

Restorative Justice Through Strengthening Community Legal Culture in Indonesia: Challenges and Opportunity

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ABSTRACT

The main objective of this study is to examine how restorative justice can be effectively implemented in Indonesian society by strengthening its legal culture. The research methodology employed in this investigation is normative research, which encompasses a comprehensive review of existing literature and an analysis of pertinent legislation and policies. The prevailing legal culture in Indonesia places significant emphasis on punishment and incarceration as forms of justice, thereby influencing the acceptance and execution of restorative justice practices. Nevertheless, various endeavors have been undertaken to integrate restorative justice into the community's legal culture. These initiatives include establishing supportive legal frameworks, providing training and capacity-building programs, implementing pilot projects and experiments, advocacy campaigns, public awareness campaigns, and community engagement. However, several obstacles and challenges need to be addressed, such as shifting legal paradigms, insufficient knowledge and awareness among the general public, resistance from offenders, and limited resources. To overcome these constraints and challenges, concrete steps are needed, such as increasing public knowledge and awareness, establishing supportive legal frameworks, active community engagement, and resource optimization. By addressing these constraints and challenges, restorative justice can be more integrated with the legal culture of Indonesian society, providing a positive contribution to conflict resolution, restoring social relationships, and improving the justice system in Indonesia.

Keywords: Legal Culture; Society; Restorative Justice

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INTRODUCTION

In this era of growing globalization, the world of law faces various complex challenges, especially in terms of law enforcement and dispute resolution. The existing criminal justice system in Indonesia has long relied on a retributive approach based on punishment and punishment as the main way of dealing with criminal acts.¹ However, this approach often fails to repair social relations damaged by crime and pays little

¹ Simanjutak Nikolas, "Penguatan Lembaga Adat Sebagai Alternatif Penyelesaian Sengketa," *Jurnal Negara Hukum* 4, no. 1 (2016).

attention to the needs of victims. In addition, an emphasis on punishment is often ineffective in preventing recurrence of crimes. The conventional criminal justice system that focuses on punishment and sentencing has faced a lot of criticism in recent decades. This retributive model often fails to repair damage caused by criminal acts and pays little attention to the needs of victims and the process of reconciliation with perpetrators of crimes.² In the search for a more humane and effective alternative, the concept of restorative justice has emerged as a promising approach. This restorative justice approach, not only applies to general criminal justice, but also to juvenile justice which has shifted away from the retributive model and towards a greater focus on rehabilitation and recognition of the unique developmental needs of children.³ Therefore, an increasing number of countries are beginning to consider the application of alternative approaches, such as restorative justice, which places healing and reconciliation as the primary goal in addressing conflict. The Republic of Ireland has been implementing restorative justice for more than two decades,⁴ while in Indonesia its implementation in the general court environment only began in 2020.⁵

Restorative justice is an approach that emphasizes the importance of victim recovery, fostering perpetrators, and community involvement in resolving legal disputes. This concept is based on the belief that crime or conflict is an opportunity to rebuild broken relationships and strengthen communities.⁶ Restorative justice aims to replace the retaliatory aspects of the legal system with reconciliation and rehabilitation. This approach focuses on addressing harm, offering people who have committed or been harmed by a crime the opportunity to safely discuss the nature and consequences of the offense, ask questions and provide answers, and agree on what to do to make amends and avoid further harm.⁷ However, the implementation of restorative justice in society is not easy. The legal culture of the community itself is a very important factor to note. In the context of implementing restorative justice, the role of community legal culture is a key factor. Legal culture reflects the norms, values and beliefs related to the legal system in a society. Strengthening the legal culture of society is important in efforts to build understanding, participation and support for the concept of restorative justice.⁸ In Ireland, the inculcation of restorative culture in the criminal justice profession and

² Indraputra TG, "Penyelesaian Tindak Pidana Di Bidang Perlindungan Konsumen Dengan Menggunakan Pendekatan Nilai-Nilai Keadilan Restoratif (Dengan Mekanisme Mediasi Penal)," *Jurnal Analisis Hukum* 2, no. 1 (2019).

³ Derrick M. Gordon Keisha April, Shannon W. Schrader, Toni E. Walker, Robert M. Francis, Hector Glynn, "Conceptualizing Juvenile Justice Reform: Integrating the Public Health, Social Ecological, and Restorative Justice Models," *Children and Youth Services Review* 148 (2023), <https://doi.org/https://doi.org/10.1016/j.chidyouth.2023.106887>.

⁴ Ian D. Marder, "Mapping Restorative Justice and Restorative Practices in Criminal Justice in the Republic of Ireland," *International Journal of Law, Crime and Justice* 70 (2022), <https://doi.org/https://dx.doi.org/10.1016/j.ijlcj.2022.100544>.

⁵ Badilum Mahkamah Agung, *Surat Keputusan Dirjen Badan Peradilan Umum Tentang Pedoman Penerapan Restorative Justice Di Lingkungan Peradilan Umum*, 2020.

⁶ A. P. Mirza, I. M. M. ., & Zen, "Strategi Internalisasi Asas Restorative Justice Dalam Sistem Peradilan Indonesia," *Pancasila: Jurnal Keindonesiaan* 2, no. 2 (2022), <https://doi.org/https://doi.org/10.52738/pjk.v2i2.45>.

⁷ Steve Kirkwood, "A Practice Framework for Restorative Justice," *Aggression and Violent Behavior* 63 (2022), <https://doi.org/https://doi.org/10.1016/j.avb.2021.101688>.

⁸ Moch. Ardi & Rosdiana Renita Dharma Pratiwi, "Kendala Penerapan Prinsip Restorative Justice Dalam Perkara Tindak Pidana Anak," *Jurnal Lex Suprema* 1, no. II (2019).

institutions is already being implemented.⁹ In the context of Indonesia, the orientation and implementation of restorative justice needs to be adapted to the legal culture of society so that it can be accepted and implemented effectively.

This study aims to explore efforts to implement restorative justice through strengthening the legal culture of society. The orientation and implementation of restorative justice in the context of the legal culture of society will be the focus of this research. By analyzing the role of legal culture in encouraging public acceptance and participation, this study is expected to provide a deeper understanding of how restorative justice can be implemented effectively within the existing legal system.¹⁰ The formulation in this study is: 1) How does the legal culture of society in Indonesia affect the acceptance and implementation of restorative justice? 2) What efforts have been made to integrate restorative justice with the legal culture of society in Indonesia? 3) What are the obstacles and challenges faced in efforts to implement restorative justice through strengthening the legal culture of society in Indonesia?

Furthermore, it is hoped that this exploration will provide a more comprehensive perspective on how equitable distribution can be carried out through strengthening the culture of a legitimate society, so that it can make a positive contribution to efforts to increase the effectiveness of the justice system and build a more just and harmonious society.

METHOD

This article use a normative¹¹ research method using literature studies and analysis of relevant laws and regulations and existing policies.¹² Normative research methods are used to analyze legal regulations, norms, principles, policies, and theoretical frameworks related to research topics, with the aim of building a deeper understanding of legal issues and providing recommendations or guidance based on normative analysis.¹³ The collected data were analyzed descriptively and interpretively to describe and analyze the role of the community's legal culture in the implementation of restorative justice.¹⁴

⁹ Marder, "Mapping Restorative Justice and Restorative Practices in Criminal Justice in the Republic of Ireland."

¹⁰ Fajrian Noor Anugrah, "Implementasi Keadilan Restoratif Dalam Penegakan Hukum Sumber Daya Alam," *Jurnal Wasaka Hukum* 10, no. 2 (2022).

¹¹ Irwansyah, *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*, ed. Ahsan Yunus, 1st ed., vol. 1 (Yogyakarta: Mitra Buana Media, 2020).

¹² and Muhammad Imam Dhiya'ul Haq Wiwin, H. Syafa'at Anugrah Pradana, "The Regulation of Articles on State Institutional Insults to The Right to Freedom of Expression in Indonesia: A Critical Review," *Mulawarman Law Review* 8, no. 1 (2023), <https://doi.org/https://doi.org/10.30872/mulrev.v8i1.1122>.

¹³ Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020).

¹⁴ and Henny Yuningsih Kridasakti, Sri Wahyu, Abd. Majid, "Restorative Justice Tindak Pidana 'Elopement' Hukum Adat Dalam Konstruksi Hukum Pidana Positif Indonesia," *Jurnal Supremasi* 12, no. 2 (2022), <https://doi.org/https://doi.org/10.35457/supremasi.v12i2.1839>.

DISCUSSION

Community Legal Culture in Indonesia Influences Acceptance and Implementation of Restorative Justice

The legal culture of society in Indonesia is complex and varied, influenced by historical factors, religion, traditions, social values and the existing legal system. The legal culture of Indonesian society includes views, attitudes, norms and practices related to law and justice.¹⁵ One aspect of the legal culture of Indonesian society is an orientation towards punishment and punishment as a form of justice. This concept may involve the view that justice can only be realized through the application of strict punishments against the perpetrators of crimes. In addition, security and order are considered very important in the legal culture of Indonesian society.¹⁶ Understanding and practicing the legal culture of Indonesian society plays an important role in the acceptance and implementation of various legal approaches, including restorative justice. The integration of restorative justice with the legal culture of society requires a deep understanding of existing values, norms and practices, as well as efforts to strengthen and build compatibility between the proposed legal approach and the context of the existing legal culture.¹⁷ The legal consequences of implementing restorative justice in Indonesia consist of not carrying out criminal law enforcement so that the perpetrators do not receive punishment; in certain circumstances, restorative justice can only be implemented with the consent of the victim. Restorative justice has a narrow scope of application because it can only be used to address a select number of general crimes and crimes involving children under specific circumstances. The role of law enforcement officers is very dominant in the implementation of restorative justice because they are the parties who have the authority to accommodate the parties involved in the restorative justice process.¹⁸

The legal culture of society in Indonesia has a significant influence on the acceptance and implementation of restorative justice. The following are several factors in the legal culture of society that can influence the acceptance and implementation of restorative justice in Indonesia: The first is the Conventional Understanding of Punishment. The legal culture of society in Indonesia generally tends to prioritize the concept of punishment and punishment as a form of justice. A restorative justice approach that focuses on recovery, reconciliation and community participation may not be in line with this conventional understanding. This can lead to resistance to the acceptance and implementation of restorative justice.¹⁹ The second is the Domination of the Retributive

¹⁵ B Baharuddin, "BENTUK-BENTUK PERUBAHAN SOSIAL DAN KEBUDAYAAN," *Al-Hikmah Jurnal Dakwah* 9, no. 2 (2015).

¹⁶ Henny Saida Flora, "Pendekatan Restorative Justice Dalam Penyelesaian Perkara Pidana Dalam Sistem Peradilan Pidana Di Indonesia," *Jurnal Law Pro Justitia* 11, no. 2 (2017).

¹⁷ M. Sahputra, "RESTORATIVE JUSTICE SEBAGAI WUJUD HUKUM PROGRESIF DALAM PERATURAN PERUDANG-UNDANGAN DI INDONESIA," *Jurnal Transformasi Administrasi* 12, no. 01 (2022), <https://doi.org/https://doi.org/10.56196/jta.v12i01.205>.

¹⁸ Orin Gusta Andini, Nilasari Nilasari, and Andreas Avelino Eurian, "Restorative Justice in Indonesia Corruption Crime : A Utopia," *Legality Jurnal Ilmiah Hukum* 31, no. 1 (2023): 72–90, <https://ejournal.umm.ac.id/index.php/legality/article/view/24247/12233>.

¹⁹ & Mohammad Ekaputra Pohan, H., Madiasa Ablisar, Marlina, M., "Penyelesaian Tindak Pidana Dengan Pendekatan Restorative Justice Yang Dilakukan Oleh Kejaksaan: Studi Kasus Di Kejaksaan Negeri Medan," *Locus: Jurnal Konsep Ilmu Hukum* 2, no. 1 (2022), <https://doi.org/https://jurnal.locusmedia.id/index.php/jkih/article/view/41>.

Criminal Justice System. The system of criminal justice in Indonesia which is based on a retributive approach, which emphasizes punishment as the main objective, has become the norm in the legal culture of society. The application of restorative justice that requires a paradigm shift and a different approach may face challenges in gaining widespread support and acceptance.²⁰ The third is the Culture of Alternative Conflict Resolution. In addition to the criminal justice system, Indonesia has a tradition and culture of alternative conflict resolution, such as mutual cooperation, deliberations, and custom or local wisdom. Although not always aligned with the concept of restorative justice, this culture reflects the potential for acceptance and implementation of a more reconciling approach to conflict resolution.²¹ Fourth, namely Limited Knowledge and Awareness. Awareness and understanding of the concept of restorative justice among Indonesian people is still limited. Lack of information and education about restorative justice can be an obstacle to community acceptance and participation in implementing this approach. Increasing knowledge and awareness in the community needs to be done to build support for restorative justice.²² Fifth, namely Victim Protection and Public Interest: The legal culture of Indonesian society tends to pay great attention to the protection of victims and the public interest in conflict resolution. In the context of restorative justice, it is necessary to ensure that the interests of victims are respected and protected, while still considering efforts to restore and reconcile with the perpetrators of crimes.²³ The sixth is the Perception of Security and Order. In the legal culture of Indonesian society, security and order are considered very important. Society often expects that perpetrators of crimes are punished strictly and fairly to maintain social stability. This view can hinder the acceptance of restorative justice which emphasizes recovery and reconciliation as the main goal. Seventh, namely the influence of religion and tradition. Indonesia, which is a country with a majority Muslim population, has a significant influence from religious teachings in the view of law and justice. While Islam teaches the principles of restorative justice such as forgiveness, improving social relationships, and recovery, in practice, there are still differences in interpretation and implementation that can affect the acceptance and implementation of restorative justice. And the last is the Role of Dominant Legal Institutions.

The criminal justice system which is dominated by a retributive approach and the strong role of legal institutions such as the police and prosecutors can influence the acceptance and implementation of restorative justice. The tendency to prioritize punishment and punishment in conflict resolution can make it difficult for restorative justice to be accepted and properly integrated into the existing justice system. To overcome the influence of the community's legal culture that can hinder the acceptance and implementation of restorative justice, important steps that can be taken include

²⁰ Flora, "Pendekatan Restorative Justice Dalam Penyelesaian Perkara Pidana Dalam Sistem Peradilan Pidana Di Indonesia."

²¹ La Syarifuddin, "Sistem Hukum Adat Terhadap Upaya Penyelesaian Perkara Pidana," *Risalah Hukum* 15, no. 2 (2019).

²² A. Putra, M. A., Juaningsih, I. N., Pratiwi, P., & Parvez, "Diseminasi Diversi Dan Restoratif Justice Terhadap Masyarakat Pedesaan Dalam Penyelesaian Tindak Pidana Anak," *Jurnal Dedikasi Hukum* 2, no. 3 (2022), <https://doi.org/https://doi.org/10.22219/jdh.v2i3.21634>.

²³ I Made Sugita, "Penerapan Diversi Dalam Sistem Peradilan Pidana Anak Dalam Mewujudkan Keadilan Restoratif (Restorative Justice) Ditinjau Dari Perspektif Sosiologi Hukum," *Satya Dharma: Jurnal Ilmu Hukum* 5, no. 2 (2022).

extensive education and outreach campaigns, active involvement of community leaders and community leaders, and building a legal culture that reinforces the values of restorative justice. through legal education, training, and the development of supportive policies.

Efforts Made to Integrate Restorative Justice with the Legal Culture of Society in Indonesia

In the context of justice, restorative justice has become an approach that is increasingly being considered and adopted in various countries, including Indonesia. Restorative justice offers a more reconciling and recovery-centered alternative to traditional punishment. However, to integrate restorative justice with the legal culture of society in Indonesia, a number of efforts need to be made.

In Indonesia, several attempts have been made to integrate restorative justice with the legal culture of society. Here are some examples of such efforts: Development of Legal Framework: The Government of Indonesia has taken steps to build a legal framework that provides support for the implementation of restorative justice. Several laws and regulations have been introduced, such as Law no. 11 of 2012 concerning the Juvenile Criminal Justice System which includes the principles of restorative justice when handling children who have conflicts with the law. In addition, in the Draft Criminal Procedure Code which is in the process of being drafted, there are suggestions for additional provisions regarding restorative justice.²⁴ Training and Capacity: Training and capacity building for legal practitioners, judges, prosecutors and other law enforcers have been conducted to introduce the concepts and techniques of restorative justice.²⁵ This training helps improve understanding and skills in implementing restorative justice and prepares legal professionals to implement it effectively. Pilot and Trial Programs: Several pilot and trial programs for restorative justice have been carried out in various regions in Indonesia. For example, restorative justice programs in handling criminal cases have been implemented in several District Courts and Correctional Institutions, especially in cases of minor crimes. These programs serve as examples and conceptual evidence to demonstrate the effectiveness and benefits of a restorative justice approach in the context of the legal culture of Indonesian society. Campaigns and Outreach: Extensive campaigns and outreach activities have been carried out to increase public understanding and awareness regarding restorative justice. The government, non-governmental organizations and advocacy groups have played a role in disseminating information about the principles of restorative justice and how this approach can improve the criminal justice system and restore social relations in society. Community Participation: Encouraging active community participation in the restorative justice process is an important aspect. Involving the community in discussions, meetings, and problem solving can strengthen the implementation of restorative justice. Several

²⁴ F. Sartika, D. ., Jumadi, J. ., Ibrahim, L. A. ., & Fatahullah, "Penyuluhan Tentang Penyelesaian Restorative Justice Terhadap Anak Berhadapan Hukum Dalam Masyarakat Di Desa Gegerung," *Jurnal Risalah Kenotariatan* 2, no. 2 (2021), <https://doi.org/https://doi.org/10.29303/risalahkenotariatan.v2i2.56>.

²⁵ Adek Junjuran Syaid, "Implementation of Restorative Justice with Obligation of Reversal Burden of Proof as an Attempt to Restitute State Losses for Justice in the Crime of Money Laundering with Predicate Crime of Corruption," *International Journal of Arts and Humanities Studies*, 2022, 54, <https://doi.org/10.32996/bjahs>.

communities and community groups have involved themselves in the mediation and restorative justice process as part of their efforts to create justice and reconciliation in the conflicts that occur in their environment.²⁶

These efforts aim to change the paradigm of retributive punishment and conflict resolution to become more reconciling and focus on recovery and community participation. Through this effort, it is hoped that restorative justice can be increasingly integrated with the legal culture of Indonesian society and make a positive contribution to conflict resolution and restoration of social relations. Even though these efforts have been made, there are still challenges in integrating restorative justice with the legal culture of society in Indonesia.²⁷ However, by continuing to strengthen support, developing a more complete legal framework, and actively involving the community, it is hoped that the implementation of restorative justice can continue to develop and be successful in the context of Indonesia's legal culture.

Obstacles and Challenges Faced in Efforts to Implement Restorative Justice Through Strengthening Community Legal Culture in Indonesia

In an effort to apply restorative justice through strengthening the legal culture of society in Indonesia, there are a number of obstacles and challenges that need to be faced. Restorative justice as a different approach from the conventional justice system requires integration with the existing legal culture. In the Indonesian context, the legal culture of society has a significant influence on the acceptance and implementation of restorative justice.²⁸ Therefore, some of the obstacles and challenges faced, among others: Changes in Legal Paradigm: Restorative justice involves changing the legal paradigm from a retributive approach that focuses on punishment to a reconciliatory approach that focuses on recovery and reconciliation. This change may face resistance from some who still maintain traditional views on punishment.²⁹ Dominant Legal System: The legal system in Indonesia is still dominated by a retributive approach that emphasizes punishment and punishment as the main solution. Restorative justice is an alternative approach that requires a paradigm shift and a different approach. This challenge involves changing attitudes and practices within the established legal system.³⁰ Public Ignorance and Awareness: Public knowledge and awareness regarding the concept and benefits of restorative justice is still limited. This low understanding can hinder community acceptance and participation in the implementation of restorative justice. Continuous education and outreach efforts are needed to build better understanding

²⁶ Siti Muflichia Dessi Perdani Yuris Puspita Sari, Handri Wirastuti Sawitri, "Penerapan Prinsip Restorative Justice Dalam Sistem Peradilan Pidana Di Indonesia," *Redaksi Soedirman Law Review* 4, no. 2 (2022).

²⁷ and La Sina Hardiman, Yogi, Siti Kotijah, "Restorative Justice Terhadap Pelaku Tindak Pidana Ringan Yang Telah Diberi Sanksi Adat," *Mulawarman Law Review* 4, no. 1 (2019), <https://doi.org/https://doi.org/10.30872/mulrev.v4i1.48>.

²⁸ Septa Chandra, "POLITIK HUKUM PENGADOPSIAN RESTORATIVE JUSTICE DALAM PEMBAHARUAN HUKUM PIDANA," *Fiat Justisia: Jurnal Ilmu Hukum* 8, no. 2 (2015), <https://doi.org/https://doi.org/10.25041/fiatjustisia.v8no2.301>.

²⁹ Dewa Gede HARIYANTO, Diah Ratna Sari; PRADNYA YUSTIAWAN, "Paradigma Keadilan Restoratif Dalam Putusan Hakim," *Kertha Patrika* 42, no. 2 (2020).

³⁰ Hariman Satria, "RESTORATIVE JUSTICE: PARADIGMA BARU PERADILAN PIDANA," *Jurnal UMY* 25, no. 1 (2018).

and broaden public awareness.³¹ Low Institutional Support: Restorative justice requires support from various legal institutions, including the judiciary, police, and correctional institutions. However, there are still obstacles to getting full support from these institutions. Lack of understanding and limited resources are factors that affect institutional support.³² Community Role and Participation: The success of restorative justice is highly dependent on the active participation and support of the community. The challenge faced is how to actively involve the community in the restorative justice process, build trust and cooperation between them, and increase participation in conflict resolution.³³ Proper Implementation: Effective implementation of restorative justice requires the availability of resources, adequate training for legal practitioners, and good coordination between various related institutions. This challenge involves the fulfillment of sufficient human, financial and infrastructure resources to ensure the restorative justice process goes well.³⁴ Complexity of Cases and Conflicts: Some cases and conflicts require a more complex and structured approach in implementing restorative justice. The conflict resolution process which involves many parties and different interests can complicate the implementation of restorative justice. Understanding the context of the case and adapting the restorative justice approach appropriately are challenges that must be overcome. Victim Protection and Justice: Victim protection is an important aspect of restorative justice. However, some concerns regarding victim protection may arise in the context of the legal culture of society in Indonesia. It is important to ensure that restorative justice does not sacrifice victims' rights and still pays attention to justice in conflict resolution. Resistance from offenders, some perpetrators of crimes may be reluctant to participate in restorative justice processes out of fear of facing the consequences of their actions or unwillingness to take responsibility for their actions. Increasing the understanding of perpetrators of crimes about the benefits of restorative justice and overcoming their fears is a challenge in implementing this approach. Inter-agency Coordination and Cooperation: The implementation of restorative justice involves collaboration between various institutions, including the judiciary, police, correctional institutions, and other law enforcement agencies. Good coordination and effective communication between these institutions are challenges that must be overcome so that restorative justice can be implemented synergistically.³⁵ Limited Resources: Implementation of restorative justice requires adequate human, financial and infrastructure resources. However, there are limited resources in the context of the legal culture of society in Indonesia, for example, cases of sexual violence do not have the potential to be resolved through restorative

³¹ Zico Junius Fernando, "Pentingnya Restorative Justice Dalam Konsep *Ius Constituendum*," *Al Ijarah : Jurnal Pemerintahan Dan Politik Islam* 5, no. 2 (2020): 253, <https://doi.org/10.29300/imr.v5i2.3493>.

³² Renita Dharma Pratiwi, "TINJAUAN YURIDIS TERHADAP PENERAPAN PRINSIP RESTORATIVE JUSTICE DALAM PERKARA TINDAK PIDANA ANAK," *Lex Superma* 1, no. 2 (2019).

³³ Romi Asmara & Hadi Iskandar Yusrizal, "PENERAPAN RESTORATIVE JUSTICE TERHADAP ANAK YANG BERHADAPAN DENGAN HUKUM (STUDI PENELITIAN DI KOTA BANDA ACEH)," *Jurnal Hukum Samudra Keadilan* 16, no. 2 (2021).

³⁴ Drs. M. Yunus Muhammad Surya Adi Wibowo, "Pendekatan Konsep Restorative Justice Dan Pemenuhan Hak Dalam Proses Peradilan Anak (Menurut UU No. 11 Tahun 2012)," *Jurnal Ius Civile* 4, no. 2 (2020).

³⁵ Sudika Mangku Putu, Luh, Adelia Anggraeni, Ni Putu, Rai Yuliartini, Dewa Gede, "Implementasi Restorative Justice Dalam Penyelesaian Kepolisian Resor Buleleng," *Komunitas Yustisia Universitas Pendidikan Ganesha* 4, no. 2 (2021).

justice.³⁶ These limitations can become obstacles in the development of effective and sustainable restorative justice programs.

Even though there are obstacles and challenges in implementing restorative justice through strengthening the legal culture of society in Indonesia, continuous efforts to overcome these obstacles can build a strong foundation for wider and sustainable acceptance and implementation of restorative justice, not only in the world of justice, but also in other aspects, because even in the United States, there are applications of restorative justice to create a healthy school climate that focuses on student learning and development,³⁷ making schools safer.³⁸ Internationally, school-based restorative justice is recognized as an effective approach to breaking the school-to-prison pipeline.³⁹ By understanding these constraints and challenges, it is hoped that an appropriate strategy can be formulated to integrate restorative justice with the legal culture of society in Indonesia. Concrete steps in overcoming these obstacles and challenges will be important to ensure that the application of restorative justice can achieve the desired results and provide significant benefits to society and the justice system in Indonesia. This is because the impact of restorative justice policies is influenced by the level of state support for policy implementation.⁴⁰⁴¹ In Tiongkok, the implementation of restorative justice has failed when the parties involved in the conflict are the community and the government.⁴² Considering that, the importance of overcoming these obstacles and challenges is so that restorative justice can be implemented effectively and sustainably, and in accordance with the values & legal cultural norms of the Indonesian people, which prioritizes consensus (dialogical) deliberation to resolve an issue, is exactly the same as the core of restorative justice which seeks to restore damaged relationships, shifts from confrontation to conciliation, and involves alternative dialogical practices.⁴³ This discussion will explore some of the obstacles and challenges that may arise, including conventional understandings of punishment, the dominance of the retributive

³⁶ Orin Gusta Andini, "Progressive Legal Framework for the Regulation of Sexual Violence Crimes in Indonesia," *Jurisprudentie* 10, no. 1 (2023): 37–46, <https://doi.org/10.24252/jurisprudentie>.

³⁷ R.J. Heffron M. Hazrati, "Conceptualising Restorative Justice in the Energy Transition: Changing the Perspectives of Fossil Fuels," *Energy Research & Social Science* 78 (2021), <https://doi.org/https://doi.org/10.1016/j.erss.2021.102115>.

³⁸ Nathan E. Kruis Chunghyeon Seo, "The Impact of School's Security and Restorative Justice Measures on School Violence," *Children and Youth Services Review* 132 (2022), <https://doi.org/https://doi.org/10.1016/j.childyouth.2021.106305>.

³⁹ Thalia González Jelena Todić, Catherine Cubbin, Marilyn Armour, Michele Rountree, "Reframing School-Based Restorative Justice as a Structural Population Health Intervention," *Health & Place* 62 (2020), <https://doi.org/https://doi.org/10.1016/j.healthplace.2020.102289>.

⁴⁰ Tiara. Willie Laurel Sharpless, Trace Kershaw, "Associations between State-Level Restorative Justice Policies and Mental Health among Women Survivors of Intimate Partner Violence," *SJM - Mental Health* 2 (2022), <https://doi.org/https://doi.org/10.1016/j.ssmmh.2022.100085>.

⁴¹ Jahyun Chun, "Enforced Reconciliation without Justice: The Absence of Procedural, Retributive, and Restorative Justice in the 'Comfort Women' Agreement of 2015," *Asian Journal of Social Science* 49, no. 2 (2021), <https://doi.org/https://doi.org/10.1016/j.ajss.2020.09.001>.

⁴² Kevin Lo Liyuan Zhu, "Non-Timber Forest Products as Livelihood Restoration in Forest Conservation: A Restorative Justice Approach," *Trees, Forests and People* 6 (2021), <https://doi.org/https://doi.org/10.1016/j.tfp.2021.100130>.

⁴³ Janet C. Gerson, "Restorative Justice and Alternative Systems," *Encyclopedia of Violence, Peace, & Conflict (Third Edition)* 4 (2022), <https://doi.org/https://doi.org/10.1016/B978-0-12-820195-4.00161-8>.

criminal justice system, alternative conflict resolution cultures, limited knowledge and public awareness, protection of victims and the public interest, and limited resources.

CONCLUSION

The legal culture in Indonesia, characterized by punitive concepts and a retributive approach in the criminal justice system, poses challenges to the acceptance and implementation of restorative justice. Obstacles include limited community knowledge and awareness, victim and public interest protection, and resource constraints. Nevertheless, efforts have been made to address these issues through extensive education, outreach campaigns, and the active involvement of community leaders. Developing a legal culture that emphasizes restorative justice values through education, training, and supportive policies has also been prioritized. By overcoming these challenges, restorative justice can be better integrated into Indonesian society's legal culture. Key steps include increasing public awareness, establishing a supportive legal framework, involving the community, and optimizing resources for effective and sustainable restorative justice implementation. Balancing existing cultural aspects with restorative justice principles is crucial to ensure wide acceptance and adoption in Indonesia, making it an effective tool for conflict resolution, social restoration, and justice system improvement.

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