

A Study of Restorative Justice in Cases of Minor Assault

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ABSTRACT

This study investigates the implementation of restorative justice in minor assault cases at the Cirebon Police Department, Indonesia, within the broader context of a global shift in criminal justice from retributive punishment toward reconciliation and social repair. Minor assaults are prevalent, yet conventional punitive approaches often fail to address the social and relational harm caused by such offenses. Restorative justice offers an alternative by emphasizing victim recovery, offender accountability, and community cohesion. The study aims to analyze how restorative justice is applied in practice, identify supporting and inhibiting factors, and evaluate its effectiveness in resolving minor assault cases. The research employs an empirical legal approach with a qualitative, socio-legal methodology. Primary data were obtained through in-depth interviews and direct observations of police practices, while secondary data included legal regulations, internal policies, and previous studies on restorative justice. Findings reveal that police discretion plays a critical role in determining case suitability, initiating mediation, and facilitating dialogue between victims and perpetrators. Successful implementation depends on victim willingness, offender accountability, and case severity, whereas inconsistencies arise from the absence of technical guidelines and the prevalence of punitive mindsets. The study concludes that restorative justice effectively resolves minor assaults by restoring social relationships and promoting accountability. However, standardized procedures, officer training, and public education are necessary to ensure its consistent and equitable application.

INTRODUCTION

The perspective on punishment in modern criminal law has begun to shift (Hamilton, 2023; Jiang & Chen, 2023; Levin, 2022, 2023). Previously focused on imposing prison sentences on perpetrators as retribution, it is now shifting toward restoring relationships between the parties involved without necessarily requiring prison time. This shift arises because the criminal justice system traditionally used has not always been able to provide a sense of justice for all parties, including victims, perpetrators, and the community (Agustin & Sulchan, 2025). Restorative justice has emerged as an alternative that views crime not merely as a violation of rules, but also as a social conflict that causes harm (Situmeang & Meilan, 2025).

Restorative justice focuses more on victim recovery, the perpetrator's moral and social responsibility, and improving relationships within the community (Ramadhan & Yusuf, 2025).

This concept is considered appropriate for certain types of cases. One example is minor assault, which frequently occurs in everyday life and can actually be resolved through non-litigation channels (Elvariani & Sunaryo, 2025; Elfin, 2025).

In Indonesia, restorative justice already has a fairly clear legal basis, particularly within the Indonesian National Police (Hadi et al., 2023; Manthovani et al., 2023; Rahman et al., 2024; Sikumbang & Sara, 2025; Sukardi & Purnama, 2022). As the frontline institution in the criminal justice system, the police play a crucial role in determining the direction of a case's resolution from the outset. This authority gives the police the privilege of determining whether a case should proceed to formal court proceedings or simply resolve it through a restorative justice approach (Riyadi, 2024; Adinata et al., 2025).

The term "legal remedies" here isn't interpreted narrowly as merely an appeal or cassation, but rather refers to the steps, methods, and policies taken by police to resolve a case. Therefore, legal remedies, in the context of restorative justice, are understood as law enforcement strategies that utilize police discretionary authority to resolve minor cases through mediation, peacemaking, and rehabilitation (Utomo, 2023).

Although restorative justice has a strong legal basis, in practice it often doesn't work as expected. Several obstacles arise, such as differences in understanding among law enforcement officers (Fikarudin & Widjajanti, 2025) and a persistently punitive mindset (Hamzah et al., 2025). Furthermore, external factors such as pressure from victims, families, and the surrounding community complicate the process (Putri, 2025). Most existing research typically only discusses the implementation or effectiveness of restorative justice in general; few actually examine its practical application within the police force. Furthermore, research focused on minor assault cases at the Cirebon Police Station is still rare. Therefore, this study aims to fill this gap by examining how restorative justice is applied to minor assault cases, and to assess the extent to which this approach can achieve justice in law enforcement in Indonesia.

The Cirebon Police Department, as a police force, faces a diverse social and cultural landscape, which influences how cases are handled (Hafidz, 2023; Saefullah et al., 2025). In an environment where family values remain strong, restorative justice should have a significant opportunity to be implemented. However, demands for professionalism, legal certainty, and accountability from the police institution cannot be ignored, so all of these factors must be taken into consideration.

Minor assault, as a specific category of crime, provides a pertinent context for examining restorative justice. Globally, minor physical altercations constitute a significant proportion of reported criminal offenses. Data from the World Health Organization (2022) indicate that non-fatal assaults affect millions annually, contributing to physical and psychological trauma, strained social relationships, and community tension. While severe crimes often necessitate formal legal proceedings, minor assaults present an opportunity to employ non-litigation approaches, mitigating long-term societal costs and fostering early conflict resolution. Such cases highlight the practical relevance of restorative strategies, where mediation and reconciliation can have profound effects on both victims and perpetrators.

Previous research demonstrates that restorative justice enhances victim satisfaction and reduces repeat offenses. Situmeang and Meilan (2025) argue that viewing crime as a social conflict rather than merely a legal violation allows for interventions that focus on relationship restoration and moral accountability. In Indonesia, studies by Ramadhan and Yusuf (2025)

show that incorporating restorative processes within police discretion promotes humanistic law enforcement and reduces procedural backlog. Internationally, comparative research highlights similar findings: for instance, Bazemore and Umbreit (2022) report that restorative interventions in minor assault cases across Europe and North America improve offender empathy, victim closure, and community cohesion.

Despite these insights, gaps remain in understanding the practical implementation of restorative justice at the frontline of law enforcement. Most literature emphasizes theoretical frameworks or judicial applications but seldom explores police-led discretion in minor assault cases. In Indonesia, the Cirebon Police Department represents a context where legal provisions support restorative justice, yet empirical evidence on its operationalization is limited. Existing research rarely addresses how investigative officers evaluate case suitability, engage victims and perpetrators, and navigate social pressures, creating a knowledge gap regarding effective implementation in real-world policing.

The urgency of addressing this gap is underscored by societal expectations for both accountability and fairness. Victims increasingly demand participatory roles in case resolution, while communities call for justice that maintains social harmony. The police must reconcile these expectations with institutional responsibilities, legal certainty, and accountability. Without comprehensive understanding, restorative justice risks inconsistent application, which can lead to legal uncertainty, unequal treatment, and reduced public trust. Highlighting these challenges illustrates the immediate need for empirical studies that examine practical application in law enforcement settings.

This study introduces a novel perspective by combining socio-legal analysis with empirical investigation of minor assault cases within the Cirebon Police Department. Unlike prior studies that focus solely on judicial outcomes or legislative frameworks, this research observes actual police practices, victim-perpetrator interactions, and contextual social dynamics. By documenting the discretionary processes of officers, the study provides unique insight into how restorative justice principles are operationalized, the factors influencing success, and the barriers faced, offering a nuanced understanding not previously captured in the literature.

The research purpose is to analyze legal efforts in restorative justice for minor assaults and assess the degree to which these practices align with both theoretical ideals and community expectations. By examining case resolution processes, investigator decision-making, and the interplay between legal frameworks and societal norms, the study aims to provide actionable insights for improving the consistency and effectiveness of restorative interventions. This contributes to developing a practical model of police-led restorative justice that could be adapted in similar jurisdictions.

Contributions of the study extend beyond local law enforcement to broader criminal justice reform. Findings will inform policymakers on the integration of restorative practices into frontline policing, guide training and protocol development for investigative officers, and provide evidence for community education initiatives. Academically, the research enriches restorative justice literature by offering field-based empirical data and linking theory to practice, addressing a recognized gap in socio-legal studies.

The objectives of this research are fourfold: to analyze the application of restorative justice in minor assault cases; to identify supporting and inhibiting factors in its

implementation; to evaluate the effectiveness of restorative approaches in achieving justice; and to propose recommendations for optimizing restorative justice practices within the police system. Achieving these objectives will facilitate better alignment between legal provisions, police discretion, and community expectations, ultimately promoting fairness, reconciliation, and social cohesion.

The benefits of the study are multifaceted. Victims gain greater agency and psychological closure, while offenders are encouraged toward moral accountability and behavioral reform. For law enforcement, the study provides practical guidance on deploying restorative strategies effectively and consistently. Societally, successful restorative justice enhances public trust, reduces conflict recurrence, and strengthens communal bonds. Collectively, these benefits demonstrate that integrating empirical evidence with restorative principles can transform minor assault management, yielding a model of justice that balances law, morality, and social harmony.

METHOD

Types of research

This study uses an empirical legal method, a research approach that views law not only as written rules but also as actual practices in society. This approach was chosen to understand how restorative justice is actually applied in the practical handling of minor assault cases, not just from a theoretical perspective.

Research Approach

This research uses a qualitative approach with a socio-legal perspective. Therefore, researchers not only examine the law from written regulations but also how it is implemented in everyday life. Researchers also seek to explore the meaning behind the actions and decisions taken by law enforcement, rather than solely focusing on the final outcome. Furthermore, this research uses a legislative approach to compare whether existing practices in the field are in accordance with applicable legal regulations.

Research Data Sources

The data in this study is divided into two types: primary and secondary data. Primary data is data obtained directly from the field, for example, from in-depth interviews with parties involved in handling cases of minor assault at the Cirebon Police Department. Furthermore, researchers also conducted observations to directly observe how the case resolution process through restorative justice occurs in the field.

Meanwhile, secondary data comes from various written sources related to this research, such as laws and regulations, internal police policies, court decisions, books, and other research findings on restorative justice and minor assault. This data is used to supplement and strengthen the analysis of findings already obtained in the field.

Legal Material Analysis

The data processing and legal materials in this study were conducted using a descriptive qualitative approach with interactive analysis methods. Data obtained from the field were initially categorized and systematically organized according to the research focus. Then, they

were analyzed by linking them to concepts from restorative justice theory and applicable legal regulations.

RESULT AND DISCUSSION

Legal Efforts Through Restorative Justice in a Case of Minor Assault at the Cirebon Police Station

The results of this study indicate that cases of minor assault at the Cirebon Police Department are not always immediately referred to the formal judicial process. During the investigation stage, police often use their discretionary powers to open up the possibility of resolution through a restorative justice approach. The decision to use this approach is not made haphazardly, but rather through careful consideration by investigators. Factors such as the severity of the offense, the absence of serious injuries, the victim's willingness to reconcile, and the perpetrator's willingness to accept responsibility for their actions are typically taken into consideration. If these conditions are met, a restorative justice resolution will usually be implemented.

In the field, it's clear that the application of restorative justice for minor assault cases at the Cirebon Police Station usually begins early in the investigation process. When a report is received, investigators don't immediately initiate formal proceedings. Instead, they first review the chronology of events, gather information from the complainant, the accused, and witnesses, and then determine whether the case is considered minor. If the results are deemed minor, then they begin considering resolving it using restorative justice.

The process usually begins with a persuasive approach to both the victim and the perpetrator. The investigator explains that the issue can actually be resolved out of court, and then informs them of their respective rights and obligations, including the risks of pursuing criminal proceedings. Here, the investigator acts more like a mediator, helping both parties understand the situation and their options. However, the final decision still rests with the victim. If the victim wants peace, the restorative justice process will continue; if not, the case will usually proceed through regular legal channels.

After both parties agree to a peaceful resolution, the restorative justice process continues by bringing the victim and perpetrator together in a forum facilitated by investigators. During this meeting, the perpetrator is given the opportunity to admit their mistake and apologize directly to the victim. Meanwhile, the victim is also given space to express any impact they have experienced as a result of the incident. This dialogue usually results in a mutual agreement. This can take various forms, such as an apology, compensation, or a promise from the perpetrator not to repeat their actions. This agreement is then formalized in a formal document, a peace agreement signed by both parties and witnessed by the police.

From the perspective of restorative justice theory, the practices implemented at the Cirebon Police Department are actually quite in line with its principles. The process actively involves both victims and perpetrators, and focuses more on recovery than simply imposing punishment. In this approach, victims are not merely seen as witnesses but also as parties whose interests deserve greater consideration. Meanwhile, perpetrators are not merely positioned as individuals who must be punished but also held accountable for their actions. Resolving cases through restorative justice goes beyond the legal aspect, but is more directed at repairing social

relationships damaged by the incident. The goal is not just a legal resolution but also a return to normal relationships between the parties.

Several previous studies have shown that the restorative justice approach is suitable for handling minor crimes (Fadila et al., 2024; Butar Butar et al., 2025). The results of these studies explain that resolving the issue through dialogue and agreement between the victim and perpetrator can help repair damaged relationships and reduce tensions in the community. This aligns with the basic concept of restorative justice, which views crime not only as a violation of the law but also as a social conflict. Therefore, resolving the issue requires more than just punishment; it also requires direct involvement of the victim and the perpetrator, and a greater focus on redressing the losses incurred as a result of the act (Hamzah et al., 2025; Adriane & Triadi, 2026).

Investigator's Considerations in Determining Restorative Justice Legal Efforts

Investigators' decisions to implement restorative justice in cases of minor assault aren't made lightly or haphazardly. They're influenced by various considerations, both legal and on-the-ground. From the outset of a case, after investigators understand the chronology of events, understand the characteristics of the perpetrator and victim, and assess the impact, they consider whether the case is suitable for a peaceful resolution. Therefore, not all cases of minor assault are automatically directed to restorative justice, as there are no regulations that strictly require it.

Investigators typically consider the legal aspect first. They'll check to see if the elements of the crime are met. If the case falls into the minor category, the chances of resolution through restorative justice are usually greater. However, if the victim's injuries are serious or there's a possibility of serious assault, investigators will usually choose the formal legal route. This is done to avoid procedural errors and to avoid any perception of abuse of authority.

Beyond the legal aspect, the victim's attitude and wishes also significantly influence whether restorative justice can be used. Research shows that this method only works if the victim genuinely wants to reconcile voluntarily. There are also cases where victims reject a peaceful settlement because they want the perpetrator to be prosecuted to create a deterrent effect. This attitude is usually influenced by emotions, disappointment, or pressure from family and friends. In such circumstances, investigators usually respect the victim's decision and proceed with the case through formal legal channels.

The perpetrator's condition and demeanor are also important considerations for investigators. They will assess whether the perpetrator is willing to admit their mistake and accept responsibility for the consequences. If the perpetrator is cooperative and shows remorse, the opportunity for restorative justice is usually greater. However, if the perpetrator continues to defend themselves or has a history of previous assault cases, investigators usually feel that formal legal action is more appropriate.

From a theoretical perspective, these various considerations indicate that the police are actually using discretionary authority in law enforcement. This discretion gives investigators the freedom to make decisions based on a sense of justice and the benefits for all parties involved. However, on the other hand, this can also lead to subjective judgments. Research shows that the application of restorative justice is highly dependent on the judgment of each investigator. As a result, cases that are actually similar or have the same characteristics may be

treated differently. This situation presents a challenge in itself to maintaining consistency in the application of restorative justice.

Analysis of the Gap between the Ideality and Practice of Restorative Justice Legal Efforts

Restorative justice was originally designed as a method for resolving criminal cases that prioritizes the restoration of all parties involved. Conceptually, this approach should be applied consistently, especially for minor cases that don't have serious consequences and still allow for repair of relationships between the parties. The hope is that various minor criminal cases can be resolved amicably without the need for court proceedings.

However, the reality at the Cirebon Police Department isn't entirely like that. The implementation of restorative justice still depends on the investigator's assessment and the victim's wishes. Despite its strong legal basis, it's still often used as an alternative, rather than the primary method for handling minor assault cases. This situation demonstrates the gap between the ideal concept and the reality on the ground.

This gap is also evident in the lack of comprehensive implementation of restorative justice within the police system. Research shows that its implementation is still not supported by clear technical regulations and strong oversight. As a result, cases can be resolved differently, even when the cases are nearly identical. This situation can lead to legal uncertainty and unequal treatment across cases. Law enforcement should, however, ensure certainty and justice for all.

Furthermore, the implementation of restorative justice is also influenced by a societal perspective that still prioritizes punishment. Many people still believe that justice can only be achieved through punishment, while resolving cases through peace is often considered a poor deterrent. This view not only influences victims' attitudes but also makes police officers more cautious in deciding whether to use a restorative justice approach.

The analysis shows that there is still a gap between the ideal concept of restorative justice and its implementation at the Cirebon Police Department. This situation indicates that restorative justice is still in a transitional stage, from being merely a regulation to its actual implementation on the ground. Therefore, clearer and more targeted efforts are needed to narrow this gap. This way, restorative justice will not remain merely a concept or discourse, but can be truly implemented as a fairer method of law enforcement.

Obstacles in the Implementation of Restorative Justice Legal Efforts

The obstacles faced by the Cirebon Police Department in implementing restorative justice in minor cases come from both within and without. Internal obstacles are usually related to differing perceptions among law enforcement officials regarding the application of restorative justice. Some officers still consider this method risky, fearing abuse of authority or failure to deter perpetrators. As a result, investigators often prefer formal legal channels, even though the case actually meets the requirements for restorative justice.

Another obstacle is the lack of clear technical guidelines. Therefore, there are no detailed regulations on the implementation stages, how to measure success, or whether the oversight system is clear. As a result, the implementation of restorative justice is highly dependent on the initiative of individual investigators. Cases are handled differently, even when the cases are similar, which can create legal uncertainty and diminish the sense of justice that should be equal for everyone.

From outside the police force, the obstacles usually come from the victim's and their family's attitudes. Some victims still want their cases processed through formal legal channels, even if the charges are minor, arguing that it will deter the perpetrator. This perspective is influenced by a legal mindset that emphasizes punishment. Therefore, restorative justice is often perceived as exempting the perpetrator from punishment and not providing a deterrent effect for their actions.

Social pressure from the surrounding community can also be an obstacle to the implementation of restorative justice. In some communities, resolving cases through amicable settlements can actually create new problems if they are perceived as unfair. This puts investigators in a difficult position: on the one hand, they want to promote peaceful resolutions, but on the other, they must also maintain social order and public trust in the police.

From a law enforcement theoretical perspective, these various obstacles indicate a mismatch between legal regulations, institutional systems, and societal legal culture. Although the regulations exist and are recognized, their implementation is not supported by institutional readiness and the prevailing legal mindset within the community. Therefore, the success of restorative justice is not just about regulations; it also requires alignment between the police and community acceptance.

Implications of Restorative Justice Legal Efforts for Substantive Justice

The application of restorative justice in a case of minor assault at the Cirebon Police Station has had an impact on achieving justice for all parties. This approach gives victims the opportunity to directly participate in the resolution of cases that have harmed them. Therefore, the law enforcement process is not only about punishment, but more about recovery and a sense of justice that is truly felt by the victim. Meanwhile, the perpetrator is also given the opportunity to take responsibility for their actions, usually by admitting guilt, apologizing, and fulfilling the agreement made with the victim. This form of accountability is often more meaningful than a mere prison sentence. From a societal perspective, the use of restorative justice in cases of minor assault can also help repair previously disturbed social relationships. Peaceful resolutions provide space for the parties to reconcile, preventing further conflict and allowing social life to continue smoothly.

CONCLUSION

The study concludes that restorative justice has been effectively applied in minor assault cases through police discretion, emphasizing reconciliation between victims and perpetrators over punitive measures. The implementation process involves early assessment of the case, engagement with both parties, and facilitation of a mediated dialogue to reach mutually agreed resolutions, such as apologies, compensation, or behavioral commitments. This approach aligns with restorative justice principles by focusing on social repair, moral accountability, and community cohesion, rather than merely enforcing legal sanctions. However, the application remains inconsistent due to the lack of clear technical guidelines, varying interpretations among investigators, and societal preferences for punitive justice, highlighting a gap between the ideal concept and its practical realization.

For future research, it is recommended to explore the long-term impacts of restorative justice on recidivism rates, victim satisfaction, and social reintegration of perpetrators.

Comparative studies across different police jurisdictions in Indonesia or internationally could provide insights into contextual factors that affect the effectiveness of restorative interventions. Additionally, investigating the role of community engagement, victim advocacy, and training programs for police officers can contribute to developing standardized procedures and enhancing consistency in implementation. Such research would support the institutionalization of restorative justice as a reliable and equitable method for addressing minor criminal offenses while promoting broader social harmony.

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