



The Evolution of Criminal Punishment Theory: From Retributive Theory to a Restorative Approach in The Indonesian Criminal Justice System

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Abstract

This study examines the evolution of criminal punishment theory from a retributive orientation toward a restorative approach within the Indonesian criminal justice system and analyzes its implications for contemporary criminal justice reform. The research employed a normative legal method using conceptual and statutory approaches. Primary legal materials consisted of Law Number 1 of 2023 concerning the Criminal Code, Attorney General Regulation Number 15 of 2020, and Supreme Court Regulation Number 1 of 2024, while secondary materials included scholarly literature on punishment theory and restorative justice. The findings indicate that the development of punishment theory has contributed to a fundamental transformation in the objectives of criminal law, shifting emphasis from retaliation toward recovery, accountability, and social reconciliation. This transformation has encouraged the institutionalization of restorative justice across various stages of criminal justice administration and strengthened the pursuit of substantive justice. However, effective implementation remains challenged by regulatory fragmentation, limited institutional capacity, persistent punitive legal culture, unequal bargaining positions, and potential abuse of discretion. The study concludes that restorative justice possesses significant potential to become a dominant paradigm within the Indonesian criminal justice system, provided that future reforms focus on institutional coherence, victim protection, professional capacity development, and comprehensive monitoring mechanisms.

Keywords : Criminal Punishment Theory, Retributive Justice, Restorative Justice, Criminal Justice System, Legal Reform.



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INTRODUCTION

The evolution of criminal punishment theory has become one of the most significant developments in contemporary criminal justice scholarship, reflecting a broader global transition from state centered punitive models toward approaches that prioritize social restoration, victim participation, and community reintegration. Across diverse legal systems, growing dissatisfaction with the limitations of incarceration based responses has stimulated extensive debates regarding the capacity of retributive punishment to address the multidimensional harms generated by crime. Emerging scholarship increasingly argues that punishment should not be confined to proportional retaliation against offenders but should also facilitate the restoration of disrupted social relationships and the recovery of victims from the consequences of criminal conduct. This paradigm shift has gained particular momentum in jurisdictions seeking to reconcile formal legal institutions with principles of human dignity, social cohesion, and sustainable justice outcomes.

Within Indonesia, these global developments have coincided with an ambitious criminal law reform agenda culminating in the enactment of Law Number 1 of 2023 concerning the Criminal Code, which introduces a more balanced conception of punishment by emphasizing rehabilitation, social harmony, and restorative objectives alongside traditional penal functions (Government of Indonesia, 2023). The institutionalization of restorative justice has been further strengthened through prosecutorial and judicial frameworks, including Attorney General Regulation Number 15 of 2020 and Supreme Court Regulation Number 1 of 2024, both of which signal a fundamental reorientation of Indonesian criminal justice toward restorative principles (The Attorney General's Office of the Republic of Indonesia, 2020; Supreme Court of the Republic of Indonesia, 2024).

Existing literature has extensively examined the normative and philosophical foundations of this transformation, yet the cumulative findings reveal a more complex trajectory than a simple replacement of retributive theory with restorative justice. Several studies contend that restorative justice represents a logical extension of legal reform efforts aimed at aligning criminal law with Pancasila values and contemporary demands for substantive justice, while simultaneously challenging the dominance of punishment centered paradigms (Rifa'id, 2025, Riyadi, 2024). Other scholars emphasize that the evolution of sentencing philosophy reflects a broader theoretical movement from retaliation toward restoration, in which the legitimacy of criminal sanctions increasingly depends on their capacity to repair social harm rather than merely inflict suffering upon offenders (Riza, 2025).

At the policy level, restorative justice has been associated with rehabilitative criminal justice objectives, reduction of prison overpopulation, enhancement of offender accountability, and greater recognition of victims as active participants in legal processes (Wibowo et al., 2024). The literature also demonstrates growing consensus that restorative mechanisms possess considerable potential to produce more meaningful outcomes than conventional punitive interventions, particularly in cases involving social conflict and community based harm (Riziq, 2025). Nevertheless, the theoretical optimism reflected in these studies often coexists with practical concerns regarding the translation of restorative ideals into institutional realities.

A closer examination of prior scholarship reveals several conceptual and empirical limitations that remain insufficiently addressed. Although many studies acknowledge the normative shift toward restorative justice, much of the existing literature tends to treat retributive and restorative paradigms as mutually exclusive categories rather than interconnected stages within a broader evolution of punishment theory. Consequently, insufficient attention has been devoted to explaining how retributive principles continue to influence contemporary restorative frameworks and how both paradigms coexist within legal institutions undergoing transition. Furthermore, a significant portion of the literature focuses either on doctrinal interpretation of legal reforms or on descriptive accounts of restorative justice implementation, leaving unresolved questions regarding the theoretical implications of punishment evolution for the architecture of the Indonesian criminal justice system as a whole (Rifa'id, 2025, Riyadi, 2024). Recent analyses have also highlighted persistent discrepancies between restorative justice as a normative ideal and its operationalization in practice, particularly in cases involving special crimes, institutional discretion, and procedural consistency across criminal justice agencies (Rosyadi, 2026). These observations indicate the presence of an important analytical gap concerning the relationship between punishment theory development and the practical transformation of criminal justice institutions.

The existence of these unresolved issues generates both scientific and practical urgency. From a theoretical perspective, the absence of a comprehensive explanation regarding how evolving punishment philosophies reshape legal norms, institutional behavior, and justice outcomes limits scholarly understanding of contemporary criminal law reform. From a policy perspective, the rapid expansion of restorative justice mechanisms within Indonesia has occurred amid concerns regarding regulatory fragmentation, varying institutional interpretations, uneven professional capacity, and the potential misuse of discretionary authority. Literature reviews examining restorative justice as a criminal policy consistently identify implementation challenges that may undermine the legitimacy and effectiveness of restorative approaches if left unaddressed (Soeharlim et al., 2026). Simultaneously, critical assessments of Indonesian restorative justice practices suggest that the transition from punishment oriented justice to restoration oriented justice remains incomplete because legal institutions continue to operate within structures historically shaped by retributive assumptions (Riziq, 2025). As restorative justice increasingly occupies a central position within national criminal justice reform, a deeper investigation into its theoretical foundations and institutional implications becomes necessary to ensure that policy innovation is supported by coherent conceptual frameworks.

Against this backdrop, the present study positions itself at the intersection of punishment theory, criminal law reform, and restorative justice scholarship. Rather than examining restorative justice solely as a procedural mechanism or policy innovation, this research conceptualizes it as the product of a broader historical evolution in punishment theory and seeks to analyze how that evolution influences the reconstruction of criminal justice objectives in Indonesia. This perspective enables a more comprehensive understanding of the continuity and transformation of punishment rationales within contemporary legal reform processes. By connecting theoretical developments with statutory reforms

and institutional practices, the study moves beyond the prevailing tendency to analyze restorative justice in isolation from its intellectual origins. Such an approach contributes to ongoing international debates concerning the capacity of legal systems to reconcile accountability, victim restoration, offender reintegration, and social justice within a coherent framework of criminal punishment.

This study aims to analyze the implications of the evolution of criminal punishment theory from retributive foundations toward restorative approaches within the Indonesian criminal justice system and to identify the principal challenges associated with the implementation of restorative justice as an alternative to conventional punitive models. The research contributes theoretically by developing an integrated analytical framework that explains the relationship between punishment theory transformation and criminal justice reform in Indonesia. It also contributes methodologically by employing a normative legal approach that combines conceptual analysis and statutory examination to systematically evaluate the interaction between legal doctrine, regulatory development, and contemporary justice paradigms. Through this framework, the study seeks to advance scholarly understanding of how evolving theories of punishment shape institutional change and influence the pursuit of substantive justice in modern criminal justice systems.

RESEARCH METHODS

This study employed a non empirical normative legal research design to examine the evolution of criminal punishment theory from a retributive orientation toward a restorative approach within the Indonesian criminal justice system. The research was grounded in a conceptual approach and a statutory approach, enabling a systematic exploration of the theoretical foundations of punishment and their manifestation in contemporary legal reform. Data sources consisted exclusively of documentary materials, including primary legal sources such as Law Number 1 of 2023 concerning the Criminal Code, Attorney General Regulation Number 15 of 2020 concerning termination of prosecution based on restorative justice, and Supreme Court Regulation Number 1 of 2024 concerning guidelines for adjudicating criminal cases based on restorative justice. Secondary sources comprised scholarly books, peer reviewed journal articles, and authoritative legal commentaries addressing punishment theory, restorative justice, and criminal justice reform, while tertiary sources were utilized to support conceptual clarification and legal interpretation. Source selection was guided by criteria of relevance, academic credibility, legal authority, and direct connection to the research objectives. The analytical framework integrated doctrinal legal analysis with restorative justice theory, particularly the conceptual foundations advanced by Zehr (2002), in order to evaluate the normative transformation of punishment objectives and their implications for contemporary criminal justice policy in Indonesia.

The analysis was conducted through a qualitative descriptive analytical procedure involving the identification, classification, interpretation, and synthesis of legal norms, theoretical arguments, and scholarly perspectives relevant to the development of punishment theory. Legal materials were examined systematically to identify patterns of continuity and change in the philosophical orientation of criminal sanctions, followed by a comparative interpretation of retributive and restorative principles within the evolving Indonesian legal framework. Analytical rigor was ensured through source triangulation across legislative documents, academic literature, and theoretical works, thereby strengthening the consistency and credibility of the findings. Interpretive validity was further maintained through continuous cross examination of legal provisions against established theoretical constructs and contemporary scholarly debates, minimizing subjective bias in legal reasoning. This methodological approach enabled a comprehensive assessment of how the transition from retributive punishment to restorative justice has reshaped the normative structure of the Indonesian criminal justice system and illuminated the principal challenges affecting its implementation.

RESULTS AND DISCUSSION

Normative Transformation of Punishment Objectives from Retribution to Restoration in Indonesian Criminal Law

The doctrinal analysis demonstrates that the evolution of punishment theory in Indonesia reflects a substantial normative shift from a retributive conception of justice toward a restorative orientation. Within the traditional framework inherited from colonial criminal law, punishment was primarily justified as a moral response to wrongdoing and was closely associated with proportional retaliation against offenders. Contemporary legal reform introduces a broader understanding of punishment that

incorporates social restoration and community reconciliation. This transformation indicates a redefinition of criminal justice objectives beyond the exclusive focus on state imposed sanctions (Government of Indonesia, 2023).

The conceptual foundations of this transition are evident in the changing interpretation of the relationship between crime, offender responsibility, and victim interests. Retributive theory conceptualizes crime as a violation of legal norms requiring punishment proportionate to culpability. Restorative justice, in contrast, views crime as a disruption of social relationships that necessitates repair and reconciliation. Such a perspective expands the scope of criminal justice by recognizing the interests of victims and affected communities alongside those of the state (Zehr, 2002).

Normative examination of Law Number 1 of 2023 further reveals that the objectives of punishment have been reformulated to incorporate corrective, rehabilitative, and restorative dimensions. The legal framework no longer positions imprisonment as the dominant response to criminal conduct. Instead, it promotes a balanced approach that considers social reintegration and restoration of societal harmony. This legislative orientation reflects a significant departure from classical retributive assumptions regarding the function of criminal sanctions (Government of Indonesia, 2023, Dewi & Setiawati, 2026).

Theoretical developments in contemporary scholarship support this transformation by emphasizing the limitations of punishment centered exclusively on retaliation. Scholars argue that retributive approaches frequently overlook victim recovery and fail to address the broader social consequences of criminal behavior. Restorative justice responds to these deficiencies by integrating accountability, victim participation, and community engagement into the resolution process. Such developments indicate an emerging preference for substantive justice rather than formal legal punishment alone (Padlilah et al., 2023, Riza, 2025).

The normative trajectory identified in the analyzed legal materials can be summarized through the following comparative framework.

Table 1. Comparative Evolution of Punishment Objectives in Indonesian Criminal Law

Analytical Dimension	Retributive Orientation	Restorative Orientation
Primary Objective	Proportional punishment	Social restoration and reconciliation
Position of Victim	Limited procedural role	Active participant in resolution
Role of Offender	Recipient of punishment	Responsible actor in restoration
State Function	Central authority imposing sanctions	Facilitator of restorative processes
Justice Outcome	Legal retaliation	Repair of harm and social balance
Philosophical Basis	Moral desert and culpability	Healing, accountability, and restoration

Source: Adapted from Zehr (2002), Government of Indonesia (2023), and Padlilah et al. (2023).

The comparative findings presented in Table 1 illustrate that the transition is not merely procedural but fundamentally philosophical. The central concern shifts from punishment as an end in itself toward the restoration of social equilibrium disrupted by criminal conduct. This development aligns with international restorative justice scholarship, which increasingly questions the effectiveness of purely punitive responses. The Indonesian reform trajectory therefore reflects broader global developments in criminal justice theory (Zehr, 2002, Purwanto et al., 2025).

Analysis of contemporary legal scholarship further indicates that restorative justice has become closely associated with the principle of humanization within criminal law. The emphasis on dialogue, accountability, and victim recognition corresponds with emerging perspectives that regard punishment as a mechanism for constructive social intervention. Such an approach seeks to reduce stigmatization while maintaining offender responsibility. Consequently, punishment becomes linked to reintegration rather than exclusion from society (Wibowo et al., 2024, Dewi & Setiawati, 2026).

The transformation also demonstrates consistency with broader legal reform objectives in Indonesia. Scholars have observed that the National Criminal Code reflects an effort to harmonize criminal law with constitutional values emphasizing human dignity and social justice. Restorative justice contributes to this objective by creating opportunities for conflict resolution that address both legal and social dimensions of criminal behavior. This orientation strengthens the legitimacy of criminal justice outcomes within diverse social contexts (Rifaid, 2025, Riyadi, 2024).

From a theoretical perspective, the findings confirm the continuing relevance of Zehr's restorative justice framework within contemporary Indonesian legal reform. Crime is increasingly interpreted as harm inflicted upon relationships rather than solely as a breach of legal authority. This conceptual adjustment alters the normative expectations placed upon criminal sanctions and broadens the range of acceptable responses to criminal conduct. The resulting framework encourages accountability while simultaneously facilitating social repair (Zehr, 2002).

The analysis therefore demonstrates that the evolution of punishment theory has generated a substantive normative transformation within Indonesian criminal law. Legislative reform, doctrinal development, and scholarly discourse collectively reveal a movement away from exclusive reliance on retributive logic. The emerging framework prioritizes restoration, reconciliation, and social reintegration as essential components of justice. Such developments establish the theoretical foundation for the expanding implementation of restorative justice throughout the Indonesian criminal justice system (Government of Indonesia, 2023, Pande et al., 2026, Agusta et al., 2025).

Institutionalization of Restorative Justice within the Indonesian Criminal Justice System

The transition toward restorative justice in Indonesia is reflected not only in theoretical discourse but also in the formal restructuring of criminal justice institutions and legal policies. Normative analysis indicates that restorative justice has gradually evolved from an alternative dispute resolution mechanism into an institutional principle embedded within the criminal justice framework. This transformation is evidenced by the adoption of restorative justice provisions in several key legal instruments that govern criminal proceedings and sentencing practices. Contemporary scholarship argues that the institutionalization process represents a shift from punitive legality toward a more responsive and participatory model of justice administration (Imanuddin et al., 2025, Januri et al., 2025).

The enactment of Law Number 1 of 2023 concerning the Criminal Code constitutes a significant milestone in the legal recognition of restorative justice principles within Indonesian criminal law. The legislation introduces a broader conception of punishment that incorporates restoration of social harmony, rehabilitation of offenders, and protection of victims alongside conventional legal objectives (Government of Indonesia, 2023). Normatively, the Criminal Code no longer positions imprisonment as the exclusive response to criminal conduct but recognizes alternative measures that promote social reconciliation. This legislative orientation demonstrates the state's commitment to integrating restorative values into the national penal system (Rifaid, 2025).

Attorney General Regulation Number 15 of 2020 further strengthens this transformation by establishing a formal mechanism for terminating prosecution based on restorative justice. The regulation authorizes prosecutors to prioritize restoration and reconciliation in eligible cases where legal and social requirements are satisfied. Such authority represents a substantial departure from conventional prosecution practices that primarily emphasize conviction and punishment. Legal commentators observe that this policy contributes to reducing case backlogs while enhancing substantive justice for victims and offenders (The Attorney General's Office of the Republic of Indonesia, 2020, Riyadi, 2024).

The institutionalization process gained additional momentum through Supreme Court Regulation Number 1 of 2024 concerning guidelines for adjudicating criminal cases based on restorative justice. This regulation provides judges with a normative framework for considering reconciliation, victim recovery, offender accountability, and community interests during judicial decision making. The regulation also promotes consistency in restorative adjudication by establishing procedural standards applicable across judicial institutions. Scholars identify this development as an important step toward integrating restorative principles within formal court proceedings rather than limiting them to pretrial stages (Supreme Court of the Republic of Indonesia, 2024, Noya et al., 2026).

To illustrate the normative transformation occurring across criminal justice institutions, Table 2 summarizes the integration of restorative justice principles at different stages of criminal proceedings.

The comparison demonstrates that restorative justice has progressively expanded beyond isolated diversion programs and now influences the broader architecture of criminal case management. This development reflects the emergence of a more coordinated institutional framework that prioritizes restoration alongside legal accountability. Recent studies suggest that such integration strengthens the coherence of criminal justice reform in Indonesia (Imanuddin et al., 2025, Januri et al., 2025).

Table 2. Institutionalization of Restorative Justice Across Criminal Justice Stages

Criminal Justice Stage	Conventional Retributive Model	Restorative Model
Investigation	Focus on evidence collection and offender identification	Mediation, dialogue, and victim offender engagement
Prosecution	Conviction and punishment oriented prosecution	Diversion, reconciliation, and termination of prosecution
Adjudication	Formal conviction and sentence imposition	Restorative sentencing and judicial consideration of recovery
Post Sentencing	Incarceration and custodial supervision	Reintegration, rehabilitation, and social restoration

Source: Adapted from Government of Indonesia (2023), Attorney General Regulation No. 15 of 2020, Supreme Court Regulation No. 1 of 2024, Imanuddin et al. (2025), Januri et al. (2025).

The institutionalization of restorative justice has also altered the functional role of law enforcement agencies within the criminal justice system. Police institutions are increasingly expected to facilitate dialogue and dispute resolution mechanisms rather than exclusively pursuing formal prosecution pathways. This expanded role reflects a broader understanding of criminal justice as a process of conflict management and social restoration. Normative developments indicate that law enforcement discretion is increasingly directed toward achieving balanced outcomes for all affected parties (Riyadi, 2024).

The prosecutorial function has undergone a comparable transformation through the introduction of restorative prosecution policies. Prosecutors are no longer confined to the traditional role of representing state interests through punitive enforcement but are also expected to assess opportunities for reconciliation and community restoration. This shift reflects an evolving conception of prosecutorial accountability that encompasses both legal certainty and social justice considerations. Several studies emphasize that restorative prosecution enhances procedural flexibility while maintaining legal legitimacy (Imanuddin et al., 2025, Rifaid, 2025).

Judicial institutions likewise occupy a central position within the institutionalization process. Under the restorative framework, judges are encouraged to evaluate the broader social consequences of criminal sanctions and to consider restorative outcomes when determining appropriate resolutions. Judicial decision making therefore extends beyond assessing legal guilt and incorporates considerations related to victim recovery, offender responsibility, and community harmony. Such developments signify an important reconfiguration of adjudicative functions within contemporary criminal justice governance (Supreme Court of the Republic of Indonesia, 2024, Noya et al., 2026).

Another notable consequence of institutionalization is the enhanced participation of victims and offenders within criminal proceedings. Victims are increasingly recognized as active stakeholders whose interests, losses, and expectations must be considered throughout the justice process. Offenders are simultaneously encouraged to acknowledge responsibility and contribute directly to repairing the harm resulting from criminal conduct. This participatory orientation differs substantially from conventional criminal procedures that often marginalize the perspectives of affected individuals (Januri et al., 2025).

The institutionalization of restorative justice ultimately reflects a broader transformation in the normative structure of the Indonesian criminal justice system. Legal reforms enacted through the Criminal Code, prosecutorial regulations, and judicial guidelines demonstrate that restorative justice has evolved into a formally recognized component of criminal justice administration. The integration of restorative principles across investigation, prosecution, adjudication, and post sentencing stages

indicates a systemic commitment to balancing accountability with social restoration. Contemporary legal scholarship therefore views institutionalization as a crucial foundation for the long term sustainability of restorative justice within Indonesia's evolving criminal justice framework (Riyadi, 2024, Noya et al., 2026, Rifaid, 2025).

Challenges and Future Directions of Restorative Justice Implementation in Indonesia

The institutional expansion of restorative justice within the Indonesian criminal justice system has not automatically ensured consistent implementation across legal institutions. Contemporary scholarship indicates that the operationalization of restorative justice continues to encounter structural and practical barriers despite increasing normative acceptance (Deny et al., 2026). The challenge is no longer associated with conceptual legitimacy but rather with the capacity of institutions to translate restorative principles into coherent practices. This condition reveals a significant gap between legal recognition and implementation effectiveness.

One of the most persistent obstacles is regulatory fragmentation among criminal justice institutions. Different procedural standards and operational interpretations frequently create inconsistencies in determining case eligibility, settlement mechanisms, and institutional responsibilities. Hani (2026) argues that fragmented institutional approaches reduce coordination and weaken the integrated functioning of restorative justice processes. The resulting uncertainty may generate unequal treatment of similar cases across different jurisdictions.

Regulatory fragmentation also contributes to overlapping authority among law enforcement agencies. Variations in institutional practices often produce competing interpretations regarding the scope and limits of restorative settlement procedures. Rosyadi (2026) observes that such inconsistencies may undermine legal predictability and create difficulties in maintaining procedural coherence. The absence of a unified implementation framework therefore remains a significant challenge for effective restorative justice governance.

Institutional capacity limitations represent another major barrier affecting implementation quality. The effectiveness of restorative justice depends heavily on the competence of police officers, prosecutors, judges, and facilitators who are directly involved in conflict resolution processes. Studies indicate that uneven levels of professional training continue to affect the quality of restorative decision making and case management (Soeharlim et al., 2026). Capacity disparities become particularly visible in regions with limited access to specialized restorative justice programs.

Many practitioners continue to approach restorative justice through conventional adjudicative perspectives rather than through collaborative problem solving frameworks. This situation often reduces restorative processes to procedural settlements without adequately addressing victim recovery and offender accountability. Wibowo et al. (2024) emphasize that inadequate understanding of restorative principles may weaken the transformative objectives that distinguish restorative justice from conventional criminal proceedings. Sustainable implementation therefore requires continuous professional development and institutional learning mechanisms.

Public acceptance remains equally important in determining implementation outcomes. Although restorative justice has gained increasing recognition within legal institutions, many community members continue to associate justice primarily with punishment and imprisonment. Purwanto et al. (2025) note that punitive legal culture often influences public expectations regarding appropriate responses to criminal behavior. Such perceptions may reduce support for restorative settlements even when those outcomes provide greater opportunities for victim recovery and social reconciliation.

Victim resistance also emerges as a significant challenge within restorative processes. Some victims perceive restorative settlement as insufficient to acknowledge the harm they have experienced, particularly in cases involving emotional trauma or significant social impact. Riziq (2025) explains that unequal access to information and legal assistance may further influence victims' willingness to participate voluntarily in restorative procedures. The effectiveness of restorative justice therefore depends on ensuring meaningful victim participation rather than merely obtaining formal consent.

Table 3. Major Challenges and Recommended Reforms for Restorative Justice Implementation

Challenges	Main Problems	Recommended Reforms
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Regulatory fragmentation	Different standards among institutions	Regulatory harmonization
Capacity limitations	Lack of trained personnel	National training programs
Cultural resistance	Punitive legal culture	Public legal education
Abuse of discretion	Coercive settlements	Monitoring mechanisms
Victim protection	Unequal bargaining position	Strong victim safeguards

Source: Developed by the author based on Deny et al. (2026), Hani (2026), Rosyadi (2026), Soeharlim et al. (2026), Wibowo et al. (2024), Purwanto et al. (2025), and Riziq (2025).

Another concern involves the potential abuse of discretionary authority during restorative proceedings. The flexibility that characterizes restorative justice may create opportunities for coercive settlements, particularly when power relations between parties are unequal. Deny et al. (2026) warn that restorative mechanisms may lose legitimacy if victims experience direct or indirect pressure to accept agreements. Effective safeguards are therefore necessary to preserve procedural fairness and voluntary participation.

Risks of elite capture further complicate implementation in certain contexts. Individuals possessing greater economic, political, or social influence may exercise disproportionate bargaining power during negotiations, potentially affecting the fairness of outcomes. Such conditions challenge the core restorative principle that all participants should engage on relatively equal terms. Institutional safeguards must therefore address asymmetrical power relations to maintain substantive justice.

Future reform efforts should prioritize the development of a comprehensive implementation framework capable of reducing fragmentation and strengthening accountability. A national guideline applicable across criminal justice institutions could promote greater consistency while preserving the flexibility necessary for restorative processes. Equally important are stronger victim protection mechanisms, systematic professional training programs, and robust monitoring and evaluation frameworks designed to assess implementation outcomes over time (Hani, 2026; Soeharlim et al., 2026). These reforms would enhance institutional credibility and improve the long term sustainability of restorative justice within Indonesia's evolving criminal justice system.

CONCLUSION

The evolution of criminal punishment theory in Indonesia reflects a significant normative transformation from a retributive orientation centered on punishment toward a restorative approach emphasizing recovery, accountability, and social reconciliation. The analysis demonstrates that this theoretical shift has substantially influenced the institutional development of the Indonesian criminal justice system through the incorporation of restorative justice principles within contemporary legal frameworks and criminal justice practices. This transformation has expanded the objectives of criminal law beyond deterrence and retribution by recognizing the interests of victims, offenders, and communities as integral components of substantive justice. At the same time, the findings reveal that the effectiveness of restorative justice remains constrained by regulatory fragmentation, institutional capacity limitations, socio cultural resistance, and risks associated with discretionary decision making. These challenges indicate that the success of restorative justice depends not only on legal recognition but also on coherent implementation mechanisms and institutional readiness. Strengthening regulatory harmonization, professional capacity building, victim protection measures, and monitoring frameworks is essential for ensuring consistent application and public legitimacy. The ongoing transition toward restorative justice illustrates the emergence of a more humanistic and balanced paradigm of punishment that aligns criminal justice objectives with social restoration, legal certainty, and sustainable conflict resolution within the Indonesian legal system.

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