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Restorative Justice in Minor Criminal Cases: A Study of Tanjung Balai District Court Decision No. 1/Pid.C/2023/PN Tjb

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Original Article

Abstract

The dominance of the retributive paradigm in the Indonesian criminal justice system has often failed to achieve substantive justice, particularly in addressing minor offenses arising from structural poverty. This study aims to analyze the implementation of restorative justice in Tanjung Balai District Court Decision Number 1/Pid.C/2023/PN Tjb and to examine the legal reasoning underlying the court's adoption of this mechanism. The study employs a normative legal research method using statutory, conceptual, and case approaches, with qualitative analysis conducted through a descriptive-prescriptive framework. The findings indicate that restorative justice was implemented through mediation involving the offender, the victim, and the community, resulting in the restoration of social relationships and a more proportionate resolution of the dispute. The judge's legal considerations were based on an integration of juridical, philosophical, and sociological dimensions, particularly the offender's economic circumstances and the pursuit of substantive justice. This study demonstrates that the decision constitutes a form of progressive jurisprudence, reflecting a paradigm shift in criminal law enforcement from a retributive orientation toward a restorative approach.

Keywords: *Restorative Justice, Palm Oil Theft, Substantive Justice, Progressive Law*

Abstrak

Dominasi paradigma retributif dalam sistem peradilan pidana Indonesia sering kali tidak mampu mewujudkan keadilan substantif, terutama dalam penyelesaian tindak pidana ringan yang dilatarbelakangi kemiskinan struktural. Penelitian ini bertujuan menganalisis penerapan keadilan restoratif dalam Putusan Pengadilan Negeri Tanjung Balai Nomor 1/PID.C/2023/PN Tjb serta mengkaji pertimbangan hukum hakim dalam memilih mekanisme tersebut. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan, konseptual, dan kasus, serta dianalisis secara kualitatif dengan metode deskriptif-preskriptif. Penerapan keadilan restoratif dilakukan melalui mediasi antara pelaku, korban, dan masyarakat yang menghasilkan pemulihan hubungan sosial dan penyelesaian yang lebih proporsional. Pertimbangan hakim didasarkan pada integrasi aspek yuridis, filosofis, dan sosiologis, khususnya kondisi ekonomi pelaku dan orientasi terhadap keadilan substantif. Penelitian ini menegaskan bahwa putusan tersebut merupakan yurisprudensi progresif yang merepresentasikan pergeseran paradigma penegakan hukum pidana dari retributif menjadi restoratif.

Kata kunci: *Keadilan Restoratif, Pencurian Sawit, Keadilan Substantif, Hukum Progresif*

1. INTRODUCTION

Indonesia constitutionally affirms itself as a state governed by the rule of law, as stipulated in Article 1(3) of the 1945 Constitution of the Republic of Indonesia. A fundamental consequence of this principle is that all law enforcement activities must be grounded in the values of legal certainty, justice, and utility. Nevertheless, the Indonesian criminal justice system continues to face a significant gap between normative law (*das sollen*) and social reality (*das sein*). Law enforcement practices that are predominantly legalistic and punishment-oriented often fail to achieve substantive justice, particularly in cases involving minor offenses driven by social and economic circumstances.

The retributive paradigm that dominates Indonesia's criminal justice system regards punishment as a form of retribution for the offender's conduct.¹ Although this approach serves the functions of maintaining social order and generating a deterrent effect, in many instances it produces new forms of injustice. In cases of minor theft, for example, offenders frequently come from economically disadvantaged communities and commit crimes out of necessity.² Imposing punishment without considering the offenders' social backgrounds does not necessarily address the root causes of criminal behavior and may further aggravate the social and economic conditions of both the offenders and their families.

This problem is particularly evident in the handling of agricultural theft cases. The resolution of such cases through formal litigation mechanisms is often disproportionate to the losses incurred and may result in greater social costs.³ In addition to contributing to judicial case backlogs and prison overcrowding, the retributive approach also has the potential to undermine social relationships between offenders and victims.⁴ These circumstances demonstrate that criminal law enforcement should not focus exclusively on punishment but must also take into account the principles of recovery and reconciliation.

In response to these limitations, the concept of restorative justice has gained increasing prominence. Restorative justice is an approach to criminal dispute resolution that emphasizes restitution, offender accountability, and the restoration of social

¹ Iwan Rasiwan, *Prinsip Keadilan Restoratif Dalam KUHP Nasional: Jalan Tengah Hukum Pidana* (AMU Press, 2025), <https://ejournal.amertamedia.co.id/index.php/press/article/view/611>.

² Rahmad Irfandi, "Implementasi Restorative Justice Dalam Perkara Tindak Pidana Pencurian Di Wilayah Hukum Polsek Tualang Kabupaten Siak" (Universitas Islam Riau, 2023), <https://repository.uir.ac.id/28827/>.

³ Diaz Yasikha Putri and Wahyudi Wahyudi, "Peluang Dan Tantangan Mediasi Untuk Restorative Justice Terhadap Penyelesaian Perkara Pencurian," *Indonesian Journal of Law and Justice* 3, no. 2 (2025): 1–18, <https://doi.org/10.47134/ijlj.v3i2.5209>.

⁴ Sitti Munawwarah et al., "Perbandingan Pendekatan Pidana Restoratif Dan Retributif Dalam Penyelesaian Kasus Kejahatan Di Indonesia Secara Hukum Dan Sosial," *Khatulistiwa: Jurnal Pendidikan Dan Sosial Humaniora* 5, no. 4 (2025): 325–41, <https://doi.org/10.55606/khatulistiwa.v5i4.7626>.

relationships among offenders, victims, and the broader community.⁵ This concept is consistent with the values of deliberation and amicable dispute resolution that have long been embedded in Indonesia's customary law and social traditions.

The urgency of implementing restorative justice is particularly relevant in cases of plantation theft, including the theft of eleven oil palm fruit bunches belonging to PT Padasa Enam Utama, as adjudicated in Tanjung Balai District Court Decision No. 1/Pid.C/2023/PN Tjb. This decision reflects the court's progressive approach through mediation and reconciliation between the offender and the victim, while taking into account the offender's socio-economic circumstances and the possibility of restoring the relationship between the parties. Accordingly, an examination of this decision is essential to analyze the implementation of restorative justice at the adjudicative stage and to evaluate the role of judges in realizing a more humane and restorative form of substantive justice.

The development of restorative justice within Indonesia's criminal justice system has become an important subject of contemporary criminal law scholarship. Numerous studies indicate a paradigm shift from a retributive model centered on punishment toward a restorative model that emphasizes victim compensation, offender accountability, and the restoration of social relationships within the community. This shift is driven by the recognition that the conventional criminal justice system is not always capable of delivering substantive justice, particularly in cases of minor offenses influenced by poverty, social inequality, and the existence of social relationships that remain capable of restoration.

Research conducted by Tambir demonstrates that the Indonesian National Police have developed various internal policies to facilitate the resolution of criminal cases through a restorative approach, although these initiatives are not yet supported by a comprehensive regulatory framework. The study underscores the importance of reforming both substantive and procedural criminal law to provide stronger legitimacy for restorative justice within the criminal justice system. Nevertheless, the research primarily focuses on normative legal construction and does not examine the practical implementation of restorative justice in judicial decisions.⁶

An empirical study conducted by Wahyudhi and Rahayu at the Jambi District Court demonstrates that judges play a strategic role in facilitating reconciliation between offenders and victims. The successful implementation of restorative justice is influenced by several factors, including the characteristics of the offender and the victim, the role of law enforcement officers, and community participation. However,

⁵ Femi Zulfa Nurkheliza et al., "Pendekatan Restorative Justice Oleh Kejaksaan Dalam Penyelesaian Perkara Pidana Penganiayaan Anak Di Rumah Restorative Justice," *Presidensial: Jurnal Hukum, Administrasi Negara, Dan Kebijakan Publik* 2, no. 4 (2025): 328–40, <https://doi.org/10.62383/presidensial.v2i4.1431>.

⁶ I. Made Tambir, "Pendekatan Restorative Justice Dalam Penyelesaian Tindak Pidana Di Tingkat Penyidikan," *Jurnal Magister Hukum Udayana* 8, no. 4 (2019): 549, <https://doi.org/10.24843/JMHU.2019.v08.i04.p09>.

the study does not comprehensively examine the construction of judicial reasoning underlying the adoption of restorative justice in specific cases.⁷

Research by Sembiring et al. found that the application of restorative justice in cases involving electronic information and transaction offenses can expedite case resolution while providing legal certainty and a sense of justice for the parties involved.⁸ Similarly, Nisa demonstrated the effectiveness of the restorative approach in resolving minor criminal offenses and facilitating the termination of prosecutions.⁹ Furthermore, studies by Febriansyah et al. confirm that restorative justice has the potential to alleviate prison overcrowding¹⁰, whereas Atmaja et al., Baharza et al., and Noya and Walakutty emphasize the importance of balancing legal certainty, humanitarian considerations, and prevailing social values.¹¹

Based on these studies, it can be observed that research on restorative justice in Indonesia remains largely concentrated on its implementation at the police and prosecutorial levels, as well as on normative evaluations of the existing regulatory framework. Studies specifically examining the application of restorative justice in concrete judicial decisions, particularly in cases of agricultural theft arising from structural poverty and agrarian conflicts, remain relatively limited.

Therefore, an examination of Tanjung Balai District Court Decision Number 1/Pid.C/2023/PN Tjb is important because it has the potential to make both theoretical and practical contributions to the development of progressive jurisprudence, reflecting a paradigm shift from retributive justice to restorative justice with an emphasis on substantive justice. This study aims to analyze the implementation of restorative justice and the judicial considerations underlying Tanjung Balai District Court Decision Number 1/Pid.C/2023/PN Tjb. It is expected that the findings will contribute to the development of the restorative justice paradigm and serve as a practical reference for the fair and recovery-oriented resolution of minor criminal offenses.

⁷ Dheny Wahyudhi and Sri Rahayu, "Implementasi Restorative Justice Dalam Pemeriksaan Perkara Tindak Pidana Ringan: Studi Kasus Di Pengadilan Negeri Jambi," *Prosiding Seminar Hukum Dan Publikasi Nasional III* 1, no. 3 (2021), <https://prosiding.fh.ubb.ac.id/index.php/prosiding-serumpun/en/article/view/119>.

⁸ Ryan H. K. Sembiring et al., "Implementasi Prinsip Restorative Justice Terhadap Penyelesaian Kasus Tindak Pidana Informasi Dan Transaksi Elektronik," *Halu Oleo Law Review* 8, no. 2 (2024): 209–23, <https://doi.org/10.33561/holrev.v8i2.103>.

⁹ Khairotun Nisa, "Penerapan Keadilan Restoratif Dalam Penyelesaian Kasus Tindak Pidana Ringan Di Polresta Pekanbaru" (Universitas Islam Negeri Sultan Syarif Kasim, 2026), <https://repository.uin-suska.ac.id/93688/>.

¹⁰ Yoga Febriansyah et al., "Implementasi Restorative Justice Tindak Pidana Ringan Sebagai Solusi Mengurangi Overcrowding Lembaga Pemasyarakatan Di Jawa Tengah," *The Juris: Jurnal Ilmu Hukum* 8, no. 1 (2024): 52–57, <https://doi.org/10.56301/juris.v8i1.1163>.

¹¹ I. Kadek Suadaya Atmaja et al., "Implementasi Keadilan Restoratif Berdasarkan Hukum Pidana Yang Berlaku Di Indonesia," *Jurnal Darussalam: Pemikiran Hukum Tata Negara Dan Perbandingan Mazhab* 5, no. 1 (2025): 48–69, <https://doi.org/10.59259/jd.v5i1.219>; Dimas Dwi Putro Baharza et al., "Implementasi Restorative Justice Dalam Penyelesaian Tindak Pidana Ringan Di Tingkat Kepolisian," *Perahu (Penerangan Hukum): Jurnal Ilmu Hukum* 14, no. 1 (2026): 212–18, <https://doi.org/10.51826/perahu.v14i1.1857>; Ekberth Vallen Noya and Ade Walakutty, "Penyelesaian Tindak Pidana Ringan Melalui Restorative Justice Conferencing Initiative," *Sanisa: Jurnal Kreativitas Mahasiswa Hukum* 4, no. 1 (2024): 22–40, <https://doi.org/10.47268/sanisa.v4i1.2164>.

2. RESEARCH METHODOLOGY

This study employs a normative legal research method with descriptive-analytical and prescriptive characteristics. It aims to examine legal norms, doctrines, and judicial considerations in the application of restorative justice in Tanjung Balai District Court Decision Number 1/Pid.C/2023/PN Tjb. The research adopts three approaches: the statutory approach, the case approach, and the conceptual approach. The statutory approach examines various legal instruments governing restorative justice and the Indonesian criminal justice system, while the case approach focuses on an in-depth analysis of the *a quo* decision. The conceptual approach explores theories of restorative justice, substantive justice, progressive law, and the objectives of criminal punishment.

The study utilizes primary, secondary, and tertiary legal materials obtained through library research and document analysis. All legal materials are analyzed qualitatively using a descriptive-prescriptive method through grammatical, systematic, and teleological interpretation. Conclusions are drawn deductively to formulate a legal construction concerning the basis of judicial reasoning in implementing restorative justice and its contribution to the reform of the Indonesian criminal justice system.¹²

3. RESEARCH RESULT AND DISCUSSION

3.1. National and International Legal Framework Governing the Indonesian Government's Obligations to Protect the Rights of Indigenous Papuans

This case initially involved a minor theft offense that, normatively, fulfilled the elements of Article 362 of the Indonesian Criminal Code. The loss incurred, amounting to IDR 987,000, falls below the threshold for a minor offense as stipulated in Supreme Court Regulation Number 2 of 2012. Formally, the case could have been resolved through conventional criminal justice mechanisms by imposing imprisonment or other criminal sanctions. However, the evidence presented during the trial demonstrated that the offender's conduct was closely linked to his socio-economic circumstances.

The offender, a resident living near the oil palm plantation, relied on irregular employment with uncertain income. The trial revealed that the theft occurred because the offender was experiencing severe economic hardship and lacked sufficient income to meet his family's basic needs. These circumstances indicate that the offense was not motivated by an intention to obtain substantial unlawful gains but rather constituted an act arising from economic pressure and structural poverty.

This finding is consistent with Merton's strain theory, which posits that criminal behavior may emerge when individuals experience a disparity between their needs and

¹² Rayhan Fiqi Fansuri dan Juan Matheus, "Enforcement of Human Rights through Criminal Law Against Environmental Destruction Due to Batik Industry Activities," *Indonesian Journal of Criminal Law Studies* 7, no. 2 (2022): 291–316, <https://doi.org/https://doi.org/10.15294/ijcls.v7i2>.

the limited legitimate means available to satisfy them.¹³ In the a quo case, the offender occupied a vulnerable socio-economic position due to restricted access to economic opportunities, leading him to commit the offense as a means of supporting his family. Accordingly, the exclusive application of a retributive approach would neither address the root causes of the offense nor prevent the further social marginalization of the offender.

The panel of judges adopted a more progressive legal approach by facilitating a mediation process between the offender and the victim. Prior to rendering its decision, the court assessed whether the case was suitable for resolution through a restorative justice mechanism. This assessment was based on several considerations, including the relatively minor loss suffered by the victim, the offender's status as a first-time offender, his admission of guilt and expression of remorse, and the victim's willingness to resolve the matter amicably.

The restorative justice process in this case was implemented through three mediation sessions involving various stakeholders in an inclusive manner, namely the offender and his family, PT Padasa Enam Utama as the victim, community leaders, and representatives of the village government. The participation of these parties demonstrates that the case was no longer viewed merely as a dichotomous relationship between the state and the offender but rather as a social conflict requiring collective healing and restoration.

Through this mediation process, the parties reached an agreement encompassing five principal points. First, the offender acknowledged his wrongdoing and directly apologized to the victim. Second, the company, as the victim, agreed to forgive the offender and withdraw its complaint in light of his economic circumstances. Third, the offender agreed to perform thirty days of community service as a form of moral accountability. Fourth, community leaders committed to providing social supervision and guidance to the offender. Fifth, the parties agreed to promote economic empowerment initiatives for communities surrounding the plantation as a preventive measure against similar offenses in the future.

The implementation of restorative justice in the a quo decision satisfies the fundamental principles of restorative justice as articulated by Braithwaite, namely voluntary participation, inclusive dialogue, restitution, offender accountability, and social reintegration. The resolution of the case was therefore not centered on punishment but rather on restoring the social relationships disrupted by the criminal act.¹⁴

This study is consistent with the findings of Nisa, who demonstrated that a restorative approach to minor offenses can expedite case resolution and provide

¹³ Robert King Merton, *Social Theory and Social Structure* (Simon and Schuster, 1968).

¹⁴ John Braithwaite, "The Future of Restorative Justice," in *Routledge International Handbook of Restorative Justice*, 1st ed., ed. Theo Gavrielides (Routledge, 2018), <https://doi.org/10.4324/9781315613512>.

meaningful restitution for the parties involved.¹⁵ Likewise, the present study supports the findings of Sembiring et al., who concluded that restorative justice offers greater legal certainty, utility, and a stronger sense of justice than conventional litigation-based approaches.¹⁶

However, the findings of this study differ from those reported by Wibowo. Wibowo emphasized regulatory rigidity and statutory limitations on the amount of damages as the principal obstacles to the implementation of restorative justice.¹⁷ In contrast, in Decision Number 1/Pid.C/2023/PN Tjb, the panel of judges demonstrated progressive judicial reasoning by refusing to rely exclusively on a formalistic and normative approach. Instead, the judges prioritized sociological considerations and restorative objectives as the foundation for resolving the case.

Furthermore, this study extends the findings of Wahyudhi and Rahayu regarding the central role of judges in the realization of restorative justice.¹⁸ In the present case, the judges functioned not merely as passive adjudicators but also as facilitators of reconciliation and agents of social change. Their active involvement reflects a shift in the judicial paradigm from a strictly legalistic model toward a problem-solving justice model that is more responsive to societal needs.

The application of restorative justice in this decision constitutes a concrete manifestation of progressive law as conceptualized by Satjipto Rahardjo, namely, that law exists for human beings rather than human beings for the law. The panel of judges did not adhere to rigid legal positivism; instead, they engaged in legal discovery (*rechtsvinding*) by balancing the principles of justice, utility, and humanity.¹⁹

This decision demonstrates that the objective of modern criminal law is not merely to punish offenders but to restore the social equilibrium disrupted by criminal conduct. The restoration of relationships among the offender, the victim, and the community is considered more important than the imposition of repressive sanctions. From a utilitarian perspective, resolution through restorative mechanisms is also more efficient because it reduces the costs associated with judicial proceedings, mitigates prison overcrowding, and enhances the offender's prospects for social reintegration.

Accordingly, Tanjung Balai District Court Decision Number 1/Pid.C/2023/PN Tjb may be regarded as a landmark decision that reflects a paradigm shift in Indonesian criminal law enforcement from a retributive orientation toward a restorative one. The decision demonstrates that substantive justice can be achieved through an approach that

¹⁵ Nisa, "Penerapan Keadilan Restoratif Dalam Penyelesaian Kasus Tindak Pidana Ringan Di Polresta Pekanbaru."

¹⁶ Sembiring et al., "Implementasi Prinsip Restorative Justice Terhadap Penyelesaian Kasus Tindak Pidana Informasi Dan Transaksi Elektronik."

¹⁷ Eko Putro Wibowo, "Implementasi Restorative Justice Dalam Penyelesaian Tindak Pidana Ringan Di Kejaksaan Negeri Blitar," *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 13, no. 2 (2026): 448–56, <https://doi.org/10.31604/jips.v13i2.2026.448-456>.

¹⁸ Wahyudhi and Rahayu, "Implementasi Restorative Justice Dalam Pemeriksaan Perkara Tindak Pidana Ringan: Studi Kasus Di Pengadilan Negeri Jambi."

¹⁹ Satjipto Rahardjo, *Hukum Progresif: Sebuah Sintesa Hukum Indonesia* (Genta Publishing, 2009).

prioritizes dialogue, restoration, and humanity without compromising legal certainty. Therefore, the decision possesses significant strategic value as a model of progressive jurisprudence for resolving minor criminal offenses arising from structural poverty and socio-economic conflicts within society.

3.2. Judicial Considerations in Selecting a Restorative Justice Mechanism: Juridical, Philosophical, and Sociological Perspectives

The panel of judges did not base its decision solely on a rigid legalistic approach but instead constructed a multidimensional framework of legal reasoning. This approach reflects a paradigm shift from legal positivism toward progressive law, which places justice as the primary objective of law enforcement.

From a juridical perspective, the judges acknowledged that all elements of the offense of theft, as stipulated in Article 362 of the Indonesian Criminal Code, had been fully satisfied. The offender was legally and convincingly proven to have unlawfully taken eleven oil palm fruit bunches belonging to PT Padasa Enam Utama with the intention of possessing them. However, the judges did not limit their analysis to merely establishing the constituent elements of the offense. Instead, the panel adopted a more progressive interpretation by taking into account the specific circumstances of the case, particularly the relatively minor financial loss incurred.

The judges considered the loss of IDR 987,000 to constitute a minor offense within the meaning of Supreme Court Regulation Number 2 of 2012. Consequently, the imposition of imprisonment was deemed disproportionate to the extent of the harm suffered by the victim. This consideration demonstrates the application of the principle of proportionality in judicial decision-making. From a cost-benefit perspective, the judicial process and the imposition of custodial sanctions could generate social, economic, and humanitarian costs far exceeding the value of the losses caused by the offense.

Furthermore, the judges also considered the offender's culpability (*mens rea*). Based on the facts established during the trial, the offense was not committed out of systematic malice or an intention to obtain substantial unlawful gain but rather as a consequence of severe economic pressure. The panel regarded the offender's moral blameworthiness as relatively less serious because the offense was committed under conditions of structural economic deprivation. Accordingly, a repressive punitive approach was considered inconsistent with the justice-oriented objectives of the law.

Another important juridical consideration was the offender's confession and genuine remorse. From the investigation stage through the trial proceedings, the offender remained cooperative, admitted his wrongdoing, and demonstrated a willingness to take responsibility for his actions. This attitude constituted an important indicator that the offender possessed significant potential for rehabilitation and social

reintegration without having to undergo an exclusionary and stigmatizing criminal process.

The judges also paid close attention to the philosophical dimensions of the case. Their decision was grounded in the view that the law is not solely intended to provide formal legal certainty but must also achieve substantive justice. The panel of judges believed that genuine justice is not always synonymous with punishment; rather, it lies in the law's ability to repair harm, restore social relationships, and reestablish social equilibrium within the community.

This reasoning is consistent with the concept of justice as restoration developed by Ness and Strong and Zehr, both of whom place the restoration of relationships at the center of justice. From this perspective, criminal acts are viewed as violations of social relationships rather than merely violations of state norms.²⁰ Consequently, the resolution of criminal cases should be directed toward repairing disrupted relationships rather than simply inflicting suffering on the offender.

The philosophical reasoning adopted by the judges also demonstrates the strong influence of progressive legal thought as developed by Satjipto Rahardjo.²¹ The judges viewed the law as an instrument that must serve human interests and uphold human dignity. Imprisonment was considered capable of generating new forms of injustice because it could undermine the economic well-being of the offender's family, whose livelihood depended entirely on his income. Therefore, a restorative approach was selected because it was regarded as more capable of delivering justice oriented toward social benefit and humanitarian values.

From a sociological perspective, the offender's economic circumstances constituted a dominant consideration in the court's decision. The offender came from a low-income family residing in a plantation area with very limited access to economic opportunities. He was responsible for supporting a wife and two school-aged children and, in the months preceding the incident, had been unable to secure stable employment due to the economic downturn in the surrounding area. These facts indicate that the offense cannot be separated from the broader problem of structural poverty.

This finding supports strain theory, which posits that deviant behavior often emerges from a discrepancy between individuals' needs and the limited legitimate means available to satisfy them.²² The offender may be regarded as a victim of socio-economic structures that fail to provide adequate opportunities to meet basic needs.

The judges also considered the potential social consequences of imprisonment. If the offender had been sentenced to imprisonment, his family would have lost its primary source of income and could have fallen into a deeper cycle of poverty. His children

²⁰ Daniel W. Van Ness and Karen Heetderks Strong, *Restoring Justice: An Introduction to Restorative Justice* (Routledge, 2013); Howard Zehr, *The Little Book of Restorative Justice: Revised and Updated* (Good Books, 2015).

²¹ Satjipto Rahardjo, *Hukum Progresif: Sebuah Sintesa Hukum Indonesia*.

²² Merton, *Social Theory and Social Structure*.

would have faced an increased risk of dropping out of school and experiencing social marginalization. Accordingly, the imposition of criminal sanctions had the potential to generate new forms of injustice and reproduce more complex social problems.

Furthermore, the panel of judges took into account the historical relationship between the local community and the plantation company. There had been longstanding social dynamics and structural tensions between the community and the company, particularly concerning economic access and the utilization of local resources. Consequently, a restorative approach was considered more appropriate because it could promote reconciliation and improve the relationship between the community and the company.

This study extends the findings of Wahyudhi and Rahayu, who argued that judges play a central role in the realization of restorative justice.²³ In the present case, the judges functioned not only as interpreters of the law but also as facilitators of dialogue, social mediators, and agents of social change. The findings of this study are also consistent with those of Nisa and Sembiring et al., which indicate that restorative approaches are more effective than retributive approaches in achieving restoration and fostering a sense of justice.²⁴

This study demonstrates that judicial considerations in the implementation of restorative justice are not based solely on formal legal provisions but are instead constructed through the simultaneous integration of juridical, philosophical, and sociological considerations. This multidimensional framework of judicial reasoning enables courts to render decisions that are more responsive to social realities and more strongly oriented toward substantive justice.

This study confirms that Tanjung Balai District Court Decision Number 1/Pid.C/2023/PN Tjb constitutes a concrete manifestation of progressive law in Indonesian criminal justice practice. The decision demonstrates that judges are no longer merely "the mouthpiece of the law" (*la bouche de la loi*), but rather active actors in legal discovery and the realization of substantive justice. By integrating juridical, philosophical, and sociological considerations, the panel of judges successfully established restorative justice as a more humane, proportionate, and socially rehabilitative mechanism for resolving criminal cases. Accordingly, this decision deserves to be regarded as progressive jurisprudence and may serve as a model for the future development of restorative justice in the resolution of minor criminal offenses in Indonesia.

²³ Wahyudhi and Rahayu, "Implementasi Restorative Justice Dalam Pemeriksaan Perkara Tindak Pidana Ringan: Studi Kasus Di Pengadilan Negeri Jambi."

²⁴ Nisa, "Penerapan Keadilan Restoratif Dalam Penyelesaian Kasus Tindak Pidana Ringan Di Polresta Pekanbaru"; Sembiring et al., "Implementasi Prinsip Restorative Justice Terhadap Penyelesaian Kasus Tindak Pidana Informasi Dan Transaksi Elektronik."

4. CONCLUSION

Tanjung Balai District Court Decision Number 1/Pid.C/2023/PN Tjb represents a paradigm shift in criminal law enforcement from a retributive approach toward a restorative model oriented to the restoration of social relationships and the realization of substantive justice. In this case, restorative justice was implemented through a mediation process involving the offender, the victim, and the community, resulting in a more proportionate, humane, and sustainable resolution. The judges' reasoning was constructed through a multidimensional integration of juridical, philosophical, and sociological considerations, particularly the minor financial loss incurred, the offender's condition of structural poverty, his confession and remorse, and his potential for social reintegration.

The findings of this study demonstrate that substantive justice can be achieved through a progressive and contextual interpretation of the law. Accordingly, this research contributes to the development of jurisprudence and to the reform of a criminal justice system based on restorative justice principles. Nevertheless, this study is limited to the analysis of a single judicial decision and, therefore, cannot fully capture the consistency of restorative justice implementation across Indonesia. Consequently, there is a need for more comprehensive regulations, uniform implementation guidelines, and enhanced capacity-building programs for law enforcement officials. Future research is recommended to undertake comparative analyses of judicial decisions and to examine the long-term effectiveness of restorative justice in preventing recidivism and promoting social recovery within communities.

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