West Science Interdisciplinary Studies
Vol. 4, No. 11, November 2026: pp. 1775-1785

Protecting Crime Victims' Rights Through Restorative Justice in Indonesia

Martalib[1*], Mustofa Kamil[2], Siti Humulhaer[3]
[1-3] Master of Laws Program, Postgraduate School, Universitas Islam Syekh-Yusuf Tangerang, Indonesia and
*Corresponding author: martalibt@gmail.com

ABSTRACT

The 2026 implementation of Indonesia's revised Criminal Code and Criminal Procedure Code places victim restoration at the centre of restorative justice. This empirical socio-legal study examines the interaction between prosecutorial discretion and victim protection, barriers to preventing secondary victimization, and options for sustainable post-settlement oversight in Central Sulawesi. Data were obtained through purposively selected interviews with prosecution personnel, a victim, a village and customary representative, and a legal practitioner, supported by observation and case-file review. The findings describe tiered prosecutorial review, evidence-based loss assessment, six protective mediation safeguards, and a Sigi case in which kinship reconciliation took precedence over direct monetary reimbursement. However, offender insolvency, limited trauma-sensitive facilities, difficulties documenting Kaili customary sanctions, and weak post-termination monitoring remain obstacles. The analysis distinguishes the statutory requirements of the 2025 Criminal Procedure Code from locally reported administrative practice. It proposes an integrated victim-centred model combining digital compliance records, cross-sectoral recovery referrals, standardized customary-law documentation, and structured community oversight. The model is proposed for institutional piloting rather than presented as a validated intervention.

Keywords: *Restorative Justice, Victim Protection, Prosecutorial Discretion, Secondary Victimization, Living Law*

1. INTRODUCTION

The entry into force of Law No. 1 of 2023 on the National Criminal Code (KUHP) and Law No. 20 of 2025 on the Criminal Procedure Code (KUHAP), together with Law No. 1 of 2026 on Criminal Adjustments, marks an important stage in Indonesian criminal-law reform [1], [2], [3], [4]. These reforms place greater emphasis on corrective, rehabilitative, and restorative objectives while retaining the legal safeguards of the criminal process [5], [6]. Articles 51–54 of the 2023 Criminal Code address sentencing purposes and considerations, including conflict resolution and the effects of an offence on victims; the implementation of restorative mechanisms is further regulated by Articles 79–88 of the 2025 Criminal Procedure Code [2], [3].

Despite this normative framework (*das sollen*), practical implementation during the 2026 legal transition may differ from the aspirations of the law (*das sein*) [7], [8]. Within regional jurisdictions such as the High Prosecutor's Office (Kejaksaan Tinggi) of Central Sulawesi, restorative justice risks becoming a formality—a bureaucratic practice in which a signed peace agreement is treated as sufficient even when restitution or psychological recovery remains incomplete [9], [10]. In close-knit communities, unequal bargaining positions and extended-family pressure may also influence a victim's willingness to settle, creating a risk of secondary victimization during penal mediation [11], [12].

Recent Indonesian legal literature indicates that fragmentation between police, prosecutorial, and judicial standards can weaken predictability and substantive victim recovery, even where restorative justice has received statutory recognition. Such scholarship treats consistency not as identical procedures at every stage but as common minimum standards for voluntariness, proportionality, and accountability [13], [14], [15]. Accordingly, the present study assesses whether

a provincial prosecutorial supervisory structure can translate these principles into protections that are observable in actual interactions with victims.

Existing scholarship has examined the humanistic philosophy of restorative justice [16], barriers experienced by victims [17], and tiered prosecutorial supervision [18]. However, socio-legal analysis remains necessary to understand how prosecutorial discretion (*dominus litis*) operates at the provincial level following the implementation of the 2023 KUHP and 2025 KUHAP, particularly in relation to immaterial loss assessment, safeguards against secondary victimization, the interface with customary sanctions (*Givu*), and post-termination follow-up.

Addressing this gap, this study investigates three questions: (1) how the High Prosecutor's Office of Central Sulawesi aligns victim-protection objectives under the 2023 Criminal Code with prosecutorial discretion under the 2025 Criminal Procedure Code; (2) how structural and cultural factors shape safeguards against secondary victimization during penal mediation; and (3) how cross-sectoral coordination and oversight might strengthen the enforceability of agreements and continuity of victim support..

2. METHODS

This study adopts an empirical socio-legal research design utilizing a qualitative methodology that integrates statutory, legal sociology, and case-study approaches [19], [20], [21]. Fieldwork was conducted within the jurisdiction of the High Prosecutor's Office of Central Sulawesi in Palu, complemented by an in-depth case study at the Sigi District Prosecutor's Office (Kejaksaan Negeri Sigi) between June and November 2026.

Informants were selected through purposive sampling across three analytical tiers [22] : (1) a key informant, the Assistant for General Crimes (Aspidum) of the Central Sulawesi High Prosecutor's Office (IK-01); (2) main informants, a facilitating prosecutor (IU-J-01) and a crime victim whose case was resolved through restorative justice at the Sigi District Prosecutor's Office (IU-K-01); and (3) supplementary informants, a village head and customary community leader (IT-TM-01) and a senior legal practitioner/advocate (IT-AH-01). Primary data were obtained from semi-structured in-depth interviews, non-participant observation at Restorative Justice Houses (Rumah RJ), and case-file analysis. The material was examined through qualitative data reduction, data display, and source triangulation [22], [23].

The analysis distinguished three evidentiary levels: statements attributed to identified informant categories, practices described in the Sigi case file, and the authors' normative proposals. This distinction is important because a single case cannot establish provincial prevalence or causal effectiveness. Interview statements and institutional documents were compared for convergence and divergence, whereas statutory provisions were interpreted separately as binding legal norms. Findings are therefore presented as a context-specific socio-legal assessment rather than representative estimates of all restorative justice cases in Central Sulawesi. This reporting boundary also prevents the proposed digital and cross-sectoral mechanisms from being mischaracterized as programmes already implemented by the provincial office.

3. RESULTS AND DISCUSSION

3.1 Juridical Synchronization of the 2023 Criminal Code and 2025 Criminal Procedure Code in Prosecutorial Discretion (Dominus Litis)

Viewed through the Material Rule of Law (*Welvaartsstaat*) and Romli Atmasasmita's Integrative Legal Theory, legal effectiveness can be assessed by the alignment of normative rules (*law in books*), institutional conduct (*law in action*), and societal values (*living law*) [24]. The interview with the Assistant for General Crimes (IK-01) suggests that prosecutorial decision-making in Central Sulawesi seeks to connect the authority described in Article 30C(d)–(e) of Law No. 11 of 2021 on the

Public Prosecution Service with the purposes and considerations of punishment in Articles 51 and 54 of the 2023 Criminal Code. Procedural requirements for restorative justice must additionally be examined under Articles 79–88 of the 2025 Criminal Procedure Code [2], [3].

According to the institutional account reported in this study, case screening across the 13 District Prosecutor's Offices in Central Sulawesi refers to Prosecutor's Regulation (Perja) No. 15 of 2020, Attorney General Circular No. 01/E/EJP/02/2022, and Attorney General Instruction No. 5 of 2023. This account describes attention to the statutory penalty, first-offender status, and a material-loss threshold of IDR 2.5 million, with casuistic exceptions under prosecutorial guidance [25]. These reported screening criteria should not be treated as a complete statement of the 2025 KUHAP, which separately sets eligibility criteria and exclusions in Articles 80 and 82 [3]. To reduce arbitrary discretion, the provincial office is reported to use an Online Pre-Approval Case Exposure System before the Chief High Prosecutor (Kajati) and Aspidum, followed by submission to the Deputy Attorney General for General Crimes (Jampidum). The legal practitioner (IT-AH-01) nevertheless emphasized the risk of administrative formality when substantive victim recovery is not assessed.

A comparison of the legal instruments calls for careful differentiation between statutory eligibility and administrative case screening. Article 79(3) of Law No. 20 of 2025 requires a restorative agreement to be performed within seven days, while Article 81(2) prohibits coercion, intimidation, deception, and comparable mistreatment [3]. Article 80(1) provides general eligibility criteria, but Article 82(e) excludes offences punishable by imprisonment of five years or more, except offences involving negligence. Their different wording creates an interpretive boundary for offences carrying a five-year maximum and should not be resolved by assuming that every case within a five-year threshold is automatically eligible [14]. Internal approval procedures and Prosecutor's Regulation No. 15 of 2020 may guide case review but cannot displace the statutory requirements [25], [26].

The layered online case-exposure process reported by IK-01 may be understood as a means of documenting reasons before discretion is exercised. Its protective value depends on what the review actually checks: the legal qualification of the offence, whether the offender satisfies relevant conditions, evidence of actual losses, the victim's independent preferences, and the proposed agreement's feasibility. Review should record both acceptance and rejection reasons so that consistency can be assessed across district offices. Comparative work on prosecutorial legitimacy likewise suggests that restorative discontinuance remains defensible only when the interests of victims, offenders, and the community are meaningfully addressed rather than inferred from a signed settlement alone [26], [15], [27].

Drawing on integrative punishment theory and Zehr's restorative framework of engagement, responsibility, and repair [6], [28], facilitating prosecutors (IU-J-01) reportedly assess material losses through replacement costs, lost earnings, and documented medical expenses, while also considering the potential need for specialist assessment of immaterial harm through competent services such as LPSK or UPTD PPA. The Sigi case (IU-K-01) provides a concrete illustration of the limits of equating settlement with compensation. The offender was the victim's financially disadvantaged biological brother, and the victim redeemed her pawned motorcycle from a third party at a cost of IDR 1,400,000 to preserve family relations (*islah*). The reported written understanding also addressed the consequences of future misconduct, but it cannot be interpreted as creating an automatic power to reopen proceedings outside statutory procedure. The case indicates that relational reconciliation may be meaningful even where monetary restitution is incomplete, provided the victim's choice is verified as informed and voluntary.

The Sigi case illustrates a necessary distinction between a victim's informed choice and a perpetrator's exemption from responsibility. The victim's decision to redeem the motorcycle personally is not equivalent to proof that she was financially compensated by the offender. It is better characterized, on the information available, as a voluntary preference for relational settlement accompanied by a behavioural commitment. The substantive test is whether the victim understood alternatives, retained the ability to decline, and was free from family pressure. Research on victims'

roles in restorative processes warns against using apparent agreement or expressed satisfaction as a substitute for independent assessment of consent and psychological recovery [29], [30], [31].

This distinction yields three practical consequences. First, loss assessment should document material losses separately from psychological harm and from compensation actually delivered. Second, reasons for accepting non-monetary redress should be recorded in the victim's own terms rather than assumed by the facilitator. Third, any conditional promise by the offender should identify a realistically monitorable obligation and a lawful response to breach. The last point is especially important because the existing material does not demonstrate that a post-termination breach automatically revives criminal proceedings. The proposed safeguards must operate within, rather than beyond, the procedural effect of a termination decision [14], [31].

3.2 Structural and Cultural Determinants in Mitigating Secondary Victimization

Soerjono Soekanto's theory of legal effectiveness identifies five relevant determinants: legal substance, law-enforcement personnel, infrastructure, society, and legal culture [32]. In the present setting, each influences the ability of mediators to reduce unequal bargaining positions and prevent secondary victimization. Evidence attributed to the facilitating prosecutor (IU-J-01), the victim (IU-K-01), and the legal practitioner (IT-AH-01) identifies five bargaining-power balancing measures and six layers of protective practice, summarized in Table 1.

Table 1. Secondary Victimization Mitigation Layers and Legal Effectiveness Determinants in Central Sulawesi

Analytical Dimension	Empirical Instruments & Field Findings	Impact on Victim Protection
Layers 1 & 2 (Pre-Mediation & Spatial Zoning)	Separate pre-mediation screening caucuses, legal education on the absolute right to refuse settlement, and internal security (Kamdal) barring offender crowds from entering Rumah RJ.	Aims to reduce early psychological coercion and shield victims from crowd intimidation prior to dialogue.
Layers 3 & 4 (Forum Control & Support)	Round-table seating without physical barriers, strict ground rules prohibiting victim blaming, mid-mediation caucuses admonishing arrogant offenders, mandatory Social Worker (Peksos)/UPTD PPA accompaniment, and victim time-out rights.	Seeks to balance bargaining power and support a safe, empathetic communicative environment.
Layers 5 & 6 (Trauma & Post-Mediation Safety)	Indirect mediation (shuttle diplomacy) in separate rooms for victims with acute PTSD, escorted early departure for victims, and reported response clauses if post-mediation intimidation occurs.	Aims to reduce re-traumatization from forced face-to-face confrontation and supports post-session physical safety.
Structural Barriers (Economic & Infrastructural)	Prevalence of insolvent offenders, budget and scheduling constraints for clinical psychologists in newly formed regencies, and shortages of soundproof shuttle-diplomacy rooms and teleconferencing equipment in remote/archipelagic areas.	May lead to mediation deadlocks and constrains accurate quantification of immaterial psychological harm.
Cultural Barriers (Dual Legal Culture)	Alignment with village-level deliberation (musyawarah) clashes with extended family prestige demanding imprisonment, alongside administrative friction in converting Kaili customary fines (Givu) into 2025 KUHAP procedural records.	May create tension between indigenous social legitimacy and formal evidentiary standards under national criminal procedure.

Source: Synthesized from the interview, observation, and case-file material reported in this study.

The six protections identified in the field material are best treated as stages of risk control rather than as evidence that trauma has been eliminated. Screening and spatial separation aim to identify coercion before dialogue; forum rules and support persons manage the interaction itself; and indirect meetings or protected departure address the risk of retraumatization around and after the encounter. Trauma-informed victimology places particular weight on safety, trust, collaboration, empowerment, and choice, all of which require affirmative verification rather than a presumption that mediation is therapeutic [33]. From an epistemic-injustice perspective, secondary victimization may also occur when institutions disregard or discount a victim's account, even without explicit verbal coercion [29].

A victim-centred procedure should therefore document consent as an ongoing process. Before mediation, an independent explanation should identify the right not to participate, available support services, potential consequences of agreement, and any restorative alternatives. During mediation, the facilitator should permit private consultation and an interruption without adverse inference. After mediation, the victim should have access to an understandable copy of the agreement and a safe complaint mechanism. These safeguards are compatible with Article 81(2)'s express ban on pressure and intimidation and with recent assessments of multi-layered protection before, during, and after settlement [3], [31].

Infrastructure and financial limitations alter the practicality of these protections. In the case material, an offender's inability to pay creates a risk that a victim will accept a symbolic settlement despite continuing material needs. Where soundproof facilities and remote communication equipment are unavailable, the theoretical right to choose separate meetings may not be operationally real. Similarly, scheduling constraints for clinical professionals can delay an informed assessment of psychological loss. A study of case resolution at the Batam City Prosecutor's Office likewise identifies implementation challenges that make institutional capacity and the content of an agreement central to evaluating restorative effectiveness [34]. For Central Sulawesi, these constraints should inform differentiated service arrangements instead of a uniform assumption that every Rumah RJ can provide equivalent safeguards.

Cultural legitimacy also warrants a dual assessment. Local *musyawarah* and Kaili *Givu* can facilitate recognition and relational repair, but cultural consensus does not by itself establish the legal sufficiency of victim consent. Comparative research on Indonesian customary systems describes both the restorative potential of indigenous procedures and the difficulties of integrating them into national rules without diluting rights-based safeguards [35], [36], [37]. Thus, *Givu* should be documented through a transparent account of its participants, agreed obligations, valuation principles, voluntariness, and any risk of disproportionate sanction. The relevant objective is translation between *living law* and formal evidentiary requirements, not automatic substitution of one for the other [38], [39].

The discussion suggests a risk-sensitive rather than culture-blind model of facilitation. Family or customary elders may contribute to reconciliation only insofar as they do not control the victim's decision or prevent confidential dissent. Where a victim reports intimidation, trauma-related distress, or an unequal bargaining position, postponement, separate dialogue, professional accompaniment, or discontinuation of mediation may be required. This conclusion follows from the field-reported barriers but is a normative implication, not a measured reduction in secondary victimization. The study therefore identifies implementable protection criteria without claiming numerical improvements that the qualitative dataset cannot establish [33], [29].

3.3 Constructing an Integrated Oversight and Cross-Sectoral Model for Sustainable Victim Recovery

Before the reported issuance of a Prosecution Termination Decree (Surat Ketetapan Penghentian Penuntutan, SKP2), the Central Sulawesi institutional account describes several safeguards: a locally reported 14-day administrative review window, private verification with the victim outside the offender's presence, documentation of fulfilled obligations (BAP-PK) supported

by payment records, and supervisory review of restitution evidence. The source material does not establish whether the reported 14-day window is a separate internal review period or a period for performing the restorative agreement; its procedural basis therefore remains subject to author verification.

The reported 14-day administrative window must not be conflated with Article 79(3) of Law No. 20 of 2025, which requires performance of a restorative agreement within seven days [3]. For prosecution-stage cases, Article 85 regulates the signed agreement and termination decree, while Article 86(1) requires the decree to be submitted for a district court chairperson's determination within three days [3]. The field description does not conclusively establish how these distinct steps are sequenced locally. The legally relevant sequence—agreement, performance, termination, and judicial determination—should therefore be clarified against the case records before the administrative timeline is presented as compliant practice.

Triangulation of the Sigi case (IU-K-01), village leadership testimony (IT-TM-01), and practitioner observations (IT-AH-01) identifies three post-settlement institutional gaps: (1) no integrated digital mechanism was documented for recording breaches of non-financial commitments or providing safe victim follow-up after a termination decree; (2) village-level support often relies on informal moral monitoring rather than agreed reporting arrangements; and (3) referrals to LPSK or relevant local social and protection services are not described as systematically coordinated. These findings concern the practices reported in the field material; they do not establish that all eligible victims are legally entitled to a particular fund or welfare programme.

These gaps highlight the difference between verifying an agreement before termination and supporting a victim after legal closure. Proof that agreed obligations have been performed is necessary for a lawful case disposition, but it does not guarantee psychological safety, economic stability, or social reintegration. Equally, a non-financial pledge may lack a straightforward enforcement path once prosecution has ended. The institutional challenge is therefore to provide voluntary, rights-respecting referral and support without implying an unlimited prosecutorial power over concluded cases. Literature on progressive legal theory and cross-stage consistency supports clear institutional hand-offs rather than reliance on informal monitoring alone [27], [14].

To close these gaps, this study proposes an Integrated Victim-Centered Restorative Model built upon four strategic pillars:

1) Technological Integration Pillar (E-Restorative & Victim Tracking System): A proposed digital case-and-referral record enabling consent-based follow-up for six to twelve months after lawful case closure, including evidence of fulfilled obligations, referral status, and a safe victim-reporting channel. This would be a support mechanism, not a new criminal sanction or an automatic reopening function.
2) Cross-Sectoral Institutional Pillar (Regional Tripartite Victim Recovery Task Force): A permanent operational Memorandum of Understanding (MoU) linking the Prosecution Service, LPSK, and Social Affairs/UPTD PPA to coordinate access to appropriately qualified psychologists for Rumah RJ, assess access to available emergency medical or psychological assistance within statutory eligibility for indigent offender cases, and refer potentially eligible victims to the relevant social-assistance assessment process.
3) Sociological Recognition Pillar (*Living Law* Standardization): Regional technical guidelines standardizing the documentation and conversion of customary sanctions (*Givu/islah*) into formal Peace Agreements and BAP-PK records pursuant to Articles 2 and 54(1)(k) of the 2023 Criminal Code, coupled with proportionality caps.
4) Structured Community Oversight Pillar (Village Restorative Oversight Partners): Drawing on Braithwaite's theory of reintegration [40] and Zehr's account of community participation [28], this proposal would enable consenting village heads, community police (Bhabinkamtibmas), and customary elders to offer limited, non-coercive support and referrals connected to local Rumah RJ prosecutors.

For implementation, the four pillars should be linked by a common case identifier and a minimum dataset rather than operated as unrelated projects. A proposed digital register could record the date and legal stage of the agreement, the person verifying informed consent, itemised restitution obligations, evidence of fulfillment, scheduled welfare referrals, and the closure status of any complaint. Role-based access and separation of sensitive psychological records would be essential because victim protection is undermined if a monitoring system itself exposes private details to perpetrators, community actors, or unauthorized staff. Digital registration should provide an audit trail of actions, not an automatic case-reopening button that bypasses procedural law.

A proposed tripartite coordination arrangement would allocate responsibilities according to the existing mandates of the respective agencies. The prosecution service would document legal decisions and permissible follow-up, LPSK would assess eligibility for victim protection or assistance within its authority, and local social or protection services would assess appropriate welfare and psychosocial support. Referrals should be based on assessed need and informed consent; an individual does not automatically qualify for a particular benefit merely because a restorative agreement has been reached. This qualification is especially important where an offender is unable to pay. Coordination may reduce barriers to assistance, but it cannot replace a lawful funding decision or create an entitlement outside the relevant eligibility rules.

To assess feasibility before broader adoption, a district-level pilot could use a small set of non-numeric performance domains: documented voluntariness, completeness of restitution evidence, timeliness of referral, response to post-agreement safety complaints, and the victim's own report of whether agreed obligations were met. Monitoring should distinguish a missed installment from a criminal offence, preserve the victim's right to seek assistance, and define a pathway for lawful review by the competent institution. The current evidence supports these as proposed evaluation indicators only; it does not demonstrate their effectiveness. The model's novelty is its combination of statutory scrutiny, trauma-sensitive procedure, customary-law documentation, and post-settlement referrals within a single auditable workflow [31], [15], [35].

The transition from agreement to legal disposition requires a clear compliance trail. At screening, the prosecutor should record the classification of the offence and the grounds for eligibility, including any tension between implementing guidance and the 2025 KUHAP. At agreement, the parties' obligations, the victim's informed preferences, and the proposed forms of restoration should be separately documented. At performance, proof of completed transfers or services should be distinguished from promises remaining unfulfilled. Finally, at closure, the competent officer should confirm the legal basis for termination under Article 85 and the three-day request for judicial determination under Article 86 [3]. These are proposed audit checkpoints derived from statutory comparison; the available interviews do not establish that every checkpoint has already been implemented in Central Sulawesi [14].

The separation between restorative outcome and legal closure is especially consequential where an agreement involves family relationships. In the Sigi example, the parties' closeness may have helped produce reconciliation, yet the victim still bore a financial expense. Describing that outcome as unqualified economic restoration would obscure the unpaid loss. A case record can prevent that confusion by keeping distinct fields for the amount of proven loss, the compensation requested, the compensation offered, the sum actually received by the victim, and any independently chosen non-financial resolution. A victim may value apology, restored trust, or the prevention of another offence even when the offender lacks resources. Those preferences deserve respect, but they should not silently erase information about continuing needs. This distinction provides a more precise basis for victim-centred evaluation and corresponds with scholarship that separates meaningful dialogue from actual repair and rejects the assumption that a victim's willingness to settle proves a full recovery [30], [33], [31].

The proposed approach to customary sanctions can also be expressed as a proportionality assessment. First, the record should identify the relevant local custom, who explained it, and whether the victim and offender each understood its content. Second, it should identify the persons

affected by the sanction, including family members who may face social or financial consequences despite not being parties to the alleged offence. Third, it should compare the sanction with lawful restorative objectives and distinguish community reconciliation from punishment imposed under social pressure. Fourth, the facilitator should record any objections privately before a final decision is taken. In this design, recognition of Kaili *Givu* does not mean that the prosecutor automatically validates every customary demand. Rather, *Givu* is treated as contextual evidence of local expectations that must be assessed alongside voluntariness, proportionality, and the rights of the individual victim. This position is consistent with comparative Indonesian studies of legal pluralism, which recognize restorative strengths but also emphasize limits to unreviewed community authority [35], [36], [37], [38].

The oversight role of village representatives must be defined in ways that reduce rather than reproduce unequal power. A village head or customary elder can assist with non-coercive communication, referral to local services, and confirmation of independently observable commitments, provided the victim agrees to such involvement. That person should not receive confidential psychological information by default, compel the victim to meet the offender, decide whether a reported threat is credible, or promise that a completed criminal case will be reopened. In remote districts, a low-bandwidth reporting channel and an agreed safe contact person may be more practical than mandatory video meetings, but any such arrangement should preserve confidentiality and a route to professional assistance. The proposed model thus relies on differentiated local capacity and clear limits of authority rather than treating community participation as an unconditional good. Recent victimological analysis reinforces the need to foreground the affected person's voice and ability to decline contact without adverse consequences [29], [33].

In evaluating a pilot, qualitative follow-up should ask the victim about safety, voluntariness, accessibility of assistance, and the actual completion of agreed terms rather than relying solely on the prosecutor's administrative case status. Institutional review could also examine whether a recorded concern triggered timely action from an agency with competence to act. A comparison across districts with different infrastructure would help identify which safeguards are transferable and which depend on trained personnel or dedicated facilities. The pilot should report adverse outcomes and unresolved restitution, not only concluded settlements, because a narrow success rate risks reintroducing the very restorative formality that this study identifies. These recommendations follow from the research findings and comparative literature; they should be considered a testable framework rather than evidence that digital tracking or tripartite coordination has already produced improved outcomes [15], [27], [34].

The statutory design also distinguishes the restorative mechanism at the prosecution stage from mechanisms used during investigation and trial. Articles 85–86 of the 2025 KUHAP locate the written agreement and prosecution-termination decree within the prosecutor's competence while requiring judicial determination within the prescribed period [3]. Thus, a higher-prosecution-office exposure meeting cannot by itself substitute for the signatures and judicial review contemplated by the statute. A practical audit should ask whether the case record clearly identifies the legal stage at which restorative justice was pursued, the institution competent to make each decision, and evidence of agreement performance. The concern is particularly salient at the five-year boundary between Articles 80 and 82, which recent doctrinal analysis identifies as a source of normative uncertainty [14]. Where an officer encounters uncertainty, documenting the legal interpretation and seeking authoritative guidance is preferable to silently applying an inherited administrative threshold. This is an analytical recommendation derived from statutory comparison, not a claim that the district offices have already adopted a unified interpretation.

The proposed model also requires separation between a victim-support record and the criminal case file. The case file should preserve evidence needed to justify prosecution termination, including the agreement and proof of performance; a consent-based support record may instead contain referral dates, preferred contact methods, and non-sensitive notes about whether a support service was reached. Sensitive clinical assessments should remain with authorized professionals

rather than circulate automatically to village oversight partners. Periodic review of access rights, clear retention arrangements, and mechanisms for correcting inaccurate entries are essential to prevent a digital platform from becoming an additional source of secondary victimization. These recommendations follow from the trauma-informed principles of safety, choice, and trust and from studies identifying the procedural harms that arise when victims lose control over how their experiences are represented [29], [33].

3.4 Contribution, Limitations, and Implications

The principal theoretical contribution is to connect the integrative view of legal efficacy with the experience of victims during restorative case disposition. Formal rules define the available legal mechanism, institutional conduct determines whether the mechanism is applied consistently, and living-law practices influence the perceived legitimacy of its outcome. The Sigi kinship case shows why these levels may not align neatly: a relational outcome may be meaningful to the victim while compensation remains unpaid. The findings thereby challenge any single-indicator interpretation of successful restorative justice based exclusively on case termination or signed agreements [24], [28].

The study has identifiable limitations. Purposive sampling of a small number of institutional and community informants and one highlighted Sigi case allows close contextual analysis but does not warrant province-wide generalization. The underlying material does not provide a longitudinal follow-up dataset, an independent clinical evaluation of trauma outcomes, or an outcome comparison with cases handled through formal prosecution. In addition, procedural implementation during the 2026 statutory transition requires continued verification of current instructions and transitional practice. Accordingly, the integrated model should be validated through a transparent pilot and subsequent evaluation before claims of effectiveness, cost efficiency, or sustainable victim recovery are made.

4. CONCLUSION

This study finds that the Central Sulawesi prosecutorial practices described by informants combine tiered case review, loss assessment, and layered safeguards against secondary victimization. A Sigi case involving close relatives illustrates that a victim may value voluntary reconciliation even when monetary compensation has not been delivered. Nevertheless, offender insolvency, unequal access to trauma-sensitive facilities, difficulties documenting Kaili customary sanctions, and limited post-termination support remain barriers to substantive recovery. The proposed Integrated Victim-Centered Restorative Model combines lawful recordkeeping, cross-sectoral referral, standardized customary-law documentation, and voluntary community support. Implementation must distinguish the seven-day statutory performance period and the three-day request for judicial determination from any locally reported administrative timetable, while avoiding claims that case closure can automatically be reversed.

As a practical recommendation, the prosecution service and relevant victim-protection agencies should pilot a standardized consent-verification and restitution-documentation workflow, clarify local review deadlines against the 2025 Criminal Procedure Code, and evaluate referral and safety outcomes before expanding the proposed monitoring model. Future studies should incorporate longitudinal victim perspectives and multiple district case comparisons to assess whether these safeguards improve substantive recovery.

REFERENCES

[1] M. Rifaid, Syamsuddin, Ridwan, Hajairin, and Musmuliadin, "Restorative Justice in the Indonesian Criminal Justice System: An Analysis of the Normative Construction of the Criminal Code and the Criminal Code in the Perspective of Pancasila and Legal Reform," *KASTA: Jurnal Ilmu Sosial, Agama, Budaya dan Terapan*, vol. 5, no. 3, pp. 525–540, 2025, doi: 10.58218/kasta.v5i3.3300.

[2] Republic of Indonesia, "Law No. 1 of 2023 concerning the Criminal Code (KUHP)," 2023. [Online]. Available: https://peraturan.bpk.go.id/Details/234935/uu-no-1-tahun-2023

[3] Republic of Indonesia, "Law No. 20 of 2025 concerning the Criminal Procedure Code (KUHAP)," 2025. [Online]. Available: https://peraturan.go.id/files/uu-no-20-tahun-2025.pdf

[4] Republic of Indonesia, "Law No. 1 of 2026 concerning the Adjustment of Criminal Provisions (Penyesuaian Pidana)," 2026. [Online]. Available: https://peraturan.bpk.go.id/Details/337869/uu-no-1-tahun-2026

[5] M. Sirot and B. Soesatyo, "New Directions for Criminal Law Politics Post-National Criminal Code Law: Between Restorative and Retributive Justice," *Greenation International Journal of Law and Social Sciences*, vol. 3, no. 3, pp. 932–940, 2025, doi: 10.38035/gijlss.v3i3.581.

[6] Muladi and D. Sulistyani RS, *Kompleksitas Perkembangan Tindak Pidana dan Kebijakan Kriminal*. Bandung, Indonesia: Penerbit Alumni, 2021.

[7] P. B. B. Murhula and A. D. Tolla, "The Effectiveness of Restorative Justice Practices on Victims of Crime: Evidence from South Africa," *International Journal for Crime, Justice and Social Democracy*, vol. 9, no. 3, 2020, doi: 10.5204/ijcjsd.1511.

[8] P. Riyadi, "Reconstruction of Restorative Justice Regulations Within the Indonesian Penal System Post-Law No. 1 of 2023," *Peradaban Journal of Law and Society*, vol. 3, no. 2, pp. 154–167, 2024, doi: 10.59001/pjls.v3i2.241.

[9] I. M. A. Astra Wiguna and I. D. G. Dana Sugama, "Victim Protection in Indonesian Criminal Justice: Assessing the Implementation of Restorative Justice as a New Paradigm," *West Science Interdisciplinary Studies*, vol. 3, no. 7, pp. 1098–1112, 2025, doi: 10.58812/wsis.v3i07.2042.

[10] F. Marasabessy, B. Sugiri, and H. Ratnohadi, "Non-Penal Policy in Prosecution Termination (Reconstructing Criminal Law Through Restorative Justice)," *IBLAM LAW REVIEW*, vol. 5, no. 2, pp. 34–42, 2025, doi: 10.52249/ilr.v5i2.605.

[11] R. T. Habeahan Pasaribu, "Fulfillment of Restitution Right of Human Trafficking Crime Victim through Restorative Justice Approach in Criminal Justice System in Indonesia," *International Journal of Multicultural and Multireligious Understanding*, vol. 7, no. 2, p. 504, 2020, doi: 10.18415/ijmmu.v7i2.1521.

[12] R. I. Ortega-Sánchez, "Conceptual legal analysis of restorative justice in Mexico," *Journal Public Economy*, pp. 23–28, 2023, doi: 10.35429/JPE.2023.13.7.23.28.

[13] A. F. Akbar, "Restorative Justice in Indonesian Criminal Code: Navigating Fragmentation and Lessons from Malaysia and the United States," *Pandecta Research Law Journal*, vol. 20, no. 2, pp. 485–520, 2025, doi: 10.15294/pandecta.v20i2.18605.

[14] A. I. Rukhmana and D. Salsabila, "Restorative Justice under Indonesia's 2025 Criminal Procedure Code: An Eight-Parameter Model of Cross-Stage Consistency and Victim Protection," *De Juncto Delicti: Journal of Law*, vol. 6, no. 2, pp. 229–263, 2026, doi: 10.35706/djd.v6i2.13860.

[15] R. I. Sari and B. W. Ajie, "Analysis of the Implementation of Restorative Justice under Technical Regulations of Law Enforcement Agencies in the Indonesian Criminal Justice System," *FOCUS: Journal of Social Studies*, vol. 7, no. 2, pp. 108–120, 2026, doi: 10.37010/fcs.v7i02.2335.

[16] A. Nurullah and M. S. F. Yulianis, "Restorative Justice dan Perlindungan Hak Korban: Sebuah Pendekatan yang Lebih Humanis dalam Sistem Peradilan Pidana," *Celestial Law Journal*, vol. 2, no. 2, pp. 117–134, 2024, [Online]. Available: https://journal.unsuri.ac.id/index.php/clj/article/view/595

[17] P. Isba, M. S. Sakmaf, and Jumiran, "Evaluation of Restorative Justice Implementation in Criminal Conflict Resolution: Victim and Offender Perspectives," *DELICTUM: Jurnal Hukum Pidana Islam*, vol. 3, no. 1, pp. 14–30, 2024, doi: 10.35905/delictum.v3i1.10736.

[18] M. R. Prayoga and D. P. Ramada, "Efektivitas Penerapan Restorative Justice Berjenjang di Kejaksaan Dalam Sistem Peradilan Pidana Indonesia," *Yustisi*, vol. 12, no. 3, 2025, doi: 10.32832/yustisi.v12i3.21549.

[19] S. Crowe, K. Cresswell, A. Robertson, G. Huby, A. Avery, and A. Sheikh, "The case study approach," *BMC Med. Res. Methodol.*, vol. 11, p. 100, 2011, doi: 10.1186/1471-2288-11-100.

[20] F. Fuad, "Socio Legal Research Dalam Ilmu Hukum," *Widya Pranata Hukum*, vol. 2, no. 2, pp. 32–47, 2021, doi: 10.37631/widyapranata.v2i2.261.

[21] K. Kaharuddin, "Legal Sociology Approach: A Critical Study on Understanding the Law," *Veteran Law Review*, vol. 6, no. Special Issue, pp. 54–69, 2023, doi: 10.35586/velrev.v6iSpecialIssues.4955.

[22] S. Campbell *et al.*, "Purposive sampling: Complex or simple? Research case examples," *Journal of Research in Nursing*, vol. 25, no. 8, pp. 652–661, 2020, doi: 10.1177/1744987120927206.

[23] M. E. Duffy, "Methodological Triangulation: A Vehicle for Merging Quantitative and Qualitative Research Methods," *Image: The Journal of Nursing Scholarship*, vol. 19, no. 3, pp. 130–133, 1987, doi: 10.1111/j.1547-5069.1987.tb00609.x.

[24] R. Atmasasmita, *Teori Hukum Integratif: Rekonstruksi terhadap Teori Hukum Pembangunan dan Teori Hukum Progresif*. Genta Publishing, 2012.

[25] Attorney General of the Republic of Indonesia, "Prosecutor's Regulation No. 15 of 2020 on Termination of Prosecution Based on Restorative Justice," 2020. [Online]. Available: https://peraturan.go.id/files/bn811+2020.pdf

[26] B. S. Ayu and K. K. Lewoleba, "Reframing Prosecutorial Legitimacy: Embracing Restorative Justice in Criminal Case Discontinuation," *DiH: Jurnal Ilmu Hukum*, vol. 20, no. 2, pp. 91–103, 2024, doi: 10.30996/dih.v20i2.10803.

[27] E. M. Situmorang, "Analysis of the Implementation of Restorative Justice in Law Enforcement in Indonesia From the Perspective of Progressive Legal Theory," *Ratio Legis Journal*, vol. 5, no. 3, pp. 3764–3779, 2026, doi: 10.30659/rlj.5.3.3764-3779.

[28] H. Zehr, *Changing Lenses: Restorative Justice for Our Times*. MennoMedia, 2015.

[29] A. Pemberton and E. Mulder, "Bringing injustice back in: Secondary victimization as epistemic injustice," *Criminology & Criminal Justice*, vol. 25, no. 4, pp. 1181–1200, 2025, doi: 10.1177/17488958231181345.

[30] Y. Yuyama and T. Mukai, "Relationship between crime victims' expression of (dis)satisfaction with the dialogue they had with perpetrators and the punishment required by the public: Examining how people judge the appropriateness of sentences," *Japanese Journal of Experimental Social Psychology*, vol. 64, no. 1, pp. 26–38, 2024, doi: 10.2130/jjesp.2215.

[31] W. A. Dewi, S. Arinanto, and M. I. Hermawan, "Legal Protection for Victims in the Resolution of Criminal Cases Through Restorative Justice Mechanisms," *Jurnal Daulat Hukum*, vol. 8, no. 4, 2026, doi: 10.30659/jdh.v8i4.50835.

[32] S. Soekanto, *Efektivitas Hukum dan Penerapan Sanksi*. CV Ramadja Karya, 1988.

[33] A. I. Hamzani, A. Aulia, and N. Khasanah, "Toward a Trauma-Informed Victimology: Integrating Trauma-Informed Justice and Restorative Approaches in the Global South," *Prison J.*, vol. 106, no. 3, pp. 275–291, 2026, doi: 10.1177/00328855261431708.

[34] S. Aisyah, A. Situmeang, and H. S. Disemadi, "Effectiveness and Challenges of Restorative Justice in Resolving Domestic Violence Cases: An Empirical Study at the Batam City Prosecutor's Office," *Jurnal Hukum Prasada*, vol. 12, no. 2, pp. 132–148, 2025, doi: 10.22225/jhp.12.2.2025.132-148.

[35] A. Widjajanto, I. G. P. Astawa, and M. Rulyandi, "Decolonising restorative justice in Indonesia: A comparative study across customary law traditions," *Legality: Jurnal Ilmiah Hukum*, vol. 33, no. 2, pp. 470–492, 2025, doi: 10.22219/ljih.v33i2.40481.

[36] R. D. Sutanti, Pujiyono, N. Rochaeti, and A. R. Damora, "Customary law as an instrument of restorative justice: An alternative approach to criminal conflict resolution in plural legal systems," *Clío: Journal of History, Human Sciences and Critical Thought*, vol. 5, no. 10, pp. 1348–1381, 2025, doi: 10.5281/zenodo.15453907.

[37] K. A. Syarif, "The Concept of Restorative Justice in the Framework of Customary Law in Indonesia," *Jurnal Ilmiah Ilmu Administrasi Publik*, vol. 15, no. 1, 2025, doi: 10.26858/jiap.v15i1.74094.

[38] A. H. Nasution and N. Amini, "Penerapan Restoratif Justice terhadap Tindak Pidana Adat dalam Undang-Undang No. 20 Tahun 2025 tentang Hukum Acara Pidana," *SENTRI: Jurnal Riset Ilmiah*, vol. 5, no. 7, pp. 3610–3625, 2026, doi: 10.55681/sentri.v5i7.6870.

[39] Sulistina and A. E. P. W. Tyas, "Integration of Customary Law and Restorative Justice in the Resolution of Criminal Offenses within Indigenous Communities," *TRILOGI: Jurnal Ilmu Teknologi, Kesehatan, dan Humaniora*, vol. 7, no. 3, 2026, doi: 10.33650/trilogi.v7i3.16985.

[40] J. Braithwaite, *Crime, Shame and Reintegration*. Cambridge, United Kingdom: Cambridge University Press, 1989. doi: 10.1017/CBO9780511804618.