

Research Article

# The Effectiveness Analysis of the Implementation of Restorative Justice in the Criminal Justice System in Bungo Regency: An Islamic Law Perspective

Adha Fristanto <sup>1\*</sup>, Risnita <sup>2</sup>, Yuliatin <sup>3</sup>, and Abdul Halim <sup>4</sup>

<sup>1</sup> Departemen Program Pascasarjana, Universitas Indonesia Negeri Sulthan Thaha Saifuddin, Indonesia

<sup>2</sup> Faculty of Tarbiyah, Universitas Indonesia Negeri Sulthan Thaha Saifuddin, Indonesia

<sup>3</sup> Faculty of Shariah, Universitas Indonesia Negeri Sulthan Thaha Saifuddin, Indonesia

<sup>4</sup> Faculty of Ushuluddin and Religion Study, Universitas Indonesia Negeri Sulthan Thaha Saifuddin, Indonesia

\* Corresponding Author: [adhafristanto@gmail.com](mailto:adhafristanto@gmail.com)

**Abstract:** This study aims to examine the implementation of restorative justice within Bungo Regency's criminal judicial system from the perspective of Islamic law. Although restorative justice has been formally adopted in Indonesia through various regulations, its application at the regional level remains an important issue that requires careful attention. The study employs a juridical-empirical research design with a qualitative approach. Data was gathered through observations, in-depth interviews with law enforcement, religious leaders, victims, and offenders, and document analysis. The analysis integrates perspectives from both positive law and Islamic law, particularly focusing on the principles of *qiṣāṣ–diyāt*, *ṣulḥ*, *‘afw*, *ta‘zīr*, and *maqāṣid al-sharī‘ah*. The findings indicate that restorative justice is used in certain criminal cases during the investigative phase in Bungo Regency. However, its effectiveness is limited by factors such as varying levels of readiness among victims and offenders, insufficient technical regulations, community resistance, and inconsistent understanding among law enforcement. From an Islamic law perspective, restorative justice aligns well with Islamic justice principles, particularly those emphasizing public welfare, forgiveness, and restoration. The study concludes that restorative justice is a contemporary manifestation of principles deeply rooted in Islamic legal tradition and not a contradiction of Islamic law. To improve its application, enhancing law enforcement competence, engaging religious and community leaders, and integrating Islamic legal principles into criminal justice policies are essential.

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## 1. Introduction

The dynamics of Indonesia's criminal justice system's evolution are still in line with the growing public expectations for justice that is not only repressive but also focused on social justice, restoration, and reconciliation. The emphasis on punishment in the retributive justice paradigm has not been able to adequately serve the demands of victims, offenders, and the community as a whole. In this regard, the restorative justice method offers itself as a substitute that places a higher priority on mending harm and restoring social relationships as the main objectives of criminal case resolution (Braithwaite, 2002; Zehr, 2015).

Through a process of active discussion, restorative justice aims to resolve criminal cases by emphasizing victim recovery, offender accountability, and social reconciliation. This method sees crime as a breakdown in relationships between people and communities that needs to be completely repaired, rather than just as a breach of the law (Marshall, 1999; Daly,



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2016). In order to provide a fair and long-lasting resolution, restorative justice actually entails the offender, victim, family, and community in a dialogue forum led by a mediator.

It has been demonstrated that the use of restorative justice in a number of nations improves victim satisfaction, lowers recidivism rates, and lessens the strain on correctional facilities (Sherman & Strang, 2007; Umbreit et al., 2010). Through a number of regulations, such as Circular Letter of the Chief of Police Number 8 of 2018, Regulation of the Chief of Police Number 8 of 2021, and Supreme Court Regulation Number 1 of 2024 concerning Guidelines for the Implementation of Restorative Justice in Criminal Case Resolution, this approach has started to be formally adopted in Indonesia. These rules signal a change in the direction of law enforcement strategy toward a more compassionate, inclusive, and community-responsive approach.

However, there are still a number of institutional, cultural, and structural obstacles to overcome before restorative justice may be fully implemented in Indonesia. Major barriers to the implementation of out-of-court settlements include a lack of clear technical guidelines, public opposition to the idea, and disparate comprehension among law enforcement professionals (Muladi, 2019; Prasetyo, 2021). In addition, victims frequently continue to suffer from psychological trauma, which makes them hesitant to talk, while offenders might not be morally conscious enough to accept true responsibility.

There is increasing criticism of Indonesia's traditional criminal justice system, especially in light of the detrimental effects of punishment, such as high recidivism rates, overcrowding in correctional facilities, and the exclusion of victims from the legal system (Hiariej, 2016). Prisons frequently worsen offenders' social alienation rather than achieving their rehabilitation goals. Restorative justice is viewed in this context as a tactical approach that can promote social cohesiveness and provide substantive justice.

Locally, there are unique challenges in putting restorative justice into practice in non-urban places like Bungo Regency. Given the social framework, which is still firmly anchored in religious standards, customary law, and family values, restorative approaches have a great chance of succeeding. These circumstances do, however, also pose difficulties, especially in cases where there has been a protracted disagreement or severe emotional trauma in the parties' social relationships. Numerous studies have demonstrated that the quality of social relationships, the degree of trust in authorities, and the support of the local community all have a significant role in the effectiveness of restorative justice (Latif, 2020; Sulisty, 2022).

According to national legislation, the Police and the District Attorney's Office in Bungo Regency, Jambi Province, have started putting restorative justice procedures into practice. Their efficacy is still below ideal, though. Law enforcement officials' lack of awareness, opposition from some citizens who continue to believe that incarceration is the only option for justice, and the willingness of both victims and offenders to communicate are some of the challenges. The success of prison mediation is also influenced by sociological issues, such as victim trauma and a lack of public trust in law enforcement. Therefore, restorative justice works better in situations where there is little conflict and social connections are generally amicable, but it frequently backfires in situations where there are a lot of emotional tensions.

However, the principles of justice in Islamic law are closely aligned with restorative justice. Islam accepts the idea of resolving conflicts that prioritizes forgiveness (*al-'afw*), peace (*islāh*), recompense (*diyāt*), and fair retribution (*qiṣās*), all of which allow for healing and reconciliation (Al-Zuhailī, 2011; 'Awdah, 2012). The Qur'an highlights in Surah al-Baqarah verses 178–179 that, provided they serve the general good, forgiveness and peace are crucial in settling illegal crimes (Al-Qurṭubī, 2006). The restorative justice paradigm, which prioritizes mending and fostering better social relationships, is consistent with this idea.

Ibn Rushd's *Bidāyat al-Mujtahid*, Wahbah az-Zuhailī's *Al-Fiqh al-Islāmī wa Adillatuhu*, and 'Abd al-Qādir 'Awdah's *Ahkām al-Jināyāt* are examples of classical fiqh texts that lend normative legitimacy to the idea that Islamic criminal law prioritizes restorative justice, forgiveness, and public welfare rather than retribution (Ibn Rushd, 2005; Al-Zuhailī, 2011). As a result, there is significant sociological and normative significance to Indonesia's incorporation of Islamic legal principles into restorative justice procedures, especially in Muslim-majority regions like Bungo Regency.

At the local level, there are still not many empirical studies that connect the efficacy of restorative justice with an Islamic legal approach. Without examining the connections between religious beliefs in society, the majority of study concentrates on the normative elements of positive law or the efficacy of institutional programs. However, social legitimacy

and public acceptance of restorative justice practices can be enhanced by comprehending the religious dimension (Rahman, 2021).

This research gap emphasizes how crucial it is to do a thorough analysis of the efficacy of restorative justice implementation in Bungo Regency from an Islamic legal standpoint. This study examines empirical procedures at the investigative level, namely at the Bungo Police Department, in addition to evaluating the normative congruence between Islamic beliefs and restorative justice concepts. It is essential to concentrate on the inquiry stage since it is at this point that the first judgment about whether or not restorative justice implementation is appropriate is formed.

Conceptually, the success of restorative justice is determined by three main pillars: victim recovery, perpetrator accountability, and social restoration (Zehr, 2015). These pillars require clear regulatory support, competent mediators, and the psychological readiness of the parties. Without synergy between these three aspects, restorative justice has the potential to become merely an administrative formality without real healing.

This research is pertinent and strategic in offering scholarly and practical contributions to the development of restorative justice policies in Indonesia, taking into account these opportunities and challenges. It is anticipated that the research findings will offer specific suggestions to legislators, law enforcement officers, and religious leaders as they develop plans for putting more efficient, compassionate, and equitable restorative justice into practice. The social legitimacy of restorative justice is also anticipated to be strengthened by the incorporation of Islamic legal principles, resulting in a criminal justice system that not only ensures legal certainty but also promotes substantive justice, peace, and the welfare of all societal levels.

## 2. Literature Review

Islamic law (*fiqh*) is a legal system that originates from divine revelation through the Al-Qur'an and Hadith, and was developed through the *ijtihād* of *ulama* using the methods of *ijmā'*, *qiyās*, *istihsān*, and *maqāṣid al-sharī'ah*. This legal system not only regulates human relations with God, but also covers all dimensions of social, economic, political and legal life, with the main aim of realizing justice, benefit and social balance (Kamali, 2008; Al-Zuhāilī, 2011). The Qur'an, as the primary source of Islamic law, embodies universal principles of justice and humanity, while the Hadith serve as an explanation and practical application of the Qur'an's teachings. In its development, Islamic law is not static, but rather adapts to social change through *ijtihād* based on the *maqāṣid al-sharī'ah* (protection of religion, life, intellect, lineage, and property). This principle gives Islamic law flexibility in responding to the complexity of modern social issues, including in the context of criminal law.

The three primary types of sanctions recognized by Islamic criminal law are *ḥudūd*, *qisās-diyāt*, and *ta'zīr*. Because it lets the victim or the victim's guardian choose how the case will be settled—through appropriate retribution, forgiveness, or compensation—*qisās-diyāt* is thought to be the concept that is closest to the restorative justice paradigm of the three (Al-Zuhāilī, 2011; 'Awdah, 2012). Compared to *ḥudūd*, which is absolute and does not allow for forgiveness, this mechanism is more in accordance with the concepts of restorative justice since it places an emphasis on restoration, reconciliation, and the moral responsibility of the offender.

From a *fiqh* perspective, forgiveness (*al-'afw*) and reconciliation (*ṣulḥ*) are not only permitted but even encouraged because they embody the values of *islāḥ* (improvement) and social welfare. Al-Qurṭubī's commentary on Surah al-Baqarah [2]: 178–179 emphasizes that forgiveness has a higher moral standing because it can break the chain of violence and build social harmony (Al-Qurṭubī, 2006). Ibn Rushd (2005) also emphasized that the primary goal of *qisās* is not merely revenge, but rather the protection of life and social order. Contemporary scholars such as Abu Zahrah and 'Abd al-Qādir 'Awdah emphasize that the *qisās-diyāt* structure represents restorative justice, as it provides space for dialogue between the perpetrator and the victim, encourages moral responsibility, and involves the community in the reconciliation process (Abu Zahrah, 2005; 'Awdah, 2012). Thus, Islamic criminal law has a strong epistemological foundation to support the implementation of restorative justice in modern legal systems, especially in Muslim societies.

Restorative justice is a paradigm within the criminal justice system that emphasizes the restoration of social relationships, the responsibility of the perpetrator, and the active involvement of victims and the community in the case resolution process. Unlike the

retributive paradigm, which focuses on punishment, restorative justice views crime as a relational violation that demands comprehensive restoration (Zehr, 2015; Braithwaite, 2002). This concept is rooted in communitarian justice practices and was later developed in modern legal theory as a response to the failures of the conventional penal system, which often leads to prison overcrowding, the stigmatization of perpetrators, and the marginalization of victims (Sherman & Strang, 2007). In a restorative approach, victims are given space to express their experiences and needs, while perpetrators are encouraged to acknowledge their mistakes and take direct responsibility through dialogue and reparations.

The main principles of restorative justice encompass four pillars: (1) active involvement of all parties, (2) reparation for victims, (3) perpetrator responsibility, and (4) social reconciliation (Marshall, 1999; Daly, 2016). Active involvement enables victims, perpetrators, and the community to participate in formulating just solutions. Victim recovery is achieved through compensation, apologies, or psychosocial support. Perpetrator responsibility is realized through acknowledgment of wrongdoing and reparation, while reconciliation aims to rebuild damaged social relationships. Empirical research shows that restorative justice can increase victim satisfaction, reduce recidivism, and strengthen social cohesion (Umbreit et al., 2010; Sherman & Strang, 2007). However, its success depends heavily on the willingness of the parties, the competence of the mediator, and regulatory and institutional support (Daly, 2016). Not all cases are suitable for restorative resolution, particularly serious crimes involving extreme violence.

In Indonesia, the implementation of restorative justice is firmly grounded in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law), National Police Chief Regulation Number 8 of 2021, and Supreme Court Regulation Number 1 of 2024. The SPPA Law explicitly emphasizes restorative and diversion approaches as the primary mechanisms for resolving juvenile cases, with an orientation toward rehabilitation and social reintegration (Prasetyo, 2021). The Attorney General's Office policy also encourages the cessation of restorative justice-based prosecutions for minor crimes. This approach aims to reduce excessive criminalization, expedite case resolution, and create more substantive justice. However, key challenges include poor understanding among officials, resistance to a retributive legal culture, and limited mediator capacity (Muladi, 2019; Hiariej, 2016). Therefore, strengthening legal education and integrating local socio-cultural values are key to the successful implementation of restorative justice in Indonesia.

The goal of social reconciliation is to mend relationships that have been harmed by strife, violence, or systemic injustice. Rebuilding trust, changing social relationships, and creating more inclusive and just shared standards are also goals of this process in addition to resolving the issue (Lederach, 2003; Bloomfield, 2006). Social reconciliation is positioned in peace studies as a crucial component of long-term peacebuilding. In the absence of reconciliation, peace is often brittle and can lead to new conflicts (Bar-Tal, 2011). Both a horizontal dimension—the mending of ties between people or groups—and a vertical dimension—the mending of links between society and state institutions—are included in reconciliation.

Social reconciliation is understood as a dynamic process involving acknowledging past suffering, repairing victims' harm, and transforming social attitudes (Bloomfield, 2006). This process does not end with a formal agreement but requires ongoing maintenance through constructive social interactions. In the context of restorative justice, social reconciliation is both a primary goal and an indicator of success. Open dialogue between victims and perpetrators allows for the development of empathy, recognition of wrongdoing, and the restoration of trust (Zehr, 2015). Community involvement strengthens social legitimacy and creates a supportive environment for perpetrator reintegration.

The social reconciliation process in restorative justice involves several stages: case identification, party willingness, mediation preparation, restorative dialogue, agreement formulation, legal ratification, implementation, monitoring, and evaluation (Umbreit et al., 2010). These stages ensure that reconciliation is voluntary, participatory, and equitable. The mediator plays a strategic role in managing emotional dynamics and ensuring effective communication. The success of reconciliation is greatly influenced by the facilitator's competence, the victim's psychological readiness, and community support (Daly, 2016). In the long term, social reconciliation contributes to social stability, conflict reduction, and strengthening social capital.

The principles of Islam, Surah Al-Mu'alaikum, and deliberation, which promote peaceful, dignified, and constructive conflict resolution, are in line with societal reconciliation from an Islamic legal standpoint (Al-Zuhaili, 2011). Therefore, the combination of Islamic

law, restorative justice, and social reconciliation theory provides a strong conceptual foundation for creating a criminal justice system that is inclusive, humane, and substantively just.

### 3. Method

This research uses a qualitative approach with a case study method to analyze the effectiveness of restorative justice implementation in the criminal justice system in Bungo Regency from an Islamic legal perspective. A qualitative approach was chosen because it allows for an in-depth exploration of the social, legal, and cultural dynamics that influence restorative justice practices at the local level. Case studies are used to understand the phenomenon contextually, comprehensively, and holistically, particularly within the Bungo Police Department as the research locus (Creswell & Poth, 2018; Yin, 2018).

This approach positions Islamic law as a normative and ethical analytical framework in assessing the suitability of restorative justice practices with sharia principles, such as justice (*al-'adl*), peace (*ṣulḥ*), social improvement (*iṣlāḥ*), and welfare (*maṣlahah*). In this context, the research seeks not only to describe the procedures for implementing restorative justice but also to examine how Islamic legal values are internalized in penal mediation practices at the police level.

Based on the typology of legal research, this study falls into the category of empirical juridical research, namely research that examines law as a real social behavior in society (Soekanto & Mamudji, 2015). The approaches used include a legislative approach, a case approach, a conceptual approach, and a futuristic approach. The legislative approach is used to examine the normative framework that forms the basis for the implementation of restorative justice, such as Law Number 11 of 2012, Regulation of the Chief of Police Number 8 of 2021, and Regulation of the Supreme Court Number 1 of 2024. The case approach is used to analyze the concrete practice of resolving criminal cases at the Bungo Police. The conceptual approach is used to understand the theoretical construction of restorative justice and Islamic law, while the futuristic approach aims to formulate policy recommendations oriented towards developing a more humanistic and rehabilitative criminal justice system (Marzuki, 2017; Rahardjo, 2009).

The research subjects included all parties directly involved in the implementation of restorative justice within the Bungo Police Department. The primary subjects included law enforcement officers, particularly investigators and assistant investigators, who act as facilitators in the penal mediation process. Furthermore, the research subjects included perpetrators and victims of crime, as well as community and traditional leaders who participated in the deliberation and social reconciliation process. The subjects were selected using purposive and snowball sampling, taking into account the relevance of the informants' experiences, direct involvement, and depth of information. This technique enabled the researchers to obtain rich data until data saturation was reached (Miles, Huberman, & Saldaña, 2014). By involving various key actors, this research sought to capture the complexity of social, legal, and cultural interactions that shape restorative justice practices at the local level.

The research data consists of primary and secondary data. Primary data was obtained through in-depth interviews and direct observation of police officers, perpetrators, victims, mediators, and community leaders involved in the restorative justice process. This data reflects the subjects' experiences, perceptions, and assessments of the effectiveness of restorative justice implementation. Secondary data was obtained through a review of legal documents, mediation reports, case resolution archives, and relevant scientific literature. The legal documents analyzed included laws and regulations, internal police guidelines, and classical and contemporary Islamic legal sources discussing the concepts of *ṣulḥ*, *ta'zīr*, and *maqāṣid al-sharī'ah* (Al-Zuhailī, 2011; Ibn Rushd, 2005). These secondary data sources serve to strengthen the research's normative and conceptual analysis.

Data collection was conducted using three main techniques: observation, in-depth interviews, and documentation. First, direct observation was conducted of the mediation and penal deliberation process at the Bungo Police Department. This observation aimed to understand the dynamics of interactions between parties, the role of investigators as mediators, and the integration of Islamic legal values into restorative justice practices. The focus of the observations included the involvement of perpetrators and victims, communication patterns, the application of restorative principles, and socio-cultural support for peace agreements (Spradley, 2016). Second, in-depth semi-structured interviews were conducted with investigators, perpetrators, victims, mediators, and community leaders. The

interviews aimed to explore the informants' understanding, experiences, and perceptions regarding the concept and implementation of restorative justice, obstacles to implementation, and its compliance with Islamic legal principles. This technique allowed for the exploration of subjective meanings and personal experiences that cannot be captured through observation alone (Kvale & Brinkmann, 2015). Third, documentation was used to supplement field data through analysis of mediation reports, peace agreement documents, and case settlement archives. The normative documents analyzed included Supreme Court Regulation No. 1 of 2024, Chief of Police Regulation No. 8 of 2021, and classical Islamic legal sources. The documentation technique served as a means of data verification and triangulation (Bowen, 2009).

Data analysis was conducted qualitatively, following the interactive model of Miles, Huberman, and Saldaña (2014), which includes data reduction, data presentation, and drawing conclusions. The initial stage included transcribing interviews, categorizing observation notes, and organizing documents. Next, the researchers coded to identify key themes, such as mediation effectiveness, victim recovery, perpetrator responsibility, and the integration of Islamic legal values. These themes were then analyzed interpretively to identify patterns of relationships, social meanings, and policy implications. The interpretation process was conducted reflectively, linking empirical findings to restorative justice theory and Islamic law. The results of the analysis are presented in a descriptive-analytical narrative to provide a comprehensive understanding of the dynamics of restorative justice implementation at the Bungo Police Department (Creswell & Poth, 2018).

Data validity was ensured through four main techniques: extended participation, increased persistence, triangulation, and an audit trail. Extended participation was achieved by increasing the intensity and duration of researcher involvement at the research site to obtain in-depth data and reduce interpretation bias. Increased persistence was achieved through repeated observations and systematic literature reviews to ensure data consistency and accuracy. Triangulation took four forms: method, source, researcher, and theory triangulation. Theoretical triangulation refers to the integration of classical Islamic legal perspectives, such as the works of Ibn Rushd, Al-Mawardi, and Al-Zuhāilī, to validate empirical findings and enrich normative analysis. An audit trail was conducted by systematically documenting the entire research process so that it could be traced and re-examined by other researchers (Lincoln & Guba, 1985; Patton, 2015).

#### 4. Results and Discussion

##### *Implementation of Restorative Justice Principles in the Criminal Justice System in Bungo Regency*

According to research findings, there has been a notable and steady advancement in the use of restorative justice (RJ) in Bungo Regency's criminal justice system between 2020 and 2025, especially in the police investigative stage. According to official data from the Muara Bungo Police Criminal Investigation Unit, the RJ method was used to resolve 63 criminal cases during that time. Petty theft, minor assault, threats, fraud, embezzlement, vandalism, and family and social disputes were the most common case types. According to this data, RJ is now institutionalized as the main technique for settling non-serious issues at the investigative level and is no longer an incidental practice.

The application of RJ is selective based on formal and material criteria, as stipulated in internal National Police policies and national regulations, specifically National Police Chief Regulation Number 8 of 2021 and Supreme Court Regulation Number 1 of 2024. IPDA M. Indra E.P., S.H., M.H., Head of the General Crimes Unit of the Bungo Police, emphasized that RJ is only applied to minor criminal cases that do not cause widespread unrest, with the consent of the victim, perpetrator, and the surrounding community. This approach emphasizes that RJ is not a disregard for the law, but rather a form of police discretion oriented toward substantive justice and social welfare. Empirically, the implementation of RJ in Bungo Regency has been proven to reduce the caseload at the prosecution level, expedite conflict resolution, and maintain social stability. Field observations indicate that cases resolved through penal mediation tend to be less likely to lead to further conflict and are more acceptable to the community than conventional criminalization. This indicates a shift in the paradigm of law enforcement from a repressive approach to a humanist and rehabilitative approach (Braithwaite, 2002; Zehr, 2015).

Stages of restorative justice implementation: (1). Investigation Stage. The investigation stage is the most dominant stage in the implementation of Restorative Justice in Bungo

Regency. Investigators actively assess the suitability of a case for restorative justice resolution, taking into account the type of crime, the social relationship between the perpetrator and victim, the willingness of the parties, and the response of the surrounding community. If all requirements are met, the formal legal process is transferred to a penal mediation mechanism. AIPDA Erfan Boy, S.H., as an assistant investigator, emphasized that the principle of voluntariness is the primary foundation of Restorative Justice implementation. Investigators are not permitted to force a settlement if one of the parties objects. This demonstrates that Restorative Justice is implemented with respect for the victim's rights and the principles of procedural justice, as emphasized in modern restorative justice theory (Tyler, 2006; Zehr, 2015). (2). Penal mediation (restorative dialogue). Penal mediation is conducted with the presence of the perpetrator, victim, family, community leaders, religious leaders, and investigators as facilitators. The dialogue focuses on the perpetrator's admission of guilt, the victim's communication about the impact of the loss, and the formulation of a restitution agreement. This agreement is written down and serves as the basis for dismissal of the case. IPDA M. Indra E.P. emphasized that investigators maintain neutrality and only facilitate communication. Meanwhile, victims are given full space to express their material and psychological losses. This process demonstrates that RJ in Bungo Regency emphasizes not only formal legal aspects but also moral, psychological, and social dimensions, which aligns with the principles of victim-centered justice (Bazemore & Umbreit, 2001; Zehr, 2015).

Restorative justice principles in practice: (1). The principle of victim restoration. Research results indicate that victims are placed as the primary subjects in the case resolution process. Victims are not only given the opportunity to express their experiences and losses, but also have the right to determine the form of restitution and to accept or reject a peace settlement. Concrete restoration is realized through compensation, apologies, and the restoration of social dignity. This approach aligns with the principles of substantive justice in Islamic law, which emphasize the restoration of rights (*i'adah al-haqq*) and peaceful resolution (*sulh*), as stated by Wahbah az-Zuhaili (2011) and Ibn Qayyim al-Jawziyyah (2010). Thus, the implementation of Restorative Justice in Bungo Regency demonstrates the integration of Islamic legal values with the modern progressive legal paradigm. (2). The principle of offender accountability. The offender is required to openly admit his or her wrongdoing and take direct responsibility to the victim. This form of responsibility includes compensation, an apology, a commitment not to repeat the offense, and social contributions. This approach has been proven to be more effective in building the offender's moral awareness than conventional, repressive punishment. This approach aligns with the reintegrative shaming theory developed by Braithwaite (1989), which emphasizes that moral confrontation accompanied by social reintegration is more effective in reducing recidivism than punishment alone. Thus, RJ not only resolves criminal cases but also serves as an instrument of social rehabilitation. (3). Principles of reconciliation and social restoration. The involvement of traditional leaders, religious leaders, and the surrounding community was a key factor in the success of RJ in Bungo Regency. Reconciliation not only ended legal conflicts but also restored social cohesion. In the context of local communities that uphold the values of family and deliberation, this approach has proven effective in maintaining social stability. Sociologically, this practice aligns with Durkheim's (1912/2014) theory of social cohesion, which emphasizes the importance of solidarity and social integration in maintaining societal stability. Furthermore, the RJ approach is also relevant to Coser's (1956) theory of conflict resolution, which views conflict as a social phenomenon that needs to be managed constructively to prevent it from escalating into destructive conflict.

#### *Effectiveness of Restorative Justice Implementation in Resolving Criminal Cases in Bungo Regency from an Islamic Law Perspective*

The implementation of restorative justice (RJ) in Bungo Regency has demonstrated a high level of effectiveness, particularly in resolving minor criminal cases and social conflicts. Based on official data from the Muara Bungo Police Criminal Investigation Unit for the 2020–2025 period, 63 non-serious criminal cases were successfully resolved through the RJ mechanism at the investigation stage without proceeding to prosecution and trial. The dominant types of cases included minor theft, minor assault, embezzlement, fraud, threats, vandalism, and family conflicts. This data confirms that RJ has functioned as the primary case resolution mechanism, rather than merely an incidental alternative, in law enforcement

practices within the Bungo Police jurisdiction. Empirically, the effectiveness of RJ is reflected in its ability to resolve cases quickly, reduce the burden on the courts, and prevent the escalation of social conflict. Case resolution through dialogue and penal mediation is oriented not only toward ending the legal process but also toward reaching a peaceful agreement acceptable to the victim, perpetrator, and community. This finding aligns with Zehr's (2015) view, which asserts that restorative justice prioritizes the restoration of social relations, rather than merely formal punishment.

Quantitative data demonstrates the consistent implementation of RJ. Seven cases were recorded in 2020 and 2021, increasing to 10 in 2022, and peaking at 17 in 2023. Ten cases were recorded in 2024, and 12 cases as of October 2025. This consistency demonstrates that RJ has been institutionalized as a permanent work pattern for investigators in handling non-serious criminal cases. Systematically, the resolution of these 63 cases has reduced the burden on prosecution and trials, while accelerating legal certainty for the public.

From an Islamic legal perspective, the effectiveness of RJ can be measured by the extent to which this mechanism fulfills victims' rights (*ḥuqūq al-majnī 'alayh*). Observations indicate that victims are placed as the primary subjects in the case resolution process. From the initial stages of the investigation, victims are actively involved in dialogue and decision-making, and are given full authority to accept or reject the settlement. This approach aligns with the concept of *qīṣāṣ-diyāt* in Islamic criminal law, which grants victims or their guardians the right to choose between retaliation, compensation, or forgiveness (Awdah, 2010; Zuhaili, 2011). In RJ practices in Bungo Regency, victims are given the opportunity to express their material and immaterial losses, including psychological and social impacts. The active involvement of victims not only enhances a sense of justice but also builds social legitimacy for the outcome of the case resolution.

Empirical data shows that most RJ cases result in concrete reparations for victims, in the form of compensation, direct apologies, and guarantees of non-repetition. This pattern reflects outcome-oriented justice, where the success of a case resolution is measured by the tangible benefits experienced by the victim (Umbreit et al., 2005). From the perspective of *maqāṣid al-sharī'ah*, this condition represents the realization of the principles of *ḥifẓ al-māl* (protection of property) and *ḥifẓ al-'ird* (protection of honor), which are the foundation of substantive justice in Islamic law (Al-Shatibi, 2004). Thus, RJ in Bungo Regency can be considered effective in fulfilling victims' material, psychological, and social rights. The remedies achieved are not merely administrative in nature but also address the substantive needs of victims, thereby strengthening a sense of justice and reducing the potential for further conflict.

The effectiveness of RJ is also reflected in the perpetrator's accountability model, which is direct, personal, and educational. The perpetrator is required to openly admit their mistake, take direct responsibility to the victim, and compensate the victim according to the agreement. Furthermore, the perpetrator is asked to make a commitment not to repeat their actions, both verbally and in writing. This approach demonstrates a shift in orientation from punishment to fostering moral awareness. From an Islamic legal perspective, this pattern aligns with the concept of *ta'zīr*, a flexible sanction determined based on considerations of public interest and educational goals (Awdah, 2010; Zuhaili, 2011). *Ta'zīr* does not always take the form of physical punishment or imprisonment, but can also involve measures that educate, improve behavior, and prevent recurrence of the crime. Therefore, the RJ mechanism, which emphasizes moral reflection, personal responsibility, and commitment to behavioral change, can be viewed as a form of educational *ta'zīr* that is more relevant to the goals of Islamic punishment. Theoretically, this approach also aligns with Braithwaite's (1989) concept of reintegrative shaming, which emphasizes that moral confrontation accompanied by social reintegration is more effective in reducing recidivism than repressive punishment. By placing the offender in direct dialogue with the victim and the community, RJ encourages deeper moral awareness and sustainable behavioral change.

One of the main indicators of the effectiveness of RJ from an Islamic legal perspective is the achievement of *islāḥ* (peace and improved relations). The practice of RJ in Bungo Regency demonstrates the active involvement of families, community leaders, and religious figures in the penal mediation process. This involvement strengthens the legitimacy of the peace agreement and increases the parties' compliance with the outcome. A religious approach plays a strategic role in fostering the moral awareness of perpetrators and the sincerity of victims. Religious values such as forgiveness, responsibility, and peace are conveyed in moral-spiritual language, making the dialogue process more empathetic and

conducive. Sociologically, the involvement of religious and community leaders strengthens post-peace social control and prevents further conflict (Durkheim, 2014).

The QS. al-Baqarah [2]: 178–179 and other fiqh jināyah literature emphasize that *islāh* is the best way to settle disagreements in Islamic law. If there are advantages and no new injustices, peace is favored (Zuhaili, 2011). According to empirical evidence, problems settled by RJ in Bungo Regency are rarely the cause of further disputes, making them useful for preserving social harmony and stability in local communities.

While generally effective, the application of Reconciliation (RJ) has limitations. RJ tends to be most effective in minor criminal cases with strong social relationships and low emotional levels. Conversely, its effectiveness decreases in cases with deep victim trauma, high emotions, or unequal power relations. In these circumstances, the application of RJ risks oppressing the victim and diminishing substantive justice. In Islamic jurisprudence, the principle of "*lā ḍarar wa lā ḍirār*" emphasizes that reconciliation should not create new dangers or exacerbate the victim's suffering (Al-Zarqa, 2004). Therefore, from an Islamic normative perspective, RJ is considered effective as long as it is implemented voluntarily, proportionately, and does not deprive the victim of the right to adequate justice. This principle serves as an ethical guideline to prevent RJ from becoming a pragmatic mechanism that sacrifices justice for procedural efficiency.

## 5. Comparison

The novelty of this research lies in the empirical finding that restorative justice (RJ) in practice in Bungo Regency is not merely an adoption of positive legal policies, but has developed as a substantive justice mechanism that is structurally, normatively, and culturally aligned with Islamic law, particularly within the framework of *Qisās–Diyāt*, *Ṣulḥ*, *‘Afw*, and *Maqāṣid al-Sharī‘ah*. Different from previous studies that generally position RJ only as an instrument of modern criminal policy or merely an administrative innovation of the police, this dissertation proves that the practice of RJ at the investigation level has a strong epistemological equivalent in Islamic criminal law, where forgiveness of victims, compensation, and social reconciliation are the core of justice. This finding enriches the scientific treasury by showing that RJ does not contradict Islamic law, but rather is a contemporary re-articulation of the principle of restorative justice (*al-‘adālah al-jawhariyyah*) which has long existed in the tradition of fiqh jināyah.

Theoretically, the results of this study imply that restorative justice (RJ) should be positioned not merely as an instrument of modern criminal policy, but as a substantive justice paradigm with a cross-legal framework. The findings of this dissertation enrich the body of restorative justice theory by demonstrating that RJ principles have a strong epistemological correspondence with Islamic criminal law, particularly within the framework of *Qisās–Diyāt*, *Ṣulḥ*, *‘Afw*, and *Maqāṣid al-Sharī‘ah*. Thus, this study broadens the theoretical basis of RJ from a Western-centric approach to a pluralistic approach that integrates Islamic legal values and local cultures. Furthermore, this research has implications for the development of legal effectiveness theory. The effectiveness of RJ cannot be measured solely through quantitative indicators such as the number of cases dismissed or the speed of resolution, but must be examined in terms of the achievement of victim recovery, changes in perpetrator attitudes, and social reconciliation. This implication challenges the positivistic paradigm in legal science and encourages the use of substantive justice indicators as the main measure of the success of law enforcement.

Second, the practical implications of this research relate directly to law enforcement practices at the police level. The results demonstrate the importance of strengthening the capacity of investigators as facilitators of penal mediation, not merely repressive agents. Therefore, ongoing training is needed that emphasizes persuasive communication skills, an understanding of victim psychology, and sensitivity to unequal power relations. This implication confirms that the success of RJ is largely determined by the quality of human resources in law enforcement. This research also has policy implications, particularly for the formulation of standard operating procedures (SOPs) and oversight mechanisms for RJ. Findings regarding administrative-formalistic risks and the potential for abuse of discretion indicate the need for more detailed technical guidelines, measurable evaluation indicators, and a transparent and accountable internal oversight system. These policy implications are crucial to ensuring that RJ truly functions as a justice mechanism that protects victims and prevents structural injustice.

## 6. Conclusion

In Bungo Regency, the criminal justice system has successfully and institutionalized restorative justice (RJ), especially during the investigation stage at the police precinct and police sector levels. RJ is carried out by means of a peace-based case termination procedure that places an emphasis on restorative communication as the main tool for settling minor offenses and specific social disputes. The retributive paradigm of law enforcement has given way to a more compassionate, collaborative, and recovery-focused restorative approach, which is reflected in this practice. Its application is still up to the investigators' discretion and is heavily reliant on their skill and tact. Therefore, to guarantee consistency, quality, and sustainability of its implementation, it must be strengthened by procedural standardization, the creation of technical guidelines, and the enhancement of officers' competency.

From an Islamic legal standpoint, the application of RJ in Bungo Regency has been substantially successful and consistent with the principles of *Ta'zīr*, *Maqāṣid al-Sharī'ah*, *Ṣulḥ*, *'Afw*, and *Qisāṣ-Diyāt*. The focus on social ties restoration, forgiveness, restitution, and perpetrator accountability closely relates to the idea of *jarimah* resolution in Islamic criminal law and greatly enhances the preservation of life, property, honor, and social stability. RJ's normative legitimacy is further reinforced by the community's cultural and religious support, making it both legitimate under positive law and a representation of substantive justice (*al-'adālah al-jawhariyyah*), which is based on Islamic principles and local knowledge.

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