enforcement agency, namely:

A. *Restorative Justice, according to the Indonesian National Police*

The Indonesian National Police Regulation No. 08 of 2021 sets official guidelines for Handling Criminal Acts, focusing on the principle of Restorative Justice.[10] This regulation underscores the Indonesian National Police's commitment to ensuring legal certainty in the investigation and prosecution of criminal acts, particularly about the termination of investigation (SPP-Lidik) and the termination of prosecution (SP3) based on restorative Justice. Restorative Justice, as defined in Article 1, paragraph 3, is an approach to resolving criminal acts involving perpetrators, victims, their families, community figures, religious figures, traditional figures, or other relevant parties. The primary objective is to achieve a fair settlement through peace, emphasizing restoring the original situation as much as possible. While the Indonesian National Police has several internal regulations related to restorative Justice, a significant gap remains in the form of clear competency standards for police officers tasked with implementing these regulations. As per the Circular of the Indonesian National Police No. 8/2018, the principle of restorative Justice is broadly understood as an effort to fulfill the Justice of all parties involved, with investigators or interrogators acting as mediators. This gap poses a challenge in implementing regulations related to restorative Justice. The absence of standardized guidelines and competency standards often leads to police officers' interpretations of the substance of the regulations, which can then result in uncertainty in case handling. This case underscores the need for progressive steps in internalizing the principles of Restorative Justice in law enforcement activities. Therefore, it is crucial to develop clear competency standards for police officers, which can serve as a foundation for consistently and effectively implementing restorative justice principles in the field. It will help curb individual interpretations that may not align with the goals and principles of Restorative Justice and ensure greater Justice for all parties involved in the legal process. Despite the challenges, the Indonesian National Police has implemented stringent oversight of the implementation of restorative Justice through various supervisory mechanisms, including investigation oversight organs at the Polres level to Mabes Polri and the Propam Polri organ.

Furthermore, the implementation of restorative justice mechanisms is also meticulously recorded in a standard format register that has been established. This regulation also encompasses several criminal acts that can be handled through restorative justice mechanisms. Almost all types of criminal acts, including drug abuse, ITE violations, traffic accidents, and environmental cases, can be directed to the Police for restorative justice processes. However, a stark difference is observed in the restorative justice regulations applied by the Indonesian National Police and those applied by the Indonesian Attorney General's Office. This disparity underscores the need for harmonization and synchronization of legal products to ensure a unified approach to restorative Justice across all law enforcement agencies.

B. *Restorative Justice, according to the Indonesian Attorney General's Office*

Under Indonesian Attorney General Regulation (PerJa) No. 15 of 2020, the Attorney General's Office employs a restorative justice methodology to address criminal matters. Restorative Justice is a process that aims to resolve criminal cases by bringing together the perpetrators, victims, their families, and other relevant parties to collaboratively find a fair resolution that focuses on restoring the original state rather than seeking revenge. Prosecution based on restorative Justice is conducted by considering principles such as fairness, societal well-being, proportionality, utilizing punishment as a final option, efficiency, and cost-effectiveness. Indonesian Attorney General Regulation (PerJa) No. 15 of 2020, implemented on July 22, 2021, aims to settle small criminal cases (Tipiring) without requiring individuals to appear in court. The objective is to reinstate the situation to its original state before the "harm" inflicted by an individual's actions (suspect). Restorative Justice can be applied in cases that meet three specific criteria: a) the offender has no prior offenses, b) the financial loss is less than Rp 2.5 million, and c) the perpetrator and victim have agreed. This regulation employs a restorative justice strategy to resolve issues, one of the methods used to close legal matters.[15] In order to successfully implement restorative justice principles and halt prosecution, the Attorney General's Office is confronted with a substantial obstacle: the need to transform the prevailing paradigm employed by public prosecutors in the process of prosecuting. Public prosecutors generally perceive a case as a dispute between the defendant and the state. Under such circumstances, the restorative justice approach necessitates that public prosecutors have a neutral stance, perceiving the case as a problem that inflicts harm on the victim. According to this regulation from the Attorney General's Office, Public Prosecutors will provide opportunities for reconciliation to both victims and suspects in a manner free from coercion, pressure, or intimidation. The implementation is conducted at the Prosecutor's Office within 14 days after the responsibility for the suspect and evidence transfer. The Restorative Justice concept frequently employs discourse and mediation as its primary techniques. Both processes strive to achieve consensus without resorting to joint hearings to enhance the conditions and dynamics of the connection between offenders and victims.

C. *Restorative Justice, according to the Supreme Court of Indonesia*

Restorative Justice, in theory, represents a substantial breakthrough in the realm of law by providing an alternate option for resolving criminal cases. It has the capacity to reinstate the original condition and promote positive community interactions. Nevertheless, the implementation of this concept is considered to be suboptimal. The

General Judiciary Body (Badilum) has established guidelines in compliance with the decisions specified in the Decree of the Director General of the General Judiciary Body (Dirjen Badilum) number 1691/DJU/SK/PS.00/12/2020. This legislation offers judges clear instructions on how to manage cases while still giving priority to the principles of Restorative Justice. These principles emphasize the need of involving offenders, victims, offender/victim families, and other relevant stakeholders in the discourse process. The objective is to attain a fair consensus that reverts the issue back to its original state and promotes positive community interactions.[17] It is crucial to emphasize that the decision taken by the Director General of Badilum serves as a guiding concept and does not replace the regulations of procedural law outlined in the Criminal Procedure Code (KUHAP) and procedural law in the juvenile justice system. This policy serves as a clear instruction for judges and court executives to actively improve their efforts in providing justice services that prioritize the resolution of criminal cases using restorative justice concepts.

Given the elucidation of the legislation presented earlier, it appears that there could be challenges regarding the execution of Restorative Justice in Indonesia. These concerns stem from the incomplete implementation of Restorative Justice by several law enforcement agencies, including the Indonesian National Police, the Prosecutor's Office, and the General Judiciary Body of the Supreme Court. This is apparent in the Indonesian National Police Regulation No. 8 of 2021, Prosecutor Regulation No. 15 of 2020, and the Decision of the General Judiciary Body (Dirjen Badilum) of the Supreme Court No. 1691/DJU/SK/PS.001/12/2020. Regarding the instructions for establishing restorative justice. These regulations are inadequate and may lead to varied methods of implementing restorative justice, thereby creating uncertainty over the categories of criminal acts that can be handled through restorative justice. Consequently, the increasing challenges may lead to legal uncertainty for the general population, which is a matter of worry.

As per the Decree issued by the Director General of Badilum, PerJa, and Perpol, some types of criminal acts may qualify for restorative justice. It has the potential to result in discrepancies in the execution of Restorative Justice. The scope of the management includes drug abuse cases, Information and Electronic Transactions (ITE), traffic accidents, and environmental concerns. Restorative justice is permitted in police laws for road accidents and incidents of illegal traffic evasion (ITE).[14] Nevertheless, the Attorney General's Office and the Supreme Court have not established measures for addressing these criminal violations. Furthermore, in cases concerning individuals who are addicted to drugs or engage in drug misuse, Restorative Justice can be applied within the Police and the Supreme Court, but not within the Attorney General's Office.

Furthermore, in following up on the resolution of criminal cases using a restorative justice approach, the Police and prosecutors rely on the authority to halt legal proceedings to apply restorative Justice without punishing the offenders.[13] Another example is the current situation in the Supreme Court, where cases other than juvenile crimes that enter the court must result in a verdict. Although, in principle, a verdict without punishment is possible, it is still difficult for judges to implement. This difficulty arises because the imposition of a verdict without punishment based on restorative Justice still needs an adequate legal basis. Therefore, regulations are needed to provide a basis for law enforcement agencies to consider restorative Justice without punishing offenders.

Considering the above issues, according to the author, harmonization, and synchronization in forming a legal product should be done as soon as possible.[18] The implementation of harmonization and synchronization of a legal product is not limited to when forming a legal product but also to existing legal products. Synchronization and harmonization are carried out due to legal dynamics arising from the formation or enactment of new legislation, causing some legal products to become inconsistent or not synchronized with the newly enacted legislation.

The harmonization and synchronization, when carried out, can produce a regulation that can oversee the authority of the three law enforcement agencies in carrying out their duties while also serving as a basis for proceedings. The form of such regulation can be in the form of codification substance, which can be considered as *lex generalis* for a specific legal field, such as the Criminal Procedure Code for substantive criminal law and the Criminal Procedure Code for procedural criminal law. Therefore, if other laws govern procedural criminal law besides the Criminal Procedure Code, the provisions in those other laws must be assumed as *lex specialis* of the Criminal Procedure Code.

V. CONCLUSION

In conclusion, harmonizing legal products involves aligning legislative hierarchy, formation principles, and substantive material to prevent contradictions and ensure consistency. The Theory of Hierarchy of Legislation, introduced by Hans Kelsen and Hans Nawiasky, emphasizes the interconnectedness of legal norms, highlighting the need for alignment with higher rules to maintain stability in the legal system. This study discussed the regulations and Standard Operating Procedures (SOPs) regarding Restorative Justice from various law enforcement agencies. Restorative Justice, as per the Indonesian National Police, is outlined in Indonesian National Police Regulation No. 08 of 2021, emphasizing its principles. However, there remains to be a gap in clear competency standards for police officers, leading to varied interpretations and challenges in implementation.

Despite these challenges, the Indonesian National Police has implemented strict oversight mechanisms to ensure compliance with Restorative Justice principles. Indonesian Attorney General Regulation (PerJa) No. 15 of 2020 focuses on resolving minor criminal cases (Tipiring) through Restorative Justice, emphasizing fair resolutions and restoration to the original state. However, changing the paradigm among public prosecutors presents a significant challenge, requiring neutrality and focusing on harm to the victim. The implementation includes reconciliation efforts within a specific timeframe, utilizing dialogue and mediation mechanisms. Guidelines developed by the General Judiciary Body (Badilum) highlight the importance of dialogue processes in reaching fair agreements and restoring positive community relationships. However, challenges arise due to partial implementation by law enforcement agencies, leading to inconsistencies and legal uncertainty for the public. Proactive steps for harmonization are crucial to ensure a unified legal framework across all law enforcement agencies. Codifying regulations can provide consistency and effectiveness, enhancing public trust and legal integrity in Indonesia's criminal justice system.

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