

Optimizing the Application of *Restorative Justice* in Criminal Case Resolution in the Jambi District Court in the Perspective of Islamic Law

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Abstract

The settlement of criminal cases in Indonesia is still dominated by a retributive approach that is oriented towards punishment, so that the role of victims is often neglected and the burden of cases in the courts continues to increase. This condition encourages the need for a more humane alternative settlement through a restorative justice approach, especially in the Jambi District Court which has begun to accommodate this concept through various Supreme Court regulations. This research aims to analyze the form, mechanism, and constraints of the application of restorative justice in criminal cases in the Jambi District Court, as well as formulate an optimization model through the perspective of Islamic law. This study uses a qualitative method with a juridical-empirical approach. Primary data was obtained through in-depth interviews with the Deputy Chief Justice of the Jambi District Court, judges, prosecutors, investigators, community leaders, religious leaders, legal academics, and victims of crimes, while secondary data was collected from decision documents, laws and regulations, and relevant Islamic legal literature. Data analysis was carried out in a descriptive-analytical manner by linking field findings with restorative justice theory and the concept of *maqāṣid al-syarī'ah*. The results of the study show that the implementation of restorative justice in the Jambi District Court has been running, but it is still limited to certain cases and faces juridical, structural, and cultural obstacles, especially in the form of regulations that are not synchronized and the retributive paradigm is still strong among law enforcement officials and the community. The discussion emphasized that the values of *islāh*, *'afw*, *diyat*, and *qishas* in Islamic law have a strong conformity with the principle of restoration in restorative justice, so that the integration of the two has the potential to strengthen the moral and social legitimacy of their application. This study concludes that the optimization of restorative justice in the Jambi District Court requires strengthening regulations, the capacity of judges as facilitators, and the integration of Islamic law values as a moral foundation in realizing substantive justice that is oriented towards benefit.

Keywords: *Diyat, Islamic Law, Restorative Justice, District Courts, Criminal Cases*

Abstrak

Penyelesaian perkara pidana di Indonesia masih didominasi oleh pendekatan retributif yang berorientasi pada pemidanaan, sehingga peran korban sering terabaikan dan beban perkara di pengadilan terus meningkat. Kondisi ini mendorong perlunya alternatif penyelesaian yang lebih humanis melalui pendekatan *restorative justice*, khususnya di Pengadilan Negeri Jambi yang telah mulai mengakomodasi konsep ini melalui berbagai peraturan Mahkamah Agung. Penelitian ini bertujuan untuk menganalisis bentuk, mekanisme, dan kendala penerapan *restorative justice* dalam perkara pidana di Pengadilan Negeri Jambi, serta merumuskan model optimalisasinya melalui perspektif hukum Islam. Penelitian ini menggunakan metode kualitatif dengan pendekatan yuridis-empiris. Data primer diperoleh melalui wawancara

mendalam dengan Wakil Ketua Pengadilan Negeri Jambi, hakim, jaksa, penyidik, tokoh masyarakat, tokoh agama, akademisi hukum, dan korban tindak pidana, sedangkan data sekunder dikumpulkan dari dokumen putusan, peraturan perundang-undangan, dan literatur hukum Islam yang relevan. Analisis data dilakukan secara deskriptif-analitis dengan mengaitkan temuan lapangan dengan teori *restorative justice* dan konsep *maqāṣid al-syarī'ah*. Hasil penelitian menunjukkan bahwa penerapan *restorative justice* di Pengadilan Negeri Jambi telah berjalan, tetapi masih terbatas pada perkara-perkara tertentu dan menghadapi hambatan yuridis, struktural, dan kultural, terutama berupa regulasi yang belum sinkron serta paradigma retributif yang masih kuat di kalangan aparat penegak hukum dan masyarakat. Pembahasan menegaskan bahwa nilai-nilai *islah*, *'afw*, *diyat*, dan *qishas* dalam hukum Islam memiliki kesesuaian yang kuat dengan prinsip pemulihan dalam *restorative justice*, sehingga integrasi keduanya berpotensi memperkuat legitimasi moral dan sosial penerapannya. Penelitian ini menyimpulkan bahwa optimalisasi *restorative justice* di Pengadilan Negeri Jambi memerlukan penguatan regulasi, peningkatan kapasitas hakim sebagai fasilitator, serta integrasi nilai-nilai hukum Islam sebagai landasan moral dalam mewujudkan keadilan substantif yang berorientasi pada kemaslahatan.

Kata kunci: *Diyat*, Hukum Islam, *Restorative Justice*, Pengadilan Negeri, Perkara Pidana

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INTRODUCTION

Restorative justice is an alternative approach in the criminal justice system that prioritizes restoring the relationship between perpetrators, victims, and society, instead of focusing solely on sentencing perpetrators¹. Howard Zehr, who is often cited as the conceptual foundation of this idea, argues that crime is not merely a violation of the state, but a wound inflicted on individuals and the social order, so that its resolution must involve open dialogue, the recognition of moral responsibility of the perpetrator, and the fulfillment of the emotional and material needs of the victim². This idea is reinforced by the concept *Reintegrative Shaming* developed by Braithwaite, who asserts that the process of remorse and apology of the perpetrator can foster moral awareness without having to go through permanent stigmatization as is common in conventional punishment³. A number of studies show that this approach

¹Zehr, H. (1990). *Changing Lenses: A New Focus for Crime and Justice*. Scottsdale, PA: Herald Press.
https://www.unodc.org/e4j/data/_university_uni/_changing_lenses_a_new_focus_for_crime_and_justice.html?lng=en

²Zehr, H. (2002). *The Little Book of restorative justice*. Intercourse, PA: Good Books.
https://books.google.co.id/books?id=3JvjtAEACAAJ&hl=id&source=gbs_book_other_versions_r&cad=1

³Braithwaite, J. (1989). *Crime, Shame and Reintegration*. In Cambridge University Press.
<https://books.google.co.id/books?id=WfLoAwAAQBAJ>

has succeeded in reducing recidivism rates while reducing the structural burden on increasingly overcrowded correctional institutions⁴.

Interestingly, the ideal *restorative justice* has strong philosophical roots in Islamic law. Concept *Islah* (peace) and *AFW* (forgiveness) has long been known as a dispute resolution mechanism that prioritizes the restoration of relationships rather than mere retribution. Allah SWT. says in QS. Al-Hujurat [49]: 10 which commands the ummah to reconcile the disputing parties; Ibn Kathir interpreted the command as a collective duty to protect *Ukhuwah* and social stability⁵, while Al-Qurthubi emphasized that peace must be upheld on the principle of justice without taking sides with one party unjustly⁶. This value is reinforced by QS. Ash-Shura [42]:40 which places forgiveness as a higher moral priority than retribution, as well as by the hadith of the Prophet Muhammad (peace be upon him) which affirms the legitimacy of peace (*Sulh*) among fellow Muslims⁷. In addition, the mechanism *Düsseldorf* (i.e., and *Qishas* (Reparations is commensurate) provides flexible space for the victim to choose the path of recovery rather than physical retribution alone, so that substantively the value of *fiqh jinayah* is in harmony with the spirit *restorative justice* modern.

Restorative justice promises benefits for all three parties involved: victims gain space to be heard and restored directly, no longer just passive objects of the justice process⁸; perpetrators have the opportunity to correct their mistakes without bearing the destructive impact of imprisonment; while the community plays a role in creating social harmony while easing the burden on formal justice institutions⁹. However, its application in the field is still overshadowed by the resistance of law enforcement officials who view imprisonment as the only form of justice, a non-uniform understanding, the psychological readiness of victims to dialogue, and the absence of comprehensive technical guidelines^{10 11}. This condition makes optimization *restorative justice* based on Islamic law as an urgent research agenda to be studied.

Empirically, Indonesia's criminal justice system is still overshadowed by complex structural problems. The Supreme Court noted that more than 20,000 criminal cases

⁴Saputra, A. R., Gunati, M., Haryono, T. A., Kurniati, Y., & RAS, H. (2024). Pendekatan Keadilan Restorative Justice pada Sistem Peradilan Pidana Anak di Indonesia. *Formosa Journal of Sustainable Research*, 3(6), 1359–1364. <https://doi.org/10.55927/fjsr.v3i6.10506>

⁵Ibn Kathīr. (1998). *Ismā'īl. Tafsīr al-Qur'ān al-'Azīm. Beirut: Dār al-Kutub al-'Ilmiyyah.*

⁶Al-Qurṭubī. (2006). *Abū 'Abd Allāh. Al-Jāmi' li Ahkām al-Qur'ān. Beirut: Dār al-Kutub al-'Ilmiyyah.*

⁷Al-Tirmidzi. (2006). *Al-Tamhīd li-Qawā'id al-Ta'wīl. Beirut: Dār al-Kutub al-'Ilmiyyah.*

⁸Anggelina, D. (2024). Penerapan konsep keadilan restorative justice pada korban tindak pidana ringan. *Innovative: Journal of Social Science Research*, 4(1), 9191–9201. <https://j-innovative.org/index.php/Innovative/article/view/5979>

⁹Adiesta, A. (2021). Penerapan *restorative justice* dalam sistem peradilan pidana di Indonesia. *Jurnal Hukum & Pembangunan*, 51(2), 345–358. <https://doi.org/10.21143/jhp.vol51.no2.XXXX>

¹⁰Prayitno, K. (2012). Restorative Justice Untuk Peradilan Di Indonesia (Perspektif Yuridis Filosofis Dalam Penegakan Hukum In Concreto). *Jurnal dinamika hukum*, 12(3), 407–420. <https://dinamikahukum.fh.unsoed.ac.id/index.php/JDH/article/view/116>

¹¹KuatPuji Prayitno, "Restorative Justice Untuk Peradilan Di Indonesia (Perspektif Yuridis Filosofis Dalam Penegakan Hukum In Concreto)," *Jurnal Dinamika Hukum* 12, no. 3 (2012): 407–20, <https://dinamikahukum.fh.unsoed.ac.id/index.php/JDH/article/view/116>.

are handled every year with an increasing trend¹², while correctional institutions are experiencing severe overcapacity, with the number of inmates reaching more than 280,000 people compared to the ideal capacity of around 145,000¹³. The Prosecutor's Office of the Republic of Indonesia has actually optimized *restorative justice* by resolving more than 3,000 cases in 2023¹⁴, but its implementation in the regions is still uneven. In Jambi, for example, until 2023 only about 40 cases have been resolved through this mechanism, and its implementation at the court level still depends on the personal initiative of judges and prosecutors, not as a systemic part of the judiciary¹⁵. This condition is exacerbated by the lack of integration of fiqh principles such as *São Paulo* (equality of rights) and *Tasfiyah al-Dharar* (elimination of losses) into local restorative practices, so that the dimension of spiritual reconciliation that is the strength of the Islamic legal tradition has not been optimally utilized.

Normatively, restorative justice has gained a legal basis through the Attorney General's Regulation Number 15 of 2020 concerning the Termination of Prosecutions Based on Restorative Justice and the Decree of the Director General of the General Judiciary of the Supreme Court Number 1691/DJU/SK/PS.00/12/2020 concerning Guidelines for the Implementation of Restorative Justice¹⁶. The two regulations affirm the orientation of recovery of victims, perpetrators, and the community through mediation and consensus. Unfortunately, the harmonization between these positive provisions and Islamic legal values has not been carried out systematically, especially in the Jambi District Court where its application is still limited to child diversion cases and pre-indictment mediation.

The gap between the ideal of *restorative justice*, its implementation practice, and its potential integration with Islamic law is what prompted this research to be formulated. The questions to be answered include how the form, mechanism, and implementation of *restorative justice* in the Jambi District Court is based on applicable regulations; what types of cases can be resolved through these mechanisms and their criteria and limitations; what are the roles of judges and indicators of their successful implementation; judicial, structural, and cultural obstacles that hinder its implementation; and how the concept of *restorative justice* is viewed from the

¹² Direktorat Jenderal Pemasyarakatan Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia. (2023). *Laporan kinerja Direktorat Jenderal Pemasyarakatan tahun 2023*. Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia

¹³ Kejaksaan Republik Indonesia. (2024). *Laporan capaian kinerja dan penanganan perkara berbasis restorative justice tahun 2023*. Kejaksaan Agung Republik Indonesia

¹⁴ Mahkamah Agung Republik Indonesia. (2024). *Laporan tahunan Mahkamah Agung Republik Indonesia tahun 2023: Mewujudkan peradilan modern berbasis teknologi informasi*. Mahkamah Agung Republik Indonesia.

¹⁵ Kejaksaan Negeri Jambi. (2025). Peresmian Rumah Restorative Justice dan Data Penyelesaian Perkara Tahun 2022–2023. *Kejaksaan Negeri Jambi*. <https://kejari-jambi.kejaksaan.go.id/kejaksaan-negeri-jambi-melaksanakan-peresmian-rumah-restorative-justice/>

¹⁶ Mahkamah Agung Republik Indonesia. (2019). Peraturan Mahkamah Agung Nomor 1 Tahun 2019 tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik. *Peraturan Mahkamah Agung*. <https://peraturan.bpk.go.id/Details/206067/perma-no-1-tahun-2019>

perspective of Islamic law and its relevance to judicial practice in Jambi. Departing from these problems, this study aims to gain a comprehensive understanding as well as formulate a model for optimizing the application of *restorative justice* in the settlement of criminal cases in the Jambi District Court based on the values of Islamic law, so as to produce a more humane, participatory, and substantive justice case settlement framework.

In the realm of previous studies, a number of studies have discussed *restorative justice* from various perspectives. Iksan examines the legal protection of victims of crime through compensation schemes as an instrument of restorative justice¹⁷, while Diaz Gude and Navarro Papic highlight the relationship between legal culture and implementation *restorative justice* at the cross-country level¹⁸. Menkel-Meadow provides a broad conceptual review of effectiveness *restorative justice* globally¹⁹, Motupalli expands its scope into the realm of international justice and environmental law²⁰, while Karimullah explored the transformation of the correctional system based on Islamic values²¹. Although the five studies make an important contribution to the discourse *restorative justice*, there has not been anyone who has specifically integrated judicial practice in the Jambi District Court with the normative-prescriptive framework of Islamic law based on *Maqasid al-Syariah*, so that this research is positioned to fill this gap while offering contextual and applicable scientific contributions.

In order to answer the formulation of this problem, this study is specifically directed to analyze the form, mechanism, and implementation of *restorative justice* in the Jambi District Court based on applicable regulations, including the Decree of the Director General of the General Judiciary Agency Number 1691/DJU/SK/PS.00/12/2020, Supreme Court Regulation Number 1 of 2024, as well as provisions regarding the restorative justice mechanism in the latest Criminal Procedure Code; identifying the types and limitations of cases that can be resolved through these mechanisms; examining the role of judges and their success indicators; examine the juridical, structural, and cultural constraints that accompany its implementation; and analyze the concepts and principles of *restorative justice* in the perspective of Islamic law and its relevance to judicial practice in Jambi. Academically, this research is expected to enrich the treasures of Islamic legal theory as well as *restorative justice theory* through the integration of the principles of *qishas*, *diyat*, and

¹⁷Iksan, M. (2022). Perlindungan Hukum Korban Kejahatan: Rekonstruksi Sanksi Pidana Pembayaran Ganti Kerugian Untuk Mewujudkan Restorative Justice. In *Universitas Muhammadiyah Surakarta*. <https://eprints.ums.ac.id/119743/>

¹⁸Gude, A. D., & Papic, I. N. (2020). Restorative justice and legal culture. *Criminology & Criminal Justice*, 20(1), 57–75. <https://doi.org/10.1177/1748895818796549>

¹⁹Menkel-Meadow, C. (2007). Restorative justice: What is it and does it work? *Annu. Rev. Law Soc. Sci.*, 3(1), 161–187. <https://scholarship.law.georgetown.edu/facpub/583/>

²⁰Motupalli, C. (2018). International justice, environmental law, and restorative justice. *Wash. J. Envtl. L. & Pol'y*, 8, 333. <https://digitalcommons.law.uw.edu/wjelp/vol8/iss2/4/>

²¹Karimullah, S. S. (2023). Prison system transformation: Delving into restorative justice, rehabilitation, and religious life based on Islamic law. *FITRAH: Jurnal Kajian Ilmu-Ilmu Keislaman*, 9(2), 201–224. <https://doi.org/10.24952/fitrah.v9i2.8804>

afw into the framework of modern restorative justice, while practically, its findings are expected to be an operational reference for judges, clerks, and law enforcement officials in standardizing *restorative justice* procedures based on Islamic values.

This study is built on several theoretical frameworks. First, the theory *restorative justice* Zehr emphasized three main pillars, namely the recovery of victim losses, the responsibility of the perpetrator, and the involvement of the community in the settlement process^{22 23}. Second, the theory *Reintegrative Shaming* Braithwaite who places the process of social regret as a path of recovery without permanent stigmatization^{24 25}. Third, the theory of Islamic law which is sourced from the Qur'an, *hadith*, *ijma*, and *Qiyas*, with the principle of justice (*Al-'ADL*), *Stuttgart*, and deliberation as the ethical foundation^{26 27}. Fourth, Soekanto's theory of legal effectiveness which states that the success of law enforcement is determined by the substance of the law, enforcement apparatus, facilities, society, and legal culture^{28 29}. Fifth, the theory of policy implementation by Van Meter and Van Horn which emphasizes the importance of clarity of policy standards, availability of resources, communication between implementers, bureaucratic structure, and socio-political conditions as determinants of the success of a legal policy^{30 31}. These five frameworks are used in an integrated manner to dissect how *restorative justice* can be optimized in

²²Zehr, H. (1990). *Changing Lenses: A New Focus for Crime and Justice*. Scottsdale, PA: Herald Press. https://www.unodc.org/e4j/data/_university_uni_/changing_lenses_a_new_focus_for_crime_and_justice.html?lng=en

²³ H Zehr, "Changing Lenses: A New Focus for Crime and Justice," Scottsdale, PA: Herald Press, 1990, https://www.unodc.org/e4j/data/_university_uni_/changing_lenses_a_new_focus_for_crime_and_justice.html?lng=en.

²⁴Braithwaite, J. (1989). *Crime, Shame and Reintegration*. In Cambridge University Press. <https://books.google.co.id/books?id=WfLoAwAAQBAJ>

²⁵ J Braithwaite, "Crime, Shame and Reintegration," in Cambridge University Press, 1989, <https://books.google.co.id/books?id=WfLoAwAAQBAJ>.

²⁶Taufiq, M. (2021). Konsep dan sumber hukum: Analisis perbandingan sistem hukum Islam dan sistem hukum positif. *Istidlal: Jurnal Ekonomi Dan Hukum Islam*, 5(2), 87–98. <https://doi.org/10.35316/istidlal.v5i2.348>

²⁷ Mohammad Taufiq, "Konsep Dan Sumber Hukum: Analisis Perbandingan Sistem Hukum Islam Dan Sistem Hukum Positif," *Istidlal: Jurnal Ekonomi Dan Hukum Islam* 5, no. 2 (2021): 87–98, <https://doi.org/10.35316/istidlal.v5i2.348>; Mahir Amin, "Konsep Keadilan Dalam Perspektif Filsafat Hukum Islam," *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 4, no. 02 (2014): 322–43, <https://doi.org/10.15642/ad.2014.4.02.322-343>; Muhammad Ali Rusdi, "Maslahat Sebagai Metode Ijtihad Dan Tujuan Utama Hukum Islam," *DIKTUM: Jurnal Syariah Dan Hukum* 15, no. 2 (2017): 151–68, <https://doi.org/10.35905/diktum.v15i2.432>.

²⁸Soekanto, S. (2005). Faktor-faktor yang mempengaruhi penegakan hukum. *Raja Grafindo Persada*. <https://library.stik-ptik.ac.id/detail?id=26362&lokasi=lokal>

²⁹ Soerjono Soekanto, "Faktor-Faktor Yang Mempengaruhi Penegakan Hukum," *Raja Grafindo Persada*, 2005, <https://library.stik-ptik.ac.id/detail?id=26362&lokasi=lokal>.

³⁰Van Meter, D. S., & Van Horn, C. E. (1975). The policy implementation process: A conceptual framework. *Administration & society*, 6(4), 445–488. <https://doi.org/10.1177/009539977500600404>

³¹ Donald S Van Meter and Carl E Van Horn, "The Policy Implementation Process: A Conceptual Framework," *Administration & Society* 6, no. 4 (1975): 445–88, <https://doi.org/10.1177/009539977500600404>.

the Jambi District Court, not only in terms of normativity and judicial practice, but also in terms of its alignment with the value of substantive justice in Islamic law, so that it is hoped that a more humane, effective, and based model of criminal case settlement will be born.

METHOD

This study uses a qualitative approach with a case study method (*Case Study*) that are directed exploratively and in-depth to examine the practice of *restorative justice* at the Jambi District Court ³², combined with an empirical juridical legal research design that combines legislative, case, conceptual, and futuristic approaches to formulate an optimization model based on Islamic legal values. The research subjects include judges, prosecutors, lawyers, mediators, perpetrators, and victims who are directly involved in the criminal case settlement process through the restorative mechanism. The data used consists of primary data, namely information extracted directly from the informants, as well as secondary data in the form of primary, secondary, and tertiary legal materials, including laws and regulations, court decisions, and related scientific literature ³³. Data collection is carried out through three main techniques, namely direct observation of the mediation process and deliberation between perpetrators and victims ³⁴, in-depth interviews to explore the perspectives and experiences of informants ³⁵, as well as documentation studies of court decisions, mediation reports, and related regulations to complement and strengthen field data ³⁶. Data analysis is carried out qualitatively through the stages of data processing and preparation, thorough reading, coding (*Coding*) to group categories and themes, description of themes in the form of narratives, to interpretation of the meaning of the findings obtained ³⁷. In order to ensure the validity and credibility of the data, this study applies the technique of triangulation of methods, sources, and theories, in addition to extending the participation of researchers in the research site and increasing the accuracy of observations until the data saturation point is reached ³⁸. The conclusions of the research are drawn

³² R K Yin, "Case Study Research and Applications: Design and Methods," in *SAGE Publications*, 2018, <https://books.google.co.id/books?id=uX1ZDwAAQBAJ>.

³³ Djam Satori and Aan Komariah, "Metodologi Penelitian Kualitatif," *Alfabeta*, 2009, https://opac.isi.ac.id/index.php?p=show_detail&id=3186#gsc.tab=0.

³⁴ Satori and Komariah.

³⁵ Skala Ridwan, "Pengukuran Variabel-Variabel Penelitian," *Bandung: Alfabeta*, 2012, <https://opac.perpusnas.go.id/DetailOpac.aspx?id=350661>.

³⁶ Satori and Komariah, "Metodologi Penelitian Kualitatif."

³⁷ J W Creswell and J D Creswell, "Research Design: Qualitative, Quantitative, and Mixed Methods Approaches," in *SAGE Publications*, 2022, <https://books.google.co.id/books?id=335ZDwAAQBAJ>.

³⁸ L J Moleong, "Metodologi Penelitian Kualitatif," in *Remadja Karya*, 2022, <https://books.google.co.id/books?id=YXsknQEACAAJ>.

inductively, namely by comparing and synthesizing field findings against the theoretical framework *restorative justice* and the principles of Islamic law, so that a comprehensive and applicable normative-prescriptive formulation is produced regarding the optimization of the application *restorative justice* in the settlement of criminal cases at the Jambi District Court.

RESULTS

Description of the Research Location

Institutional Identity

The Jambi District Court is a first-level general judicial institution that is authorized to receive, examine, adjudicate, and decide criminal and civil cases in its jurisdiction, as well as acting as a state representative in ensuring legal certainty for the community ³⁹. This institution is classified as a Class IA District Court, which reflects the high burden and complexity of the case as well as the institutional capacity it has compared to the lower class courts ⁴⁰. In the judicial hierarchy, its position is below the Jambi High Court and the Supreme Court of the Republic of Indonesia, as a consequence of the principle of independent and tiered judicial power ⁴¹. This position requires professionalism and high integrity from all judicial apparatus in carrying out its adjudicative functions and public services. In addition to carrying out judicial functions, this institution also plays a strategic role in implementing contemporary legal policies, including the implementation of *restorative justice* in the settlement of criminal cases.

A Brief History

The forerunner of the Jambi District Court is inseparable from the reorganization of the post-independence national judicial system based on Law Number 19 of 1948 ⁴². In the period 1945–1950 this institution was still called the Djambi District Court, a continuation of the *Land Council* which was later integrated into the national justice system ⁴³. Institutional restructuring continued through Law Number 13 of 1965 and Law Number 14 of 1970 which affirmed the independence of judicial power ⁴⁴. In 1972 its name was changed to Telanaipura District Court following the administrative arrangement of the region, before finally returning to the

³⁹ (Jambi District Court, 2026)

⁴⁰ (Jambi District Court, 2026)

⁴¹ (Supreme Court of the Republic of Indonesia, 2015)

⁴² (Law of the Republic of Indonesia, 1948)

⁴³ (Jambi District Court, 2026)

⁴⁴ (Law of the Republic of Indonesia, 1970)

Jambi District Court after the enactment of Law Number 2 of 1986 ⁴⁵. The reform era has also encouraged institutional modernization through the digitalization of services as mandated by the Judicial Reform Blueprint 2010–2035, including the implementation of the system *E-Court* and *E-Litigation* ⁴⁶, as well as the development of an approach *restorative justice* in the settlement of criminal cases.

Jurisdiction

The jurisdiction of the Jambi District Court is regulated based on Law Number 2 of 1986 as amended by Law Number 49 of 2009, which affirms that each district court has the authority to adjudicate according to certain administrative areas ⁴⁷. Geographically, its jurisdiction now includes Jambi City and its ten sub-districts, although at the time of its early formation its scope was much wider to include Batanghari and Tanjung Jabung Regencies ⁴⁸. The narrowing of jurisdiction is a consequence of the expansion of administrative areas and the policy of equitable distribution of judicial services in various regions. In addition to the geographical aspect, the absolute authority of this institution is also affirmed through Article 50 of Law Number 2 of 1986, while the electronic system *E-Court* expand access to services without changing the boundaries of applicable formal jurisdiction.

Organizational Structure

The organizational structure of the Jambi District Court is regulated following Law Number 48 of 2009 and Supreme Court Regulation Number 7 of 2015 ⁴⁹. The leadership is held by the Chief Justice of the District Court assisted by the Vice Chairman, while the implementation of judicial functions is carried out by judges who are obliged to uphold independence and professionalism, including in developing practices *restorative justice*. The clerical element is led by the Registrar who oversees the Junior Registrar of Criminal, Civil, and Legal Affairs, as well as the Substitute Registrar who accompanies the judge during the trial. The secretarial element is led by the Secretary who is in charge of the planning, personnel, as well as general and financial subdivisions, so as to create synergy between judicial and administrative functions in an integrated manner.

Duties and Functions

⁴⁵ (Law of the Republic of Indonesia, 1986)

⁴⁶ (Supreme Court of the Republic of Indonesia, 2010)

⁴⁷ (Law of the Republic of Indonesia, 1986)

⁴⁸ (Jambi District Court, 2026)

⁴⁹ (Supreme Court of the Republic of Indonesia, 2015)

The main task of the Jambi District Court is to exercise judicial power to uphold law and justice as mandated by Article 24 of the 1945 Constitution and Law Number 48 of 2009⁵⁰. The authority to adjudicate includes absolute competence over the type of case as well as relative competence based on *locus delicti* within its jurisdiction. In addition, this institution conducts civil mediation based on Supreme Court Regulation Number 1 of 2016 and accommodates the *restorative justice* in certain criminal cases⁵¹. Administrative functions also include the management of cases, personnel, and facilities through electronic systems, while public service functions are realized through information desks and one-stop integrated services in accordance with Law Number 25 of 2009⁵².

Trial Mechanism

The flow of the criminal trial at the Jambi District Court follows the provisions of the Criminal Procedure Code, starting from the transfer of the file by the public prosecutor after it is declared complete (*P-21*) to the determination of the panel of judges and the trial schedule by the Chief Justice. The trial continued with the reading of the indictment, examination of the defendant and witnesses, presentation of evidence in the form of letters, instructions, and expert statements, reading of the charges (*Requirement*), defense (*plea*), replicas, and duplicates, which reflect the basic *Audi and Alteram Partem* for both parties to the matter.⁵³ The final verdict is handed down based on at least two valid evidences accompanied by the judge's conviction in accordance with Article 183 of the Criminal Code, and is read out in a hearing open to the public. In practice *restorative justice*, judges also act as facilitators of dialogue between perpetrators and victims in the early stages of case examination, in line with the Supreme Court's policy that encourages more humane and recovery-oriented settlement of cases without neglecting the applicable formal legal corridors⁵⁴.

Research Results

Form, Mechanism, and Implementation of Restorative Justice in the Jambi District Court

The application of *restorative justice* in the Jambi District Court shows a shift in orientation from a retributive approach to a more humanistic and recovery-based model. Normatively, this practice relies on the Decree of the Director General of the

⁵⁰ (Law of the Republic of Indonesia, 2009)

⁵¹ (Supreme Court of the Republic of Indonesia, 2016)

⁵² (Republic of Indonesia, 2009)

⁵³ A Hamzah, "Hukum Pidana Indonesia," in *Sinar Grafika*, 2017, <https://books.google.co.id/books?id=qFD5DwAAQBAJ>.

⁵⁴ (Republic of Indonesia, 2024)

General Judiciary Agency Number 1691/DJU/SK/PS.00/12/2020 and Supreme Court Regulation Number 1 of 2024, which was then strengthened by Law Number 20 of 2025 concerning the Criminal Procedure Code through the introduction of the *Restorative Justice Mechanism* (MKR). The scope is still limited to minor cases, minor losses, complaints offenses, and criminal threats for a maximum of five years. The Deputy Chairman of the Jambi District Court emphasized, *"The implementation of Restorative Justice in the Supreme Court began with the issuance of the Decree of the Director General of Badilum Number 1691/DJU/SK/PS.00/12/2020, which serves as a guideline for judges in handling criminal cases through a restorative justice approach"* (Purnamawati, 2025).

The trial process no longer focuses solely on proving guilt, but opens up a space for dialogue between the perpetrator, the victim, and related parties from the initial stage of the examination. The judge assesses the feasibility of the case based on normative criteria, then facilitates communication to reach a recovery agreement. In practice, the trial can still continue until the verdict, but restorative agreements are also considered, as seen in the imposition of a criminal sentence with a probationary period in one of the cases in 2025 as a compromise between formal and substantive justice. The three regulations form a tiered legal framework for judges. According to the source, *"The Supreme Court then issued guidelines through PERMA Number 1 of 2024, and subsequently in Law Number 20 of 2025 concerning the Criminal Procedure Code, the Restorative Justice Mechanism (MKR) has been accommodated, so that it becomes the basis for judges to implement it"* (Purnamawati, 2025). The strengthening of this regulation provides formal legitimacy, although its implementation in the field still requires further technical harmonization.

The implementation stages include identifying the feasibility of the case, facilitating dialogue, reaching a recovery agreement, and considering the judge in the final decision. The resource person explained that *"even though there has been an agreement between the parties, the judge still considers it in the decision, so that the justice produced is not only formal, but also substantive"* (Purnamawati, 2025). The absence of standard operational standards of procedures causes this stage to not be applied uniformly, so it is highly dependent on the initiative of the judge who handles the case. Case Number 128/Pid.Sus/2025/PN Jmb is a concrete representation of the application of *restorative justice*, related to the criminal act of child protection based on Article 80 paragraph (1) jo. Article 76C of Law Number 35 of 2014. The panel sentenced him to three months in prison and a fine of Rp10,000,000 with a probationary period of six months, reflecting the balance between formal justice and a restorative approach. The interviewee stated, *"In 2025 there will be one case that has been successfully*

resolved through the restorative justice approach, namely case Number 128/Pid.Sus/2025/PN Jmb, which is an example of how restorative justice can be applied in trial practice" (Purnamawati, 2025). This case confirms that the number of cases that have been successfully resolved restoratively is still very limited.

When examined as a whole, the four aspects that have been described in the description of practice, trial process, regulatory role, and implementation stages show one common thread that *restorative justice* in the Jambi District Court is not just a normative discourse, but has transformed into a real practice that is carried out gradually and measurably. The existence of three main regulations, namely the Decree of the Director General of Badilum Number 1691/DJU/SK/PS.00/12/2020, PERMA Number 1 of 2024, and Law Number 20 of 2025 concerning the Criminal Procedure Code which contains *the Restorative Justice Mechanism* (MKR) in Articles 79 to 88, shows that there is a process of institutional strengthening that is tiered and complementary to each other. These three function as legal foundations that provide room for judges to move away from the legalistic-formal paradigm towards a more humanist paradigm of substantive justice.

The synergy between the three regulations, as emphasized by the Deputy Chairman of the Jambi District Court, shows that the implementation of *restorative justice* does not stand in a vacuum, but develops along with the renewal of the national criminal procedure law. However, this study also found that the mechanism is still running in a caustic manner depending on the initiative and interpretation of each judge handling the case because there is no standard and uniform standard operating procedure (SOP) at the district court level. This condition confirms the gap between normative ideals and practical reality, where regulations are adequately available, but the technical instruments for their implementation have not been fully formulated in detail.

In terms of mechanism, the stages of case identification, dialogue facilitation, recovery agreements, and judges' considerations in the verdict show that *restorative justice* in the Jambi District Court has adopted a coherent procedural structure, although its implementation still requires strengthening institutional capacity. Quantitative criteria such as a loss limit of Rp2,500,000 and a maximum criminal threat of five years are objective parameters that make it easier for judges to select cases, but on the other hand also limit the scope of application of the restorative approach only to small-scale cases. The case study Number 128/Pid.Sus/2025/PN Jmb is empirical evidence that this approach can be combined with a conditional criminal verdict (*probation*), so that formal justice and restorative justice do not negate each other, but complement each other in one frame of verdict.

Another important aspect that should be underlined is the shift in the role of judges from just *adjudicators* to facilitators who actively encourage dialogue between perpetrators and victims. This change in role requires additional competencies that were previously not commonly possessed by conventional criminal judges, such as mediation skills, interpersonal communication, and sensitivity to the psychosocial dynamics of the parties. Without this capacity strengthening, it is feared that the implementation of *restorative justice* will only stop at the level of administrative formalities without really touching the essence of restorative justice which is its main goal. Overall, it can be concluded that the form, mechanism, and implementation of *restorative justice* in the Jambi District Court has shown a positive and progressive direction of development, in line with the spirit of national criminal procedure law reform. However, its sustainability and effectiveness going forward will be largely determined by the extent to which the courts are able to translate the existing normative frameworks into clear, standardized, and consistently applicable operational technical guidelines across all types of cases that meet the criteria, without relying too much on the personal initiative of each judge.

Types of Cases and Criteria for the Application of Restorative Justice

Referring to the Decree of the Director General of Badilum 2020, PERMA Number 1 of 2024, and the 2025 Criminal Procedure Code, not all criminal cases can be resolved through restorative channels. The types that meet the requirements include minor criminal acts with limited loss and social impact, so that settlement through dialogue is considered more effective than repressive processes. Normative limitations include the value of losses, the nature of the complaint, and the threat of maximum punishment. The resource person emphasized, "*in the application of restorative justice, the value of losses is one of the important considerations, where cases with small losses are more likely to be resolved through a restorative approach*" (Purnamawati, 2025). A judge added that the assessment is not only normative, but also contextual: "*the judge must look at the context of the case in its entirety, not only in terms of rules, but also from the social impact and sense of justice of the community*" (Jambi District Court Judge, 2025). This conformity is considered relatively strong, as the resource person emphasized, "*the types of cases that can be applied restorative justice have basically been regulated in the PERMA and the Criminal Code, namely misdemeanors, complaints offenses, and cases with a maximum criminal threat of five years*" (Purnamawati, 2025). However, coordination between law enforcement agencies from the investigation and prosecution stages is seen as determining success, as stated by a prosecutor: "*if there*

is good faith from the perpetrator and the victim from the beginning, then restorative justice is easier to implement" (Jambi District Attorney, 2025).

The description of the types of cases, normative limitations, and their conformity with the latest PERMA and the Criminal Procedure Code basically shows that the application of *restorative justice* in the Jambi District Court is selective and measurable, not applied haphazardly to all criminal cases. The criteria in the form of misdemeanors, complaints of complaints, the value of losses that do not exceed Rp2,500,000 or the provincial minimum wage, as well as the maximum criminal threat of five years, show that the state through the Supreme Court seeks to maintain a balance between the spirit of restoration and legal certainty for the wider community. This limitation serves a dual function: on the one hand it serves as a filter so that the restorative approach is not abused for cases with a wide impact, and on the other hand it provides a clear space for judges to act without legal doubt.

However, the findings of the study also reveal problems at the level of implementation of these criteria. One judge emphasized that normative assessment alone is not enough, as judges are also required to read the social context and sense of community justice in its entirety before directing cases to the restorative path. This view reinforces the argument that quantitative criteria are only initial administrative requirements, while substantive decisions remain at the discretion of the judge which is causistic. This in turn opens up a space of subjectivity that, if not balanced with adequate technical guidelines, has the potential to cause inconsistencies between cases and between judges.

The conformity between PERMA Number 1 of 2024 and the Criminal Procedure Code of 2025 has indeed shown relatively good harmonization in terms of regulating the types and criteria of cases. However, the normative harmonization has not been fully followed by the harmonization of practices at the level of cross-institutional law enforcement. A prosecutor's statement emphasizing the importance of good faith from the prosecution stage shows that the success of the implementation of restorative criteria cannot be separated from the continuity of the criminal justice process as a whole, starting from investigation, prosecution, to trial. When one of these chains is not in line, the application of criteria that have been clearly regulated in the regulation has the potential to not run optimally.

The Role of Judges and Success Indicators

Judges carry out dual roles, namely as *adjudicators* who decide cases as well as facilitators who encourage peaceful settlements. One judge said, *"in the restorative justice approach, judges not only decide cases, but must also be able to direct the parties to find*

a fair solution for both" (Jambi District Court Judge, 2026). Communication skills and humanist attitudes are said to be the keys to the success of the process. In practice, judges begin to open up space for restorative resolution in cases that meet the requirements. The resource person stated, *"in the current trial practice, we have begun to open up space for settlement through restorative justice, especially for cases that do meet the requirements"* (Jambi District Court Judge, 2026), which was corroborated by the statement of the Deputy Chairman of the Jambi District Court that judges began to provide such space more systematically (Purnamawati, 2026).

The success of RJ is measured through three main indicators. The resource person emphasized, *"the main indicator of the success of restorative justice is the existence of peace between the perpetrator and the victim, because this shows that the conflict has been resolved properly"* (Purnamawati, 2026). Other indicators include the recovery of the victim's losses and the non-recurrence of criminal acts by the perpetrator, so that success is not only formal but also substantive. The victim's consent is an absolute condition for the restorative process to take place. The victim stated, *"if I don't agree, of course it cannot be continued, because the one who feels the immediate impact is me as the victim"* (Victims of Crime, 2026). Social support from the community around the perpetrators also strengthens the legitimacy of the process, as conveyed by community informants, *"if the problem can be resolved peacefully and the perpetrator is willing to change, it is certainly better than having to continue to have conflicts"* (Jambi City Community, 2026).

The overall description of the role of judges as *adjudicators* as well as facilitators, judges' practices in trials, success indicators, and the role of the parties shows that the success of *restorative justice* in the Jambi District Court actually rests on one main node, namely the quality of judges' leadership in managing multidimensional processes. The dual role of judges requires abilities that go beyond conventional judicial competence; judges must not only master formal and material legal aspects, but must also have communication skills, empathy, and sensitivity to the dynamics of interests that often conflict between perpetrators and victims. The repeated statement from the speakers that good communication is the key to the success of the restorative process emphasizes that the human dimension in the trial is no less important than the procedural aspect. Judges are required to create a conducive atmosphere so that dialogue between perpetrators and victims can take place openly and equally, without psychological pressure from either party. In practice, this ability is not always equally possessed by every judge, considering that formal judicial education in Indonesia has not specifically equipped judges with mediation and recovery-based conflict resolution skills.

Obstacles in the Implementation of Restorative Justice

The insynchronization between the regulations of the Decree of the Director General of Badilum, PERMA, and the Criminal Code has led to differences in the interpretation of the case criteria and the implementation mechanism. The resource person emphasized, *"one of the obstacles in the implementation of restorative justice is the lack of optimal synchronization between existing regulations, so in practice there are still differences in understanding"* (Purnamawati, 2026). The absence of a standard SOP forces judges to interpret the provisions independently. The limitations of the administrative system and supporting resources also hinder the implementation of the RJ evenly, as emphasized by the Deputy Chairman of the Jambi District Court that these limitations are one of the main obstacles in its implementation (Purnamawati, 2026).

The paradigm that justice is synonymous with punishment is still dominant. A prosecutor said, *"in practice, there are still many who think that justice must be realized through punishment, so the restorative justice approach has not been fully the first choice"* (Jambi District Prosecutor, 2026). The investigator added, *"changing the perspective is not easy, because so far the system that has been running has indeed emphasized more on enforcement than recovery"* (Jambi Police Investigator, 2026). Field findings show that victim involvement is still minimal. An academic stated, *"one of the weaknesses that is still seen is the victim's involvement that is not optimal, even though the victim is the most affected party in a criminal act"* (Legal Academic, 2026), which was also recognized by the Deputy Chairman of the Jambi District Court as a real challenge in practice (Purnamawati, 2026).

The four obstacles that have been presented judicially, structural, cultural, and field findings related to victim involvement are essentially not stand-alone problems, but intertwined to form a complex ecosystem of obstacles. Juridical obstacles in the form of the lack of synchronization of the Decree of the Director General of Badilum, PERMA, and the Criminal Procedure Code are the root of structural obstacles, because the absence of uniform technical guidelines causes every court, including the Jambi District Court, to formulate its own implementation pattern without a clear procedural umbrella. This gap is then exacerbated by system limitations, such as the lack of a special unit or mediator to handle *restorative justice*, so that the entire burden of facilitating dialogue rests entirely on judges who also face high case pressure. On the other hand, the cultural constraints in the form of the dominance of the retributive paradigm show that the obstacles are not only technical-administrative, but also cognitive and sociological. The view that justice is synonymous with prison sentences

is still strongly attached, both among law enforcement officials and the general public. An investigator's statement that changing perspectives is not an easy thing because the system that has been running so far emphasizes enforcement rather than recovery, emphasizes that the transformation of the legal paradigm requires time, policy consistency, and continuous legal education, not just regulatory changes on paper.

The Concept of Restorative Justice in the Perspective of Islamic Law

Islamic law recognizes the mechanisms of *islah* (peace), *afw* (forgiveness), *diyat* (compensation), and *qishas* (appropriate retribution) as instruments for conflict resolution in line with restorative principles. The normative foundation is found in the Qur'an, including Q.S. Al-Hujurat/49:10 on brotherhood and peace. A religious leader stated, *"in the Qur'an there are many verses that advocate peace and improve relationships, so that they are very much in line with the principle of restorative justice"* (Jambi City Religious Figures, 2026), which is corroborated by the statement of the Deputy Chairman of the Jambi District Court that the verses of the Qur'an encourage peace and forgiveness are in line with the concept of RJ (Purnamawati, 2026).

Settlement through *islah* has long been a tradition of Islamic law. Religious leaders said, *"in the practice of Islamic law, settlement through islah has been known for a long time, and basically has similarities with the concept of restorative justice that emphasizes peace"* (Jambi City Religious Figures, 2026). Islamic legal values are considered relevant to be applied in the context of modern justice, especially in areas with the character of religious communities such as Jambi. A judge stated, *"if the values of Islamic law are combined with positive law, then the settlement of the case can touch more on the aspect of justice felt by the community"* (Jambi District Court Judge, 2026), in line with the view of the Deputy Chairman of the Jambi District Court that religious values have strong relevance to the practice of RJ in court (Purnamawati, 2026).

The concepts of *islah*, *afw*, *diyat*, and *qishas* that have been described actually form a coherent and historically tested system of Islamic justice, long before the term *restorative justice* was known in modern criminal law discourse. These four concepts show that Islamic law has placed the restoration of relationships and mutual benefit (*maslahah*) as the main goal of law enforcement, not just retribution for wrongs committed by the perpetrators. In this framework, *qishas* should not be understood narrowly as the law of revenge, but as a mechanism that actually opens up a wide space for the victim or his family to choose the path of forgiveness accompanied by compensation (*diyat*), so that in essence *qishas* and *diyat* are a single system that gives full autonomy to the victim in determining the form of justice that is most suitable for him.

DISCUSSION

Analysis of the Implementation of *Restorative Justice* in the Jambi District Court

The practice of judges in the Jambi District Court has basically referred to the normative framework of the Decree of the Director General of Badilum of 2020, PERMA Number 1 of 2024, and the Criminal Procedure Code of 2025, but this conformity is still partial because there are no detailed technical guidelines. Referring to Howard Zehr's idea that restorative justice should focus on recovering losses and victim involvement ⁵⁵, the involvement of victims that has not been optimal in the Jambi District Court shows that the application of this approach does not fully reflect the restorative paradigm as a whole.

There is a gap between the ideal concept *restorative justice* and its implementation in the field, especially in the aspects of victim involvement, moral responsibility of perpetrators, and community participation. Howard Zehr emphasized that restorative justice should ideally focus on three elements, namely harm (*Harm*), needs (*needs*), and obligations (*Obligations*) ⁵⁶, while John Braithwaite through the theory *Reintegrative Shaming* emphasizing the importance of social processes that encourage awareness of perpetrators without causing permanent stigma ⁵⁷. These two ideas have not been fully realized in judicial practice in the Jambi District Court, which still tends to be formal and administrative.

Implementation effectiveness *restorative justice* It can be seen from the achievement of peace and the recovery of victims, although overall it is not optimal because the number of cases resolved through this approach is still limited. Mark S. Umbreit argues that success *restorative justice* It is highly dependent on the quality of the dialogue between the perpetrator and the victim and their ability to meet the emotional needs of the victim ⁵⁸, while Tony F. Marshall defines this approach as a process of bringing all relevant parties together to resolve the impact of criminal acts together ⁵⁹. Effectiveness at the Jambi District Court is still at a moderate level due to limited trial time and lack of active involvement of victims.

Analysis of the Suitability of Case Types with Regulations

⁵⁵ Zehr, "Changing Lenses: A New Focus for Crime and Justice."

⁵⁶ H Zehr, "The Little Book of Restorative Justice," *Intercourse, PA: Good Books*, 2002, https://books.google.co.id/books?id=3JvjtAEACAAJ&hl=id&source=gbv_book_other_versions_r&cad=1.

⁵⁷ Braithwaite, "Crime, Shame and Reintegration."

⁵⁸ M S Umbreit, "The Handbook of Victim Offender Mediation: An Essential Guide to Practice and Research," in *Wiley*, 2002, <https://books.google.co.id/books?id=-I2Kvz7fi2YC>.

⁵⁹ (Marshall et al., 2024)

Criteria for matters that can be resolved through *restorative justice* minor crimes, complaints, and criminal threats of a maximum of five years normatively in accordance with PERMA Number 1 of 2024 and the 2025 Criminal Procedure Code. Andrew Ashworth reminded that criminal policies should consider the principles of proportionality and substantive justice, not just formal compliance with the rules ⁶⁰, so that the existing criteria, although textually correct, still need to be tested for flexibility to the complexity of real cases. Restrictions on the types of cases that are quite strict have the potential to narrow the scope for implementation *restorative justice* in cases where they are actually likely to be restored. Kathleen Daly is of the view that overly rigid restrictions can reduce the effectiveness of restorative approaches ⁶¹, while Daniel W. Van Ness and Karen Heetderks Strong affirm that the primary focus *restorative justice* should be on the recovery of losses and reconciliation, not just a category of matters ⁶². This view is relevant to the finding that a number of cases in the Jambi District Court cannot be resolved restoratively just because they hit the threshold of criminal threats.

Such normative limitations, on the one hand, maintain legal certainty, but on the other hand risk reducing the essence of the restoration itself. Lode Walgrave states that *restorative justice* should not be rigidly limited by formal legal categories, but rather consider the recovery needs of the parties ⁶³, and Gordon Bazemore and Mark Umbreit added that narrow restrictions can reduce the justice system's ability to repair broken social relationships ⁶⁴.

Analysis of the Role of Judges in Restorative Justice

The role of judges in the Jambi District Court has undergone a transformation from just law enforcement (*Law Enforcer*) to be a mediator as well as a facilitator in the recovery process. Howard Zehr emphasized that legal authorities should shift from controlling the process to being a facilitator who opens up space for the active participation of the parties ⁶⁵, while Mark S. Umbreit emphasized the importance of

⁶⁰ A Ashworth, "Sentencing and Criminal Justice," *International Journal of the Sociology of Law* 24 (2015): 448–50, <https://www.cambridge.org/highereducation/books/sentencing-and-criminal-justice/E08FEA1BECA17F9001E39AD5BF0E7CA3>.

⁶¹ Kathleen Daly, "Restorative Justice: The Real Story," in *Restorative Justice* (Routledge, 2017), 85–109, <https://www.taylorfrancis.com/chapters/edit/10.4324/9781351150125-5/restorative-justice-kathleen-daly>.

⁶² D W Van Ness and K H Strong, "Restoring Justice: An Introduction to Restorative Justice," in *Elsevier Science*, 2013, <https://books.google.co.id/books?id=mpwpAgAAQBAJ>.

⁶³ Lode Walgrave, "Restorative Justice, Self-Interest and Responsible Citizenship," in *Willan*, 2013, <https://doi.org/10.4324/9781843925668>.

⁶⁴ S G Bazemore and M S Umbreit, "Balanced and Restorative Justice: Program Summary," in *U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, OJJDP Summary*, 1994, <https://books.google.co.id/books?id=T28u87mS28oC>.

⁶⁵ Zehr, "Changing Lenses: A New Focus for Crime and Justice."

empathic communication skills in the mediation process ⁶⁶. The dual role has not worked optimally due to time constraints, high case burden, and uneven understanding of judges on the concept of restorative approach. Nils Christie argues that the modern justice system tends to "seize" conflicts from the parties and leave them to the state, thereby reducing the direct participation of perpetrators and victims ⁶⁷, while Kathleen Daly emphasized that the quality of facilitation is critical to the success of the restorative process ⁶⁸.

Judging from progressive legal theory, judges should ideally not just be the mouthpiece of the law, but actors who explore the value of justice that lives in society, as Satjipto Rahardjo emphasized that progressive law places humans as the center of law enforcement ⁶⁹. Meanwhile, Soerjono Soekanto mentioned five factors that determine the effectiveness of the law, namely the substance of the law, apparatus, facilities, society, and legal culture ⁷⁰, the five of which still show limitations in supporting the optimization of the role of judges in the Jambi District Court.

Analysis of Obstacles to the Implementation of Restorative Justice

Implementation constraints *restorative justice* in the Jambi District Court is multidimensional, covering juridical, structural, and cultural aspects. Soerjono Soekanto stated that ineffective law enforcement generally stems from an imbalance between legal factors, apparatus, facilities, society, and legal culture ⁷¹, while Donald S. Van Meter and Carl E. Van Horn emphasized that the success of policy implementation is greatly influenced by inter-organizational communication and the suitability of resources with field conditions ⁷². The root of the problem has an impact on the suboptimal involvement of victims and the inconsistency in the application of the restorative approach between judges.

An Analysis of Restorative Justice in the Perspective of Islamic Law

Application *restorative justice* in the Jambi District Court is in line with the objectives of the *maqāṣid al-syarī'ah*, especially life protection (*ḥifẓ al-naḥs*) and property (*ḥifẓ al-māl*), although it is not fully optimal due to the limitations of victim involvement. Jasser Auda emphasized that *maqāṣid al-syarī'ah* must be understood

⁶⁶ Bazemore and Umbreit, "Balanced and Restorative Justice: Program Summary."

⁶⁷ Nils Christie, "Conflicts as Property," *British Journal of Criminology* 17, no. 1 (1977): 1-15, <https://doi.org/10.1093/oxfordjournals.bjc.a046783>.

⁶⁸ Daly, "Restorative Justice: The Real Story."

⁶⁹ S Rahardjo, "Penegakan Hukum Progresif," in *Penerbit Buku Kompas*, 2010, <https://books.google.co.id/books?id=f7EqH7E4x4IC>.

⁷⁰ Soekanto, "Faktor-Faktor Yang Mempengaruhi Penegakan Hukum."

⁷¹ Soekanto.

⁷² Van Meter and Van Horn, "The Policy Implementation Process: A Conceptual Framework."

dynamically and contextually in order to realize the benefits ⁷³, while Abu Ishaq Al-Shatibi states that all sharia law aims to realize benefits and prevent harm. Restorative approaches have the potential to bring substantive justice that goes beyond formal adherence to rules. Ibn Qayyim al-Jawziyya affirms that the goal of law is to realize justice and benefit for human beings ⁷⁴, and Jasser Auda added that the benefit is at the heart of *maqāṣid al-syarī'ah* that must be realized flexibly ⁷⁵. Positive law tends to emphasize procedural certainty, while Islamic law emphasizes flexibility and benefit-orientation through *Islah*, *AFW*, and *Düsseldorf*. Barda Nawawi Arief stated that national criminal law needs to accommodate the value of restorative justice that lives in society and religion ⁷⁶, while Abdul Karim Zaidan emphasized that Islamic law provides wide space for peaceful settlement as long as it does not conflict with sharia principles ⁷⁷.

Restorative Justice Optimization Model Based on Islamic Law

This optimization model places positive law as a framework of certainty, while Islamic law is a source of moral values such as *Islah*, *AFW*, and *Düsseldorf*. Satjipto Rahardjo emphasized that the ideal law must combine certainty and justice in a balanced manner ⁷⁸, and Jasser Auda emphasized the importance of *maqāṣid al-syarī'ah* as a foundation for the development of modern law ⁷⁹. Optimization requires increasing the capacity of judges in mediation techniques and the preparation of technical guidelines that integrate Islamic values into criminal justice procedures, in order to reduce inconsistencies in the application between cases. It is necessary to harmonize regulations, continuous training for law enforcement officials, strengthen inter-institutional coordination, and educate the public so that the retributive paradigm gradually shifts towards a more humanistic approach and oriented towards the common good.

CONCLUSION

⁷³ Jasser Auda, "Maqasid Al-Shariah," *An Introductory Guide (USA: International Institute of Islamic Thought, 2008)*, 2008, <https://iiit.org/wp-content/uploads/Maqasid-Al-Sharia-Beginners-2023.pdf-content.pdf>.

⁷⁴ Ibn Qayyim Al-Jawziyyah, "I'lām Al-Muwaqqi'in 'an Rabb Al-'Ālamīn. Jil. 3," *Beirut: Dār Al-Kutub Al-'Ilmiyyah*, 1991.

⁷⁵ Auda, "Maqasid Al-Shariah."

⁷⁶ Barda Nawawi Arief, "Masalah Penegakan Hukum Dan Kebijakan Hukum Pidana Dalam Penanggulangan Kejahatan," in *Kencana Prenada Media Group*, 2018, <https://books.google.co.id/books?id=AeLJDwAAQBAJ>.

⁷⁷ Abdul Karim Zaidan, "Zaidan, Abdul Karim. Al-Wajīz Fī Uṣūl Al-Fiqh," in *Beirut: Muassasah Al-Risālah*, 1996.

⁷⁸ Rahardjo, "Penegakan Hukum Progresif."

⁷⁹ Auda, "Maqasid Al-Shariah."

Based on the results of the research and discussion that has been described, this study answers three main questions related to the optimization of the application of *restorative justice* in the settlement of criminal cases at the Jambi District Court reviewed from the perspective of Islamic law.

First, regarding the form and implementation of *restorative justice* in the Jambi District Court, it can be concluded that its implementation has been underway, but it is still limited and has not become the main mechanism in resolving criminal cases. The normative basis rests on the Decree of the Director General of Badilum Number 1691/DJU/SK/PS.00/12/2020, PERMA Number 1 of 2024, to the *Restorative Justice Mechanism* (MKR) in Law Number 20 of 2025 concerning the Criminal Code. The practice is reflected in the facilitation of dialogue between perpetrators and victims from the early stages of the trial, as seen in case Number 128/Pid.Sus/2025/PN Jmb which was resolved through consideration of recovery in the form of conditional criminal penalties. However, the number of cases that have been successfully resolved through this route is still very small, so it does not fully reflect the paradigm of restorative justice as a whole as stated by Howard Zehr, who emphasizes the recovery of losses, the fulfillment of victims' needs, and the responsibility of the perpetrators as the three main pillars of this approach.

Second, regarding the obstacles faced, this study found that the obstacles are multidimensional, including juridical aspects in the form of regulations that are not fully synchronized, structural aspects in the form of system limitations and the unavailability of special units for *handling restorative justice*, as well as cultural aspects in the form of a strong retributive paradigm among law enforcement officials and the community. This condition is in line with Soerjono Soekanto's view that the effectiveness of the law is determined by the balance between legal substance, apparatus, facilities, society, and legal culture, which in the Jambi District Court the five elements have not run in a balanced manner. As a result, victim involvement is still minimal and implementation tends to be partial and depends on the initiative of individual judges, not on a standardized system.

Third, from the perspective of Islamic law, the concepts of *islah*, *'afw*, *diyat*, and *qishas* have proven to be strongly compatible with the principles of *modern restorative justice*, both textually in the *Qur'an* and hadith and substantively within the framework of *benefit-oriented maqāṣid al-syarī'ah*. These religious values have proven to be able to strengthen the social and moral legitimacy of the application of restorative justice, especially in the religious people of Jambi City. Thus, the optimization of *restorative justice* in the Jambi District Court can be achieved through an integration model between positive law as a framework of legal certainty and Islamic law as a source of

moral value, which is realized through strengthening the role of judges as *adjudicators* as well as facilitators, the preparation of more detailed technical guidelines, harmonization of regulations, and continuous education to the community.

Overall, these findings confirm that the research hypothesis, namely that the application of *restorative justice* in the Jambi District Court still needs to be strengthened through the integration of Islamic legal values, is proven and relevant as a scientific contribution to the development of a more humanist and substantive justice criminal justice system.

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