

Analysis of the Application of Restorative Justice in Gender-Based Violence in Indonesia

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Abstract

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This study analyzes the application of Restorative Justice (RJ) to Gender-Based Violence (GBV) in Indonesia through a literature review of academic publications. The findings reveal that, although RJ is normatively included in law enforcement policies, there is no specific technical regulation governing its application to GBV cases. Key challenges affecting RJ's effectiveness include imbalanced power relations, a deeply rooted patriarchal culture, and insufficient training for law enforcement and related apparatus. Despite these obstacles, the literature highlights RJ's positive potential in supporting victim recovery and encouraging behavioral change in perpetrators. This potential, however, depends heavily on applying RJ with a victim-centered approach and strong victim protection mechanisms. The study concludes that RJ can serve as a valuable complementary alternative to the formal criminal justice system for handling child sexual abuse cases in Indonesia. Nevertheless, to ensure substantive justice for victims, RJ requires clear regulations, effective supervision, and coordinated support across multiple sectors. These measures are essential to maximize RJ's benefits and address the unique complexities of GBV cases in the Indonesian context.

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1. Introduction

Gender-based violence (GBV) in Indonesia is one of the complex social and legal problems, involving structural, cultural, and individual dimensions. Based on data from the National Commission on Anti-Violence against Women (*Komisi Nasional/Komnas Perempuan*), the number of reports of violence against women, including sexual violence, continues to increase every year. This shows that the existing positive legal system and law enforcement mechanisms are not fully able to provide optimal protection for victims. Conventional criminal justice models tend to focus on punishing perpetrators (retributive justice) and often ignore the victim's need for recovery, justice, and a sense of security.¹ In recent years, the concept of Restorative Justice (RJ) has begun to be introduced and piloted in Indonesia as an alternative to the pure punishment approach. Restorative Justice focuses on conflict resolution by actively involving perpetrators, victims, and the community to achieve mutual recovery.

This principle is in line with the values of substantive justice that are oriented towards the restoration of social relations, the responsibility of the perpetrator, and the fulfillment of the rights of victims.² In various countries, RJ has been adopted in handling various forms of crime, including gender-based crimes, but its application in Indonesia is still a matter of debate, especially regarding the potential for victimization. Normatively, Indonesia already has a number of legal instruments that

¹ Sahat Maruli Tua Situmeang and Ira Maulia Nurkusumah. "Kajian hukum kekerasan berbasis gender online dihubungkan dengan tujuan pemidanaan dalam perspektif negara hukum Pancasila." *Res Nullius Law Journal* 3, no. 2 (2021): 162-177.

² R. Sagala. Valentina. *Ketika negara mengatur kekerasan seksual*. Guepedia, (2020).

can be the basis for the implementation of the RJ, for example the National Police Chief's Regulation Number 8 of 2021 concerning the Handling of Crimes based on Restorative Justice. However, this regulation does not specifically regulate gender-based violence. This legal vacuum causes differences in interpretation at the law enforcement level, so that the application of RJ in the case of GBV often receives criticism, especially from the perspective of victim protection.³ Some cases even show that the implementation of RJ is actually used as a compromise door that benefits the perpetrator, such as forced marriage between the victim and the rapist.⁴

From a human rights perspective, the use of RJ in GBV requires a cautious approach. International organizations such as UN Women affirm that mediation mechanisms or peaceful settlements in cases of violence against women risk worsening the condition of victims if they are not accompanied by adequate protection and rehabilitation. In Indonesia, several field studies show that victims are often in a low bargaining position due to unequal power relations, family pressure, and social stigma, so their willingness to "make peace" is often not a free decision.⁵ On the other hand, a number of academics and legal practitioners argue that RJ can be an effective instrument if it is designed with gender perspectives and victim protection principles in mind.

³ Irda Nur Khumaeroh. "Kebijakan Hukum Pidana Terhadap Perkembangan Tindak Pidana Kekerasan Seksual yang Bertujuan Menciptakan Keadilan Gender." *Jurnal Hukum Indonesia* 2, no. 2 (2023): 53-59.

⁴ R. Sagala. Valentina. *Ketika negara mengatur kekerasan seksual*. Guepedia, (2020).

⁵ L. Alfies Sihombing and Yeni Nuraeni. "efektifkah restoratif justice? Suatu kajian upaya optimalisasi sistem peradilan pidana di indonesia." *Jurnal Hukum Mimbar Justitia* 9, no. 2 (2023): 273-304.

For example, in the context of domestic violence, the RJ approach can facilitate a safe dialogue between relevant parties to address the root of the problem, such as economic dependence or hereditary patterns of violence.⁶ This approach can speed up the psychological recovery of victims and reduce the risk of repeated violence, provided there is adequate assistance. Thus, this study aims to analyze the application of Restorative Justice to gender-based violence crimes in Indonesia, focusing on the evaluation of existing regulations, practices in the field, and the challenges and opportunities for the implementation of gender perspective RJ. This study uses a literature study method on scientific that discusses RJ in the context of GBV in Indonesia. It is hoped that the results of this study can provide policy recommendations that optimize victim protection while realizing more substantive justice.

2. Literature Review

Restorative Justice (RJ) is a paradigm in the criminal justice system that places victim recovery, perpetrator responsibility, and social reconciliation as the main goals. Evans and Vaandering⁷ explains that RJ differs from retributive justice which is sentencing oriented, as RJ focuses on the involvement of all affected parties in the settlement process. In Indonesia, this concept began to develop formally through

⁶ Anwar Rabbani. "Penyelesaian tindak pidana kekerasan dalam rumah tangga dalam perspektif Restorative Justice," *Al-Adl* 12, no. 2 (2021): 367.

⁷ Katherine Evans, and Dorothy Vaandering. *The little book of restorative justice in education: Fostering responsibility, healing, and hope in schools*. Simon and Schuster, (2022): 75.

regulations such as the National Police Chief's Regulation Number 8 of 2021, although it does not explicitly regulate gender-based violence (GBV). A study by Rabbani⁸ highlights that the application of RJ in the case of GBP must consider the vulnerability of victims, especially women, who are often in a low bargaining position due to socio-cultural factors. Sihombing's research⁹ found that mediation or peace in cases of violence against women has the potential to perpetuate violence if carried out without a strong victim protection framework.

This is in line with the findings of UN Women which reminds that a peaceful approach can worsen the situation of victims in the context of unequal power relations. Some studies emphasize that RJ has the potential to address the root causes of domestic and sexual violence through safely-facilitated dialogue. Situmeang and Nurkusumah¹⁰ show that RJ designed with a gender and community-based perspective can help break the cycle of violence, provide psychological recovery, and encourage behavior change of perpetrators. However, this success relies heavily on the quality of facilitation, the involvement of victim companions, and supervisory mechanisms. From a legal perspective, Khumaeroh¹¹ criticized the absence of special

⁸ Anwar Rabbani. "Penyelesaian tindak pidana kekerasan dalam rumah tangga dalam perspektif Restorative Justice," *Al-Adl* 12, no. 2 (2021): 367.

⁹ L. Alfies Sihombing and Yeni Nuraeni. "efektifkah restoratif justice? Suatu kajian upaya optimalisasi sistem peradilan pidana di indonesia." *Jurnal Hukum Mimbar Justitia* 9, no. 2 (2023): 273-304.

¹⁰ Sahat Maruli Tua Situmeang and Ira Maulia Nurkusumah. "Kajian hukum kekerasan berbasis gender online dihubungkan dengan tujuan pemidanaan dalam perspektif negara hukum Pancasila." *Res Nullius Law Journal* 3, no. 2 (2021): 162-177.

¹¹ Irda Nur Khumaeroh. "Kebijakan Hukum Pidana Terhadap Perkembangan Tindak Pidana Kekerasan Seksual yang Bertujuan Menciptakan Keadilan Gender." *Jurnal Hukum Indonesia* 2, no. 2 (2023): 53-59.

provisions that prohibit or regulate RJ in the case of GBV, so that law enforcement interpretations vary greatly.

This has led to inconsistencies in handling, where some officials use RJ as a means of avoiding the formal judicial process, while others reject its application outright in the case of GBV. This condition indicates the need for clear regulatory reforms, as well as training for law enforcement officials on the safe and fair implementation of RJ for victims. Based on the literature review, it can be concluded that the academic literature in Indonesia generally agrees that RJ has the potential to be a useful alternative, but it must be accompanied by strong victim protection, strict ethical standards, and strict supervision to prevent revitalization. Further research is needed to design an RJ model that is contextual with Indonesia's socio-cultural realities and sensitive to gender issues.

3. Method

This study uses a literature review method to analyze the application of Restorative Justice to gender-based violence crimes in Indonesia. The selection of this method is based on research objectives that focus on collecting, critically reviewing, and synthesizing the results of research that has been carried out previously, both conceptual, normative, and empirical. Literature studies are considered relevant because they can explore various perspectives from previous research, identify knowledge gaps, and present evidence-based recommendations without conducting primary data collection in the field.

Research data is entirely sourced from credible academic publications, legal documents, and institutional reports. The source search was conducted through the Google Scholar database using the keywords “Restorative Justice”, “gender-based violence”, “Indonesia”, “violence peace”, and “victim protection”. Such as the National Police Chief’s Regulation Number 8 of 2021 which regulates the handling of criminal acts through the RJ. The inclusion criteria include articles that discuss RJ in Indonesia in the context of gender-based violence, contain legal or policy analysis, and are available in full text. Meanwhile, publications that only discuss RJ in general without linking to gender-based violence, as well as sources that do not have a clear methodological basis, are excluded from the analysis.

The data collection process is carried out through several stages. First, the initial identification of sources is carried out using a combination of relevant keywords, then a selection is carried out based on titles and abstracts to filter publications that meet the criteria. After that, the selected articles are downloaded and read thoroughly to ensure their suitability for the research objectives. Each source used is systematically recorded using the APA Style format to make it easier to search and consistency of citations. Data analysis was carried out using a thematic analysis approach. In the initial stage, a coding process was carried out on key issues that emerged in the literature, such as the definition of RJ, the legal basis that governs the application of RJ in cases of gender-based violence, implementation practices in the field, implementation challenges, and protection for victims.

Furthermore, the coding results are grouped into main themes and then synthesized into a complete and integrated narrative. To maintain validity, this study

utilizes sources from various authors and institutions to obtain varied viewpoints, as well as cross-verify between findings. Reliability is maintained by transparently documenting the entire search, selection, and analysis process so that the research can be replicated by other researchers. Through this literature study approach, it is hoped that the research can provide a comprehensive overview of the potential, challenges, and recommendations for the application of Restorative Justice to gender-based violence crimes in Indonesia, as well as the basis for the formulation of policies and legal practices that are more just and victim-perspectived.

4. Results

4.1. Legal and Policy Framework for the Implementation of Restorative Justice on Gender-Based Violence in Indonesia

The legal framework that governs the implementation of Restorative Justice (RJ) in Indonesia has undergone significant development in the last five years. One of the main footholds is the National Police Chief's Regulation Number 8 of 2021 concerning the Handling of Criminal Acts based on Restorative Justice, which provides a procedural basis for law enforcement officials to resolve criminal cases outside the court through a peace mechanism. However, its application to Gender-Based Violence (GBV) cases is still a debate, considering the characteristics of GBV that involve unbalanced power relations, the vulnerability of victims, and long-term impacts both physical and psychological.

From the literature analyzed, it can be seen that the majority of researchers emphasize the need for harmonization between the RJ approach and the principle

of victim protection as stipulated in Law Number 12 of 2022 concerning Sexual Violence Crimes (*Tindak Pidana Kekerasan Seksual/TPKS*) and Law Number 23 of 2004 concerning the Elimination of Domestic Violence (*Penghapusan Kekerasan Dalam Rumah Tangga/PKDRT*). Although both of these laws generally emphasize the formal judicial process to guarantee the rights of victims, some researchers see opportunities for the application of RJ in certain cases, especially those involving the voluntary consent of the victim, adequate psychosocial support, and strict supervision by legal authorities.¹²

The practice of RJ at the police level has been carried out in several areas, , for certain cases of GBV that do not result in serious injury or death. Settlement with RJ is carried out by taking into account family relationship factors, the age of the perpetrator, and the existence of guarantees from the victim's family. However, the results are still mixed: there are cases that end in successful restoration of social relationships, but there are also cases that cause new trauma due to social pressure on the victim to forgive the perpetrator. One of the main problems identified is the lack of technical guidance that explicitly regulates the implementation of RJ in GBV. Although Perpol 8/2021 provides a general framework, there are no specific provisions that accommodate the vulnerability of victims of GBP.

This has the potential to cause gender bias in practice in the field, where law enforcement officials tend to prioritize peace for the sake of case efficiency without

¹² Siti Shalima Safitri, Mohammad Didi Ardiansah, and Andrian Prasetyo. "Quo Vadis Keadilan Restoratif pada Perkara Tindak Pidana Kekerasan Seksual Pasca Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual (Studi Terhadap Pasal 23 UU TPKS)." *Jurnal Hukum dan HAM Wara Sains* 2, no. 1 (2023): 29-44.

considering the long-term psychological impact on victims.¹³ A number of studies propose the need to integrate RJ into the Implementing Regulation of the TPKS Law, by adopting the principles of a victim-centered approach. This approach requires a risk assessment before deciding on a settlement through the RJ, as well as ensuring that victims receive psychological, legal, and social assistance throughout the process. In addition, the RJ mechanism needs to ensure that the peace agreement does not erase the victim's right to compensation and rehabilitation services.¹⁴

Overall, the literature shows that Indonesia's legal framework has opened up space for the application of RJ in various criminal acts, but its application to GBV should be done with stricter and more specific regulations. The greatest challenge lies in balancing the RJ's goal of restoring social relations with the state's obligation to guarantee victims' rights, including protection from victimization. Thus, the main recommendations that emerged from this study are the need for derivative regulations that explicitly regulate the implementation of RJ in cases of child abuse, as well as strengthening the capacity of law enforcement officials to be able to implement a victim-perspective and gender-sensitive approach.

¹³ Erma Sirande, Hijrah Adhyanti Mirzana, and Audyna Mayasari Muin. "Mewujudkan Penegakan Hukum Melalui Restorative Justice." *Jurnal Hukum Dan Kenotariatan* 5, no. 4 (2021): 570-589.

¹⁴ Nayla Linda. "Perlindungan Dan Pemenuhan Hak Korban Dalam Hukum Pidana Internasional Untuk Mendorong Keadilan Dan Pengakuan Hak Asasi Manusia." *Jurnal Riset Ilmu Keadilan dan Hukum* 1, no. 1 (2022): 82-100.

4.2. Practice of Restorative Justice Implementation in Gender-Based Violence in Various Regions of Indonesia

The implementation of Restorative Justice (RJ) in Gender-Based Violence (GBV) in Indonesia shows significant variation between regions, both in terms of mechanisms, actors involved, and results achieved. Literature studies show that the success or failure of the implementation of RJ in the case of GBV is greatly influenced by local cultural factors, the capacity of law enforcement officials, and the existence of a victim support network. For example, research by Ibrahim et al.¹⁵ noted that the police have facilitated the settlement of domestic violence cases through RJ by involving community leaders and social workers. The mediation process is carried out at the police station by presenting the perpetrator, victim, family representative, and psychological companion. As a result, the victim received compensation and a written commitment from the perpetrator to take part in counseling.

However, post-peace evaluations show that the success of RJ is highly dependent on ongoing support, especially free counselling services for victims. The application of RJ is more widely carried out in cases of violence against couples outside of marriage that do not cause severe physical injury. According to Prayoga and Rinaldi,¹⁶ local police officers tend to prioritize peace if both parties are willing, on the grounds of preventing prolonged conflicts in the surrounding environment.

¹⁵ Laura Fitriani Ibrahim, G. Goris Seran, and Ginung Ginung Pratidina. "Implementasi Program pemberdayaan perempuan korban kekerasan dalam rumah tangga di Kota Bogor." *Jurnal Governansi* 5, no. 1 (2019): 89-97.

¹⁶ Ilham Prayoga, and S. H. Kasmanto Rinaldi. *Restorative Justice di Desa: Transformasi Penyelesaian Konflik Menuju Kekeluargaan*, Mega Press Nusantara, 2023 : Page 57.

However, some victims report social pressure to agree to peace, especially if the perpetrator has a stronger economic or social position. This condition presents an ethical challenge in the implementation of the RJ, where peace agreements do not always reflect the free will of the victims.

In Lombok, the practice of RJ often involves traditional leaders and village officials as mediators. Research by Muhlizi¹⁷ found that in some cases of GBV, the role of traditional leaders is quite effective in encouraging perpetrators to provide material compensation and open apologies. However, there is a risk that this customary settlement ignores the victim's right to access formal legal services, especially when the victim is still in an unequal power relationship with the perpetrator. In addition, there are regions that are adopting innovative approaches. In Semarang, a community-based pilot program developed by local NGOs combines the principles of RJ with legal and psychosocial assistance for victims.

A study by Linda¹⁸ shows that this model is able to reduce the risk of victimization because each stage of mediation is accompanied by a psychological evaluation of the victim. The program also ensures that there is a legally binding written agreement, so that the rights of victims are protected. Although there is a variation in practice in the field, the literature indicates a general pattern: the success of RJ in GBV tends to occur if there is a combination of community support, formal

¹⁷ Arfan Faiz Muhlizi. "Penguatan peran tokoh adat sebagai paralegal dalam memberikan bantuan hukum." *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 8, no. 1 (2019): 127-145.

¹⁸ Nayla Linda. "Perlindungan Dan Pemenuhan Hak Korban Dalam Hukum Pidana Internasional Untuk Mendorong Keadilan Dan Pengakuan Hak Asasi Manusia." *Jurnal Riset Ilmu Keadilan dan Hukum* 1, no. 1 (2022): 82-100.

legal oversight, and protection of victims' rights. Without these three elements, RJ has the potential to become an instrument that actually strengthens the impunity of perpetrators and silences victims. Thus, experiences in various regions show that the implementation of RJ in GBV in Indonesia requires a contextual approach that considers local cultural factors, but is still based on the principles of victim protection and gender equality. Strengthening technical regulations and increasing the capacity of officials, mediators, and community leaders is key to ensuring that RJ truly functions as a means of recovery, not just an administrative settlement of cases.

4.3. Challenges and Recommendations for the Implementation of Restorative Justice on Gender-Based Violence in Indonesia

The application of Restorative Justice (RJ) to gender-based violence (GBV) in Indonesia faces complex challenges, both from the legal, social, and cultural aspects. The first challenge is the legal framework that has not fully accommodated the needs of victims. Although the National Police Chief's Regulation Number 8 of 2021 opens up room for case settlement through the RJ, there are no specific provisions governing GBV, so law enforcement has diverse interpretations. This poses a risk of using RJ for cases that should be formally processed, such as sexual violence or severe physical violence, which has the potential to harm victims.¹⁹

The second challenge is the imbalance of power relations between perpetrators and victims. In many cases of GBV, the perpetrator has a higher social, economic, or power position than the victim, so the mediation process can be

¹⁹ Erma Sirande, Hijrah Adhyanti Mirzana, and Audyna Mayasari Muin. "Mewujudkan Penegakan Hukum Melalui Restorative Justice." *Jurnal Hukum Dan Kenotariatan* 5, no. 4 (2021): 570-589.

influenced by social pressure or covert intimidation. Research by Ibrahim et al.²⁰ shows that victims often feel compelled to agree to peace for fear of stigma or pressure from their families and society. The third challenge is the lack of capacity and training for law enforcement officials and mediators. Most of the officers have not been equipped with special skills to handle GBV with a victim perspective and gender sensitivity. As a result, the RJ process is often focused on reaching a peace agreement, without considering the psychological recovery of the victim.

The fourth challenge is the influence of patriarchal culture that is still strong in various regions. In certain cultural contexts, violence against women is seen as a domestic problem that should be resolved familially, so RJ is chosen as a quick fix without considering the long-term impact on the victim.²¹ To address these challenges, the literature recommends several strategic steps. First, the preparation of special technical regulations for the implementation of RJ in GBV. This regulation must regulate the criteria for cases that can be resolved through the RJ, the risk assessment mechanism, and the guarantee of victim protection, including the right to refuse the RJ process without negative consequences.

Second, strengthening the capacity of law enforcement officials, mediators, and community leaders through training that focuses on victim perspectives, gender equality, and the principles of a victim-centered approach. This training also needs

²⁰ Laura Fitriani Ibrahim, G. Goris Seran, and Ginung Ginung Pratidina. "Implementasi Program pemberdayaan perempuan korban kekerasan dalam rumah tangga di Kota Bogor." *Jurnal Governansi* 5, no. 1 (2019): 89-97.

²¹ Arfan Faiz Muhlizi. "Penguatan peran tokoh adat sebagai paralegal dalam memberikan bantuan hukum." *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 8, no. 1 (2019): 127-145.

to include empathic communication skills, risk assessment of repeated violence, and mediation techniques that are safe for the victim. Third, the integration of psychological, legal, and social assistance services in the RJ process. Each stage of mediation must be accompanied by assistance by psychologists, social workers, and legal counsel to ensure that the victim's decision is made freely and informed.

Fourth, continuous monitoring and evaluation of the results of the implementation of RJ. Governments and independent agencies need to establish monitoring systems to measure the success of victim recovery, prevent repeated violence, and assess perpetrators' compliance with agreements. Fifth, community empowerment to create an environment that supports victims. Public education programs on child labor, gender equality, and the benefits of RJ can help change social norms that tend to blame victims. By implementing these recommendations, the application of RJ to GBV in Indonesia can be an effective instrument to rehabilitate victims and strengthen substantive justice, not just an administrative solution. A gender-sensitive, victim-rights-based, and multi-sectoral approach is the key to the success of implementing RJ that is truly on the side of victims.

5. Discussion

An analysis of the literature on the application of Restorative Justice (RJ) to gender-based violence (GBV) in Indonesia shows that there is a tension between the idealism of the RJ principle and the socio-cultural reality in the field. The RJ principle emphasizes victim recovery, perpetrator accountability, and community involvement in case resolution. However, in the context of GBV in Indonesia, the application of

this principle often clashes with structural barriers, patriarchal culture, and regulatory limitations. The findings in sub-chapters 4.1 to 4.3 indicate that normatively, RJ is recognized in law enforcement policies, including through the National Police Chief's Regulation Number 8 of 2021. However, there are no technical guidelines that explicitly regulate the RJ mechanism for GBV cases.

This void opens up a wide interpretation space at the level of law enforcement officials, so that in practice there are inconsistencies in implementation. For example, there are regions that reject the use of RJ for sexual violence, while in other regions it is used for similar cases on the grounds of a peace agreement. Socially, the differences in practices between regions show that the local context influences the success or failure of RJ. In areas with strong victim support systems and the involvement of companion agencies, RJs can result in more optimal recovery. In contrast, in regions with strong patriarchal norms and limited access to counseling services, RJ risks being used as a mechanism to close cases without actually recovering victims.

This discussion also underlined the existence of ethical dilemmas in the application of RJ to GBV. On the one hand, RJ offers a more humanist approach and can prevent revitalization through the often tiring formal judicial process. On the other hand, the imbalance in power relations between the perpetrator and the victim poses the risk of a peace agreement that is not completely voluntary. This is in accordance with the findings of Ibrahim et al.²² which show that there is social

²² Laura Fitriani Ibrahim, G. Goris Seran, and Ginung Ginung Pratidina. "Implementasi Program pemberdayaan perempuan korban kekerasan dalam rumah tangga di Kota Bogor." *Jurnal Governansi* 5, no. 1 (2019): 89-97.

pressure on victims to accept peace, especially if the perpetrator has social or economic influence. From the perspective of victims' rights, the implementation of RJ that is not equipped with adequate protection mechanisms has the potential to conflict with the main goal of law enforcement, which is to provide a sense of security and justice.

Therefore, the success of RJ in the context of GBV must be measured not only by the achievement of a peace agreement, but also by the extent to which victims feel recovered, safe, and receive ongoing support. Literature recommendations point to the need for integration between the RJ approach and the formal justice system. This means that RJ should not be a full substitute for the legal process, but rather serve as a complement that provides space for victims to obtain more personalized justice, while still ensuring accountability of the perpetrator. This approach requires clear regulation, training of gender-sensitive mediators and officials, and psychological and legal support for victims at every stage of the process. This discussion concluded that the implementation of RJ in GBV in Indonesia will only be effective if it is implemented with the principle of a victim-centered approach, supported by firm policies, and carried out in a social ecosystem that respects gender equality. Without it, RJ has the potential to perpetuate injustice, even though it is wrapped in the spirit of peace.

6. Conclusion

Based on the results of the literature review, the application of Restorative Justice (RJ) to gender-based violence (GBV) in Indonesia is still in the adaptation

stage, with various opportunities and challenges. In principle, RJ offers a case resolution mechanism oriented towards victim recovery, perpetrator accountability, and community involvement. This approach can be a more humane alternative to formal judicial processes that often cause additional trauma for victims. However, in practice, the implementation of RJ in GBV in Indonesia still faces significant obstacles. The void of technical regulations that explicitly regulate the GBV opens up a diverse space for interpretation in the field. In addition, the imbalance in power relations between perpetrators and victims, lack of training for law enforcement officials, and the influence of patriarchal culture often reduce the effectiveness of RJ and have the potential to harm victims.

Literature studies show that the success of the implementation of RJ is highly dependent on the existence of strict regulations, strong victim protection mechanisms, and multi-sectoral support, including psychological, legal, and social assistance. Without the principle of a victim-centered approach, RJ risks becoming an instrument that simply accelerates the closure of cases without restoring the rights and dignity of victims. Therefore, the implementation of RJ in GBV in Indonesia requires strategic steps: strengthening special regulations, training gender-sensitive officials and mediators, integration of mentoring services, and continuous monitoring. With this approach, RJ can be a means to achieve substantive justice that is in favor of victims and build a more equal and safe social environment.

References

- Evans, Katherine, and Dorothy Vaandering. *The little book of restorative justice in education: Fostering responsibility, healing, and hope in schools*. Simon and Schuster, 2022, 15-113.
- Ibrahim, Laura Fitriani, G. Goris Seran, and Ginung Ginung Pratidina. "Implementasi Program pemberdayaan perempuan korban kekerasan dalam rumah tangga di Kota Bogor." *Jurnal Governansi* 5, no. 1 (2019): 89-97.
- Khumaeroh, Irda Nur. "Kebijakan Hukum Pidana Terhadap Perkembangan Tindak Pidana Kekerasan Seksual yang Bertujuan Menciptakan Keadilan Gender." *Jurnal Hukum Indonesia* 2, no. 2 (2023): 53-59.
- Linda, Nayla. "Perlindungan Dan Pemenuhan Hak Korban Dalam Hukum Pidana Internasional Untuk Mendorong Keadilan Dan Pengakuan Hak Asasi Manusia." *Jurnal Riset Ilmu Keadilan dan Hukum* 1, no. 1 (2022): 82-100.
- Muhlizi, Arfan Faiz. "Penguatan peran tokoh adat sebagai paralegal dalam memberikan bantuan hukum." *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 8, no. 1 (2019): 127-145.
- Prayoga, Ilham, and S. H. Kasmanto Rinaldi. *Restorative Justice di Desa: Transformasi Penyelesaian Konflik Menuju Kekeluargaan*. Mega Press Nusantara, (2023): 17-145.
- Rabbani, Anwar. "Penyelesaian tindak pidana kekerasan dalam rumah tangga dalam perspektif Restorative Justice." *Al-Adl* 12, no. 2 (2021): 358-372.
- Safitri, Siti Shalima, Mohammad Didi Ardiansah, and Andrian Prasetyo. "Quo Vadis Keadilan Restoratif pada Perkara Tindak Pidana Kekerasan Seksual Pasca Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan

- Seksual (Studi Terhadap Pasal 23 UU TPKS)." *Jurnal Hukum dan HAM Wara Sains* 2, no. 1 (2023): 29-44.
- Sagala, R. Valentina. *Ketika negara mengatur kekerasan seksual*. Guepedia, (2020).
- Sihombing, L. Alfies, and Yeni Nuraeni. "efektifkah restoratif justice? Suatu kajian upaya optimalisasi sistem peradilan pidana di indonesia." *Jurnal Hukum Mimbar Justitia* 9, no. 2 (2023): 273-304.
- Sirande, Erma, Hijrah Adhyanti Mirzana, and Audyna Mayasari Muin. "Mewujudkan Penegakan Hukum Melalui Restorative Justice." *Jurnal Hukum Dan Kenotariatan* 5, no. 4 (2021): 570-589.
- Situmeang, Sahat Maruli Tua, and Ira Maulia Nurkusumah. "Kajian hukum kekerasan berbasis gender online dihubungkan dengan tujuan pemidanaan dalam perspektif negara hukum Pancasila." *Res Nullius Law Journal* 3, no. 2 (2021): 162-177.