

The Effectiveness of Restorative Justice in Resolving Minor Crimes at the Police Level: A Comparative Study Between Formal Legal Approach and Restorative Justice

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ABSTRACT

This study examines how restorative justice (RJ) and formal legal procedures compare in handling minor crimes at the police level in Jakarta, Indonesia. Using a qualitative legal-methods approach, it analyzes Indonesian laws and regulations (KUHP, KUHAP, Perkapolri, etc.), official police data, and recent case studies (2021–2025) from Jakarta police divisions. Key findings indicate that, under Perkapolri No. 8/2021 and Law No. 8/2021 (amending KUHAP), Indonesian police can now resolve many non-violent minor offenses via RJ. For example, Polres Metro Jakarta Barat reported resolving 525 cases through RJ in 2022. Compared to formal prosecution (which proceeds to court and possible imprisonment), RJ often brings faster, amicable settlements and reduces case backlogs. However, strict criteria apply: RJ is limited to relatively minor crimes with victim consent, and excluded are serious offenses or those injuring public justice. An illustrative case in South Jakarta involved a laptop theft on public transit resolved by RJ after the victim reclaimed her property and withdrew charges. This comparative analysis finds that while RJ has effectively resolved many petty cases (with support from police policies and victim participation), formal procedures remain necessary for severe crimes to ensure legal certainty and social justice. The study concludes that Indonesia's dual approach—relying on formal law for serious offenses and RJ for minor disputes—offers practical benefits, provided safeguards (e.g. clear guidelines and voluntariness) are maintained.

Keywords: Formal Legal Approach, Minor Crimes, Restorative Justice

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INTRODUCTION

Over the past few years, Indonesian law enforcement has increasingly adopted restorative justice (RJ) as an alternative mechanism for resolving minor criminal cases. Traditionally, minor crimes were processed through formal procedures, ending in prosecution and trial under the Criminal Code (Kitab Undang-Undang Hukum Pidana, KUHP) and Criminal Procedure Code (KUHAP). However, lengthy trials and prison costs have prompted legal reforms to incorporate RJ. In 2021 Indonesia enacted new regulations — notably Undang-Undang No. 8 Tahun 2021 (amending KUHAP) on handling crimes via restorative justice and Perkapolri No. 8 Tahun 2021 on RJ handling by police. Under these rules, police can resolve qualifying offenses through mediated settlements and by issuing investigatory stoppages (SP3) instead of pursuing prosecution (Mahardika, 2023). The question arises: How effective is this RJ approach, in practice, at the police level for Jakarta's minor crimes, compared to formal procedures?

To answer this, the present article conducts a qualitative comparative analysis focusing on Jakarta (Polda Metro Jaya). It reviews the legal framework (KUHP, KUHAP, Perkapolri/Polri regulations, etc.), and examines Jakarta police case studies since 2021, including official police press releases and news reports. We compare outcomes under both approaches (e.g. case clearance rates, victim satisfaction, social impact), and critically assess benefits and limitations of each. The study finds that RJ has significantly increased in Jakarta's police divisions (e.g. Polres Metro Jakarta Barat alone resolved 525 RJ cases in 2022 generally yielding quicker resolution and cost savings for petty offenses. Nevertheless, formal legal processes remain essential for maintaining legal certainty in more serious cases, as emphasized by legal experts. This paper contributes to Indonesian legal scholarship by presenting up-to-date data, a balanced critical discussion, and policy insights on optimizing minor crime settlement at the police stage.

Restorative justice concept and global context. Restorative justice (RJ) is a criminal justice philosophy emphasizing repairing harm and reconciling offender and victim, rather than mere punishment. It fosters offender-victim communication, empathy, and restitution. Studies note RJ typically suits minor or non-violent crimes, yielding faster, inexpensive resolutions. For instance, Tambun et al. describe RJ as promoting an "open, empathetic" relationship between perpetrator and victim, seeking quick, cost-free settlement of minor offenses. Compared to formal retributive methods, RJ may reduce recidivism and relieve court congestion (Flora et al., 2025).

Indonesian legal reforms. Historically, Indonesia's formal criminal process did not explicitly recognize RJ. Under KUHAP, police could only discontinue an investigation (surat perintah penghentian penyidikan or SP3) for reasons such as lack of evidence or legal excuses — not simply because parties settled amicably.

The National Police lacked authority to halt cases solely on restorative grounds. To address this gap, national policy shifted. In 2021, Indonesia amended KUHAP via Law No. 8/2021 — effectively inserting RJ concepts into the criminal procedure. Simultaneously, Kapolri (Police Chief) issued Perkapolri No. 8/2021 on RJ, outlining procedural requirements (e.g. victim consent, formal victim-offender agreement) for applying RJ in investigations. These reforms authorized police to issue a special pre-

investigation stoppage (SPP-Lidik) or terminate an investigation (SP3) when conditions of restorative justice are met. In other words, Indonesia now formally embeds RJ in its law enforcement protocols, under careful criteria (Ibnu Mazjah, 2024).

METHOD

This research employs a qualitative, normative-empirical approach. We analyze secondary legal sources (statutes, police regulations, academic commentary) and contemporary case examples to compare restorative justice and formal procedures. Key steps included:

Document Analysis: Reviewing Indonesian laws/regulations (KUHP, KUHAP, Perkapolri and Perpol on RJ, prosecutor directives) and official police reports/news. For example, Perkapolri No. 8/2021 and Polri data releases provided the legal framework, while law journals offered scholarly interpretation.

Case Study Collection: Identifying pertinent case studies from Jakarta police (2021 onward) via government press releases and reputable media. Cases were selected that illustrate RJ application (e.g. theft, assault with settlement) and comparable formal prosecutions. Examples include press statements from Polres Metro Jakarta Barat and Detik news on Jakarta cases

Interviews (hypothetical): While direct interviews were not conducted, we simulate expert insights by quoting police and legal officials' statements (e.g. Kapolri remarks at a DPR hearing district attorney comments).

Comparative Analysis: We qualitatively compare case outcomes and procedural steps between RJ and formal channels. Metrics include resolution time, victim satisfaction, criminal consequences, and social impact. Trends in official statistics were noted (e.g. RJ case numbers vs. overall crime reports).

This methodology allows an in-depth, critical examination of how restorative justice functions in practice at the police level, and how it contrasts with the conventional criminal justice process in Jakarta.

RESULTS AND DISCUSSION

Legal Framework for Minor Crimes and Restorative Justice

Minor crimes under KUHP and traditional process. Indonesian KUHP defines various minor offenses (e.g. petty theft [Art.364], slight embezzlement [Art.373], fraud [Art.379], minor vandalism [Art.407(1)], minor receiving stolen goods [Art.482]). In practice, police have sometimes punished such offenses formally, but this often incurred prison sentences that seemed disproportionate to community norms (for instance, petty theft might carry up to 1 year in prison). Under classic KUHAP procedure, every case was investigated by police, then prosecuted if evidence sufficed, often leading to trial and possible conviction. Discontinuation of cases by police (SP3) was legally permissible only for limited reasons (lack of evidence, deceased suspect, etc.), not for social or restorative reasons (Safrinur Safrinur et al., 2025).

Restorative justice legal basis. The legal landscape shifted in 2021. Law No. 8/2021 (amending KUHAP) formally introduces restorative justice as a recognized method of case handling. Kapolri Regulation No.8/2021 (Perkapolri 8/2021) details police procedures: cases may be handled through RJ if they meet criteria (offense type, victim agreement, etc.). Notably, Perkapolri 8/2021 allows issuing an SPP-Lidik (pre-investigation stoppage) or SP3 when a restorative settlement is reached. Thus, a crime can be officially closed at the police level on RJ grounds: the police document the amicable agreement and cease legal action, rather than forwarding to prosecution (Santhia et al., 2025).

Scope and requirements of RJ. Both legislation and practice set strict conditions. Perkapolri 8/2021 requires that the victim voluntarily forgive and agree to withdraw the complaint, and that certain formalities be met (mediated agreement, verification, etc.) before stopping the case. Importantly, the law categorically excludes some offenses: crimes “mencederai rasa keadilan masyarakat” (harming public sense of justice), violent or premeditated crimes, and crimes against women/children cannot be RJ-resolved. As one legal scholar notes, under Perkapolri 8/2021 and Kejaksaan Reg. 15/2020, corruption cases are explicitly barred from RJ. In summary, RJ is legally confined to relative minor offenses with mutual consent, and must adhere to detailed procedural safeguards.

Formal legal process. Under the formal approach, minor offenses proceed through standard criminal procedure. If a victim files a complaint, police investigate and submit the case to prosecutors. The prosecutor may ask for detention and eventually trial. If convicted, the offender is sentenced (often to prison or fines). This route can take months or years. It guarantees judicial scrutiny and the possibility of appeal, but entails courtroom costs and possible social stigma for the accused (Mimi & Muhamad Adystia Sunggara, 2025).

For some victims, formal trials can be adversarial and burdensome, especially for simple property-loss offenses. Restorative justice process. In contrast, RJ at the police level emphasizes mediation and settlement. The police facilitate dialogue between victim and offender, aiming for a mutually agreed resolution (financial compensation, apology, etc.). The victim must explicitly forgive and withdraw any formal report. When consensus is reached, the police record a written peace agreement (berita acara perdamaian) and cease the case by issuing SP3/RJ. No charges are filed and no trial occurs. The key elements are: (1) Victim’s consent and forgiveness – without it, RJ cannot proceed. (2) Offender’s accountability – often via compensatory measures; (3) Speed and informality – no court appearance, often resolved on the spot. This process is generally quicker and less costly. However, it depends on power balance; observers warn it must not coerce victims. The formal fairness guarantees (e.g. right to appeal) are largely waived in exchange for reconciliation.

Table 1. Effectiveness of Restorative Justice in Resolving Minor Crimes at the Police Level in Jakarta

Police Unit / Institution	Year	Common Case Types	RJ Cases Resolved	Total Cases Handled	Crime Report Reduction	Illustrative RJ Case Example	RJ Outcome	Notable Issues / Observations
West Jakarta Metro Police	2022	Fraud, theft, domestic violence (KDRT)	525	1,913	6% (2021–2022)	Fraud, theft, and KDRT cases settled via mediation and restitution	Property returned or compensation paid; SP3 issued; cases not forwarded to prosecution	RJ prevented hundreds of minor cases from burdening courts; expedited resolution and reduced costs
South Jakarta Metro Police	2025	Theft	Not specified	Not specified	Not specified	Mother caught stealing a laptop on a bus; victim prioritized recovery of property	Laptop returned, victim forgave, police issued SP3 and case was closed	RJ considered suspect's social circumstances (single mother); enabled humane, expedient resolution
Central Jakarta District Prosecutor	2022	Theft	Not specified	Not specified	Not specified	Unemployed ojol driver stole a phone to buy infant milk; victim agreed to settle	Phone returned, victim forgave, prosecution issued SP3 and case was halted	RJ seen as criminal justice reform for low-value cases; emphasizes victim restoration and offender accountability
Greater Jakarta Metropolitan Police	2023	Corporate embezzlement	1 (controversial)	Not specified	Not specified	Two Indian nationals accused of	RJ applied, suspects released, public	RJ application in high-value cases is

Police Unit / Institution	Year	Commo n Case Types	RJ Cases Resolved	Total Cases Handled	Crime Report Reduction	Illustrative RJ Case Example	RJ Outcome	Notable Issues / Observations
						\$62 million embezzle ment; company agreed to settle	criticism ensued	controversial; experts stress RJ should be limited to minor offenses

Case Studies from Jakarta Police (2021–2025)

Polres Metro Jakarta Barat (Jakarta Barat). In late 2022, West Jakarta Police reported a surge in RJ cases. Kapolres Jakbar Kombes Pasma Royce announced that “525 perkara” were handled via restorative justice in 2022. These RJ cases included mostly fraud, theft, and domestic violence (KDRT) incidents. By contrast, total crime reports in Jakbar dropped from 1,928 in 2021 to 1,807 in 2022, and handled cases fell from 2,262 to 1,913 – a 6% reduction. Officials attributed part of this decrease to RJ resolving many petty disputes. During mediation, officers give victims and offenders space to negotiate. As Pasma explained, victims who forgave the offender and agreed to withdraw their police report led police to “stop the legal process”. In successful RJ cases, offenders often returned property or paid compensation on the spot. For example, for offenses like fraud or KDRT the police helped draft mutual peace statements, after which suspects were not forwarded to prosecutors. This case load suggests that RJ was an effective tool: it prevented hundreds of minor cases from clogging formal courts while still addressing victims’ interests.

Polres Metro Jakarta Selatan (Jakarta Selatan). A notable example occurred in May 2025. A mother-of-two (43) was caught stealing a laptop from a bag on a TransJakarta bus. The victim, however, stated that she only cared about recovering her laptop and data. After the suspect promptly returned the intact laptop and contents, the victim publicly “memaafkan pelaku” (forgave the offender) and withdrew her complaint. The South Jakarta police unit (Satreskrim Polres Jaksel) then applied restorative justice: they drafted a peace statement and ceased prosecution. AKP Bima Sakti, the Resmob chief, emphasized that RJ was possible because “kerugian korban sudah terpulihkan” and both parties signed a detente. He noted the suspect’s personal circumstances (single mother with a young child) in recommending her release. This case illustrates how RJ enabled a compassionate outcome: the suspect avoided arrest and her childcare responsibilities were considered, while the victim’s loss was fully remedied. In contrast, a formal approach would likely have involved criminal charges for theft, potentially resulting in jail time and unresolved emotional strain.

Prosecutorial RJ in Jakarta Pusat (Jakarta Center). An instructive case from April 2022 (Kejaksaan Negeri Jakarta Pusat) shows RJ in action at the prosecution stage. An

unemployed ojol (online motorcycle taxi) driver stole a victim's smartphone to buy milk for his infants. After he returned the phone, the victim agreed to settle. Prosecutors accepted this restorative arrangement: they issued an SP3 ("penghentian penuntutan") and halted the case. Prosecutor Bani Immanuel Ginting explained that RJ here "menjadi pembaruan dalam sistem peradilan pidana" emphasizing pemulihan kepada keadaan semula atas kepentingan korban dan pelaku, especially given the low financial loss. Bani stated that such cases, driven by economic desperation, should be resolved amicably outside the courtroom whenever possible (Although this is a prosecutor decision, it stemmed from a police investigation and reflects the same restorative principle: if victim withdraws and offender makes restitution, the state will not proceed to trial.)

Controversial high-value case. Not all RJ applications are uncontroversial. In 2023, Polda Metro Jaya released two Indian nationals accused of a high-value corporate embezzlement (estimated USD62 million) via an RJ settlement. This led to public criticism: legal experts pointed out that such a grave case should not be resolved by RJ. Justice advocate Lucky Schramm called the police action "akrobat hukum" (legal acrobatics) and warned it undermined legal certainty. He reiterated that restorative justice applies "hanya ... tindak pidana ringan" and only with full consent from the victim. In this case, although the company apparently agreed to drop charges (perhaps to recover some funds), many observers argued that applying RJ here stretched the intended limits of the law. This incident highlights a limitation: expanding RJ beyond its proper scope can erode public confidence in justice. It underscores the importance of strict adherence to the statutory criteria (minor offense, mutual agreement) for RJ.

Summary of cases. The Jakarta examples show a clear pattern: for petty thefts, simple assaults, or domestic disputes, police and prosecutors have successfully used RJ to achieve prompt settlements with victims' forgiveness (Putri Niken et al., 2024). In these cases, nobody goes to trial, saving state resources and giving both parties closure. Conversely, the highly publicized fraud case illustrates a mismatch between formal policy (which bars RJ in major fraud) and its controversial invocation, confirming fears voiced in the literature.

Efficiency and case clearance. Official statistics reflect RJ's impact on police workload (Fauzi et al., 2023). According to the Polri chief, the number of cases resolved via restorative justice nationally rose from 14,137 in 2021 to 15,809 in 2022. Jakarta units contributed to this increase. For instance, West Jakarta's 525 RJ cases in 2022 represent roughly 27% of Polres Jakbar's total handled cases (1,913). In effect, RJ has helped clear a significant number of cases quickly. One outcome is reduced pretrial detention needs and court dockets. In West Jakarta, police reported a 6% drop in overall crime reports from 2021 to 2022, while causation is multifactorial, RJ likely contributed by swiftly resolving many minor incidents.

Victim and community satisfaction. Anecdotally, victims often welcome the restorative route. The South Jakarta laptop victim publicly praised the RJ resolution as meeting her sole goal. Similarly, in the Jakarta Pusat case the victim forgave the ojol driver once his motives were known. Police reports emphasize that RJ allows victims to see justice done without a lengthy trial, especially when offenders compensate losses on the spot. Community safety officers (Bhabinkamtibmas) and local leaders are often involved, aligning with Indonesian communal values of kinship and forgiveness. In formal trials, by contrast, victims might feel left out of the process or dissatisfied if the

sentence seems arbitrary. RJ tends to empower victims to define the outcome (Riyanto & Barung, 2025).

Offender rehabilitation and deterrence. Research suggests restorative justice can reduce repeat offending by fostering empathy. Indonesian officials have argued that RJ's family-like approach may better rehabilitate minor offenders than punitive detention. For example, the ojol driver's case ended with counselling (the Kejari noted plans for social guidance), aiming to address root causes (poverty). In contrast, the formal punishment of minor offenders might breed resentment. The deterrent effect is ambivalent: critics worry that frequent RJ could reduce the perceived risk of punishment. This critique was voiced in Jakarta's fraud case: experts warned that if serious criminals see RJ as an escape hatch, it may encourage crime. Thus, while RJ prioritizes social restoration, it must coexist with enough formal enforcement to deter willful offenders.

Legal certainty and fairness. A key measure of effectiveness is whether outcomes respect rule of law principles. Formal procedures excel at consistency: crimes are tried under uniform legal standards, rights of all parties are safeguarded, and verdicts are appealable. Restorative justice, by contrast, is case-specific and heavily dependent on subjective factors (victim's willingness, police discretion). This flexibility can lead to inconsistent treatment. The recent Jakarta example of foreign suspects released by RJ raised alarms about *kekaburan kepastian hukum* (lack of legal certainty). It illustrated how outside observers fear injustice if RJ is unevenly applied. On the other hand, cases handled RJ are fully consensual; victims explicitly waive formal claims, arguably making each outcome legitimately accepted by those most affected. To ensure fairness, Polri regulations insist on documenting the process and verifying voluntariness, but oversight remains critical (Adams, 2025).

Cost-benefit considerations. From a public administration view, RJ saves resources. Police report it speeds up case resolution and reduces reliance on jails. Tempo reported that nationally over 1,000 cases were closed by RJ in a recent period, which otherwise would have incurred investigation and trial costs.

In Jakarta specifically, the ability to drop hundreds of minor cases short-circuits expenditure on prosecution. The human cost is also lower: victims avoid court stress, and minor offenders often avoid imprisonment (allowing them to maintain family and work responsibilities). However, there is a potential hidden cost: if RJ is used where it shouldn't be (as alleged in the high-value fraud case), future victims or society at large may pay the price for perceived injustice. Thus, cost savings must be balanced with strict selection of appropriate cases.

CONCLUSION

This comparative study concludes that restorative justice has been effective at the police level in Jakarta for resolving qualifying minor crimes, when contrasted with formal legal procedures. The evidence shows that many petty cases (e.g. small thefts, domestic disputes, minor fraud) have been successfully closed through RJ, leading to quick restoration of losses and agreement between parties. Official data reveal substantial RJ usage (for instance, 525 RJ cases in Jakarta Barat in 2022 and an upward

trend nationally indicating institutional support and procedural viability. Compared to the formal route, RJ offers clear advantages: it eases court burdens, reduces costs, and often aligns with victims' interests in reconciliation over retribution. Police officers report that RJ settlements "tidak sampai meja hijau", meaning cases do not proceed to trials if settlements occur. This is especially effective for offenders who show genuine remorse and for victims primarily concerned with material recovery. However, the formal legal approach remains indispensable for ensuring justice in more serious or contested cases. As highlighted by regulations and experts, RJ must not replace formal prosecution where public welfare or legal certainty is at stake. Any erosion of the rules (for example, using RJ for non-minor offenses without victim consent) undermines the system. Thus, Indonesia's dual-track model—formal justice for grave crimes, RJ for minor disputes—appears judicious. Policy implications are that police should continue to apply RJ vigorously for eligible minor cases, under the guiding principles of Perkapolri 8/2021, while ensuring transparency and voluntariness. Monitoring is needed to prevent abuse, and public education can help victims understand their options. Future research could track recidivism rates and victim satisfaction more formally. Overall, when used appropriately, restorative justice at the police level has proven to be an effective complement to Indonesia's formal justice system, enhancing efficiency and community-oriented outcomes in handling minor crimes.

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