



Analysis of Restorative Justice in the Criminal Justice System

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ABSTRACT

Restorative justice is a novel approach to the criminal justice system that focuses on repairing relationships harmed by criminal behavior. This strategy seeks to achieve reconciliation, accountability for perpetrators, and improved social reintegration. Victims play an active role in restorative justice, with the ability to speak about the impact of criminal acts on them and interrogate the perpetrator. Perpetrators are required to admit their conduct, express regret, and work to heal the damage done. Offenders are viewed as individuals who, if given the opportunity and help, can reform and become valuable members of society again. Restorative justice approaches include restorative meetings, which allow for open communication, emotional expression, and the search for shared solutions among the perpetrator, victim, and other associated parties. Restorative justice is a more humane and just alternative to traditional, punishment-focused tactics. Although this strategy is not applicable for all criminal acts, it has been shown to be helpful in addressing particular types of criminal acts, improving victim healing, and minimizing the chance of reoffending.

1. Introduction

The criminal justice system is a very important aspect of maintaining order and justice in society. The main goal of the criminal justice system is to address criminal acts, ensure perpetrators are held accountable, and protect the rights and security of society. However, in some cases, conventional approaches that emphasize prison sentences or fines are not always the most effective or humane solution in dealing with crime problems. This is where the concept of Restorative Justice becomes relevant. Restorative Justice is an approach that places attention on restoring relationships disrupted by criminal acts, both between perpetrators and victims and between perpetrators and society. This approach emphasizes the responsibility of the perpetrator, the participation of the victim, and efforts to restore the damage that has occurred. Restorative Justice departs from the understanding that criminal acts damage

social balance and relationships between individuals, so it is necessary to find ways to repair this damage.¹⁻³

In the view of Restorative Justice, criminal justice is not just a tool for punishment but also a tool for repair and restoration. This is a more humanistic approach and focuses on healing rather than separation. In the context of Restorative Justice, perpetrators are expected to admit their actions, regret them, and try to compensate for the damage that has been caused. Victims have an important role in this process by being given the opportunity to talk about the impact of criminal acts on them, as well as playing an active role in finding adequate solutions. In this view, Restorative Justice also creates opportunities for social reconciliation and reintegration, where perpetrators are given the opportunity to become productive members of society again. Although Restorative Justice is not a suitable solution for every

type of criminal act or case, this approach has gained widespread recognition as a more effective, just, and sustainable alternative in dealing with crime problems. This study aims to explore the concept of Restorative Justice further, outline its principles, and explore its applications and benefits in the modern criminal justice system.⁴⁻⁶

Recovers damage

The Restorative Justice approach really pays attention to the understanding that criminal acts damage the relationship between the perpetrator, victim and society as a whole. The main goal is to repair this damage in various ways that involve the feelings of victims, accountability of perpetrators, and community participation. Restorative Justice recognizes that criminal acts can damage existing interpersonal relationships, whether between the perpetrator and the victim, between the perpetrator and other members of society, or even with the justice system itself. This approach seeks to repair and restore this damage, rebuilding the disturbed trust and balance. Victims often have feelings such as trauma, fear and injustice after being victims of criminal acts. Restorative Justice pays special attention to victims' feelings by giving them the opportunity to talk about their experiences, express feelings, and gain recognition for the suffering they have experienced.^{7,8}

Restorative Justice encourages perpetrators to face and admit their criminal actions. They are expected to take responsibility for the action, show genuine remorse, and be willing to contribute to making up for the damage that has been caused. This approach also recognizes that criminal acts not only damage individual relationships but also damage the social balance in society. Therefore, Restorative Justice involves the community in recovery efforts. Communities can support perpetrators in social reintegration and support victims in their recovery. Thus, Restorative Justice seeks to create a process that combines emotional, ethical, and social aspects, with the aim of repairing the damage caused by criminal acts, providing opportunities for recovery, and promoting better social balance. This approach

continues to be the subject of research and application in criminal justice systems in various countries as a more humane and effective alternative in dealing with criminal acts.^{9,10}

Accountability

One of the main principles of Restorative Justice is to encourage perpetrators to be held accountable for the criminal acts they commit. Perpetrators in the context of Restorative Justice are expected to honestly admit the criminal acts they committed. This involves an admission on the part of the perpetrator that they have broken the law and are responsible for those actions. Admitting your actions is an important first step in the recovery process. Apart from admitting their actions, perpetrators are also expected to show sincere remorse for the impact of their criminal actions on the victim and society. This regret reflects the perpetrator's willingness to understand the victim's feelings and admit their mistakes. Restorative Justice encourages perpetrators to actively participate in reparation efforts. This can include a variety of actions, such as repairing damage caused by criminal acts, providing compensation to victims, or taking steps to prevent the recurrence of criminal acts. It is important to remember that accountability in the context of Restorative Justice is not just about punishment but also about repentance and restoration. The ultimate goal is to change the offender's behavior, enable them to contribute positively to society and create opportunities for them to correct their mistakes. This approach understands that, in many cases, traditional punishment may be ineffective in achieving these goals and so offers an alternative that focuses more on reconciliation and repair.¹¹⁻¹³

Victim participation

The role of victims in the Restorative Justice process is very important. In the Restorative Justice framework, victims are given a more active and meaningful role in the process of resolving criminal acts. Victims are given the opportunity to talk about their experiences and the impact of criminal acts on them directly. This provides a space for victims to

express their feelings, concerns, fears, and needs that may not have been met. Victims also have the right to ask questions of the perpetrator. This allows the victim to get clarification about the criminal act and perhaps better understand why the act occurred. These questions can help victims understand the situation and get answers to questions that may be bothering them. Involving victims in the Restorative Justice process gives them a sense of justice. They have more control over the situation and can have a direct influence on the outcome. This helps in the recovery of the victim and gives them a feeling that justice has been served. In many cases, involving victims in the Restorative Justice process can help in the victim's recovery and healing process. Hearing perpetrators admit their criminal actions and show remorse can be an important step in the victim's psychological recovery. Actively involving victims in the Restorative Justice process also helps change the paradigm from the traditional criminal justice system, which often treats victims as passive witnesses or viewers. Instead, this approach gives victims a more meaningful role and gives them the opportunity to feel more heard, respected, and get the justice they need. It also supports the recovery of victims and creates space for more effective reconciliation between victims and perpetrators.¹⁴⁻¹⁶

Social reintegration

Restorative Justice does have a strong focus on the social reintegration of perpetrators into society. This approach recognizes that perpetrators of criminal acts are individuals who have the potential to contribute positively to society and that perpetrators need to be given opportunities to make changes and improve their behavior. Restorative Justice helps society to understand the context and background that may have caused the perpetrator to commit a criminal act. With a deeper understanding, society can have more empathy for perpetrators and understand that criminal acts are not their only identity. Through the Restorative Justice process, perpetrators can receive support and guidance to change their behavior. This includes understanding the consequences of their actions, admitting mistakes, and making a

commitment to more positive behavior. The focus on social reintegration in Restorative Justice aims to prevent the repetition of criminal acts. By providing offenders with support and opportunities to change, the chances of reoffending can be minimized. This approach views perpetrators as individuals who can grow and develop in a more positive direction. In some cases, offenders may contribute to the victim's recovery, perform volunteer work in the community, or obtain education and training to help them achieve successful reintegration. Successful social reintegration also includes support from the community. Society needs to accept actors who have tried to change and make positive contributions. This creates an environment that supports successful reintegration. Through the Restorative Justice approach, individuals who commit criminal acts are expected to experience repentance, improve their behavior, and become productive members of society. This is in line with a more humane and just approach to dealing with criminal acts, rather than simply imposing punishment without providing opportunities for repentance and learning.^{17,18}

Mediation or meeting

One of the main methods in Restorative Justice involves meetings or mediation between the perpetrator, victim, and other related parties. These types of meetings are often referred to as "restorative meetings" or "restorative mediation sessions." In this meeting, the parties involved have the opportunity to talk about the events that occurred, share experiences, and work together to find adequate solutions. Restorative meetings provide a platform for open dialogue between perpetrators and victims. They can talk to each other about feelings, experiences, and the impact of criminal acts. These meetings create a safe space where all parties can express their feelings. This is important because victims can express their feelings of insecurity, fear, and anger, whereas perpetrators can talk about their regrets and feelings. The main goal of a restorative meeting is to find an adequate solution. This may include compensation to the victim, an agreement to avoid a repeat of the criminal act or other measures that can help repair

damages. Apart from the perpetrator and victim, restorative meetings can also involve other related parties, such as family or friends who may have been affected by the criminal act. Their involvement can provide additional perspective and support. Restorative meetings are usually led by a trained facilitator. The facilitator is tasked with ensuring that the meeting takes place in a safe, focused, and supportive manner, as well as helping the parties to communicate well. Restorative meetings are one of the most direct and action-oriented forms of applying the concept of Restorative Justice. The goal is to facilitate honest and empathetic communication between perpetrators and victims and create opportunities to repair harm and achieve reconciliation. This method has been used in a variety of contexts, including resolving children's disputes, minor criminal cases, and even community conflicts.^{19,20}

2. Conclusion

Restorative Justice is an innovative approach to the criminal justice system that places a focus on healing relationships damaged by criminal acts. This approach aims to create reconciliation, accountability for perpetrators, and better social reintegration. In Restorative Justice, victims have an active role, given the opportunity to talk about the impact of criminal acts on them and ask questions of the perpetrator. Perpetrators are expected to admit their actions, show remorse, and try to repair the damage that has been caused. This approach views offenders as individuals who can change and become productive members of society again if given the opportunity and support. Restorative Justice offers methods such as restorative meetings that allow open dialogue, expression of emotions, and the search for joint solutions between the perpetrator, victim, and other related parties. Restorative Justice is a more humane and just alternative to traditional approaches that are more punishment-oriented. Although not appropriate for every criminal act, this approach has been proven effective in addressing some types of criminal acts, promoting victim recovery, and reducing the likelihood of reoffending.

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