Settlement of Assault Offenses through Restorative Justice under the Indonesian Code of Criminal Procedure

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Abstract
The resolution of assault offenses should not be limited to imposing sanctions on offenders, but should also take into account the restoration of harm suffered by victims and the repair of social relationships between the parties. The development of restorative justice has contributed to a shift in the orientation of criminal case resolution, moving beyond a predominantly retributive approach toward a model that places restoration and reconciliation among its important objectives. This study examines the resolution of assault offenses through a restorative justice approach within the framework of the Indonesian Code of Criminal Procedure. The research employs a normative juridical method using a statutory approach and a conceptual approach. The analysis focuses on the provisions governing criminal procedure and the concept of restorative justice as applied to the resolution of assault cases. The findings indicate that restorative justice may serve as a mechanism for resolving assault cases by taking into consideration the interests of victims, offenders, and the wider community, provided that the applicable legal requirements are fulfilled and the process is conducted voluntarily and free from coercion or undue pressure. Such an approach allows the resolution of a criminal case to extend beyond the imposition of punishment by incorporating victim recovery, offender accountability, and the restoration of social relationships. The application of restorative justice to assault cases may therefore form part of the development of criminal procedural law toward a more recovery-oriented approach to resolving criminal cases.

Keywords: Assault; Restorative Justice; Criminal Procedure Law; Victim Recovery.

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Introduction

The formulation of the Draft Criminal Code constitutes an important component of the reform of substantive criminal law, which is intended to establish a criminal justice system that reflects the needs and characteristics of Indonesian society. This reform is not merely aimed at improving existing legal provisions, but also at developing a criminal law paradigm that is no longer entirely dependent on the legacy of the colonial legal system. Accordingly, criminal law reform can be understood as a process toward establishing a legal system that reflects the values, needs, and social developments of Indonesian society. More broadly, legal reform may also serve as an instrument of deliberate and directed social and cultural change.[1]

From a social science perspective, crime can be understood as a phenomenon arising within society and associated with various forms of structural inequality. Criminal behavior may also be influenced by the social and economic conditions surrounding individuals and communities. Economic hardship, difficulties in fulfilling basic needs, and weak moral and spiritual controls may affect the way individuals make decisions. Under certain circumstances, such pressures may lead individuals to engage in conduct that violates legal and social norms as a means of meeting their basic needs.[2]

From the perspective of criminal law, criminalization is closely associated with criminal policy, namely a policy designed to address and control various forms of crime. Criminal policy essentially constitutes part of the state's efforts to protect society through various instruments for crime prevention and control. Its ultimate objective is not solely to regulate criminal conduct, but also to promote a safe and orderly social environment that supports the achievement of social welfare.[3]

The development of Indonesian criminal law demonstrates a shift in the way the objectives of criminal case resolution are understood. Criminal law is no longer concerned exclusively with punishment as the ultimate outcome of a criminal case, but has increasingly recognized the importance of repairing and restoring conditions disrupted by criminal conduct. This orientation is reflected in the development of the concept of restorative justice, which places restoration as an important component of criminal case resolution. This approach differs from retributive justice, which primarily emphasizes punishment or retribution against the offender, as well as from a compensatory approach, which focuses more specifically on providing compensation to the affected party.[4]

Assault constitutes one form of criminal conduct that directly concerns the protection of a person's physical integrity, safety, and sense of security. In social life, assault cases may arise from various circumstances, including interpersonal disputes, misunderstandings, social conflicts, family problems, and quarrels that escalate into physical violence. Not all assault cases have the same level of consequences or the same characteristics of conflict. Some cases may cause serious harm to victims and the community, whereas others arise within social relationships that remain capable of being repaired through communication, accountability, and reconciliation. This situation indicates that the resolution of assault cases should not be viewed solely from the perspective of imposing criminal sanctions, but should also take into consideration the recovery of victims and the restoration of social relationships disrupted by the offense.

A criminal law approach that is exclusively oriented toward retribution may encounter difficulties when applied to cases involving relatively minor offenses in which reconciliation remains possible. In such circumstances, restorative justice has developed as an approach that takes into account the interests of victims, the accountability of offenders, and the involvement of the community in resolving criminal cases. Restorative justice is not intended merely to terminate a case, but rather to direct the resolution process toward repairing the consequences of the offense, providing victims with an opportunity to express their interests, and encouraging offenders to take responsibility for their conduct. Research in Indonesia indicates that restorative approaches have been applied to assault cases at various levels of the criminal justice

system, although their mechanisms and legal foundations were previously dispersed across a number of sectoral regulations.[5]

Before the enactment of specific provisions in the new Code of Criminal Procedure, the implementation of restorative justice within Indonesia's criminal justice system developed through various legal instruments and institutional policies. The Indonesian National Police, for example, issued Regulation of the Indonesian National Police No. 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice, while the Public Prosecutor's Office issued Regulation of the Attorney General of the Republic of Indonesia No. 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice. At the judicial level, the Supreme Court subsequently issued Supreme Court Regulation No. 1 of 2024 concerning Guidelines for Adjudicating Criminal Cases Based on Restorative Justice. These developments demonstrate the increasingly strong acceptance of the restorative approach, while also indicating that, prior to the reform of the Code of Criminal Procedure, restorative justice was regulated through several legal instruments with different scopes and mechanisms.

Settlement through deliberation constitutes one alternative available to the parties because it provides an opportunity to resolve disputes directly without necessarily proceeding through formal judicial processes. Non-litigation mechanisms allow the parties to formulate agreements based on their respective interests and to seek solutions that can be mutually accepted. Such mechanisms are generally regarded as more flexible and may facilitate outcomes that provide benefits to both parties. This differs from litigation, in which a court renders a decision based on its judicial authority, ultimately resulting in one party prevailing while the other is required to accept an unfavorable outcome.[6]

The need to pursue an alternative settlement mechanism may arise when an offender recognizes the wrongdoing, expresses remorse, and demonstrates a willingness to address the consequences resulting from the conduct. Under such circumstances, reconciliation may be achieved when the victim and offender consciously agree upon a resolution that is acceptable to both parties. In criminal law, circumstances that may preclude criminal punishment are generally classified into justifying grounds and excusing grounds. Justifying grounds concern circumstances in which conduct that outwardly fulfills the elements of a criminal offense is nevertheless not considered unlawful, whereas excusing grounds relate to the personal circumstances or mental condition of the offender that affect criminal responsibility.[7]

Restorative justice constitutes an approach to criminal case resolution that provides opportunities for victims, offenders, their respective families, community members, and other relevant parties to participate in the resolution process. The approach is not solely concerned with imposing punishment on offenders, but seeks to bring together the interests of the parties in order to understand the consequences of the offense and determine a form of resolution that can be mutually accepted. Accordingly, restorative justice places the recovery of victims' losses, offender accountability, and the restoration of social relationships among the important elements of criminal case resolution.[8]

This issue is significant because the resolution of criminal cases through restorative justice requires clarity regarding when a case may be resolved through a restorative mechanism, which authorities are empowered to offer or facilitate such a process, how victims and offenders are positioned within the process, and what legal consequences arise after an agreement has been reached. Previous studies concerning the implementation of restorative justice in Indonesia indicate that differences in regulation at each stage of the criminal justice process may create uncertainty regarding the applicable legal framework. In assault cases, this issue becomes particularly relevant because the success of restorative resolution is strongly influenced by the willingness of both victims and offenders to reach reconciliation. Studies of assault cases in several regions have also demonstrated that not all cases can be resolved through restorative mechanisms, particularly when victims reject reconciliation or when a case has progressed to a more advanced stage of legal proceedings.[9]

Empirically, restorative resolution of assault cases has been practiced in various regions of Indonesia. One example can be found within the jurisdiction of the Mamasa District Police, where a restorative approach was employed to resolve assault cases and some cases were concluded through reconciliation between the parties involved. However, the study also identified cases that could not be resolved through restorative mechanisms because the victims were unwilling to reconcile or because the cases had already been referred to the subsequent stage of the legal process. These findings indicate that restorative justice cannot be understood as a mechanism that automatically terminates a case once the parties express a desire to reconcile. Certain requirements, procedures, and considerations must be taken into account to ensure that reconciliation does not undermine the rights of victims or disregard the interests of law enforcement.

Another example can be found in an alleged assault case in Kromengan District, Malang Regency, in 2025. The case began when a resident reported an alleged group assault that occurred after the individual had witnessed an artistic performance. Based on the investigation, the incident was associated with a misunderstanding among several young people. Following the investigation and the summoning of the relevant parties, the victim and the reported individuals agreed to resolve the matter amicably. The police subsequently facilitated mediation and a case conference, followed by the termination of the investigation after the formal and substantive requirements for restorative justice were deemed to have been satisfied.[10] This case demonstrates that the nature of the conflict, the willingness of the parties to reconcile, and the fulfillment of legal requirements are determining factors in whether an assault case can be resolved through a restorative mechanism.

A significant change occurred following the enactment of Law No. 20 of 2025 concerning the Code of Criminal Procedure. The law was enacted and promulgated on 17 December 2025 and came into force on 2 January 2026. From that point onward, Law No. 8 of 1981 concerning Criminal Procedure was repealed and declared no longer effective. One of the important substantive developments introduced by the new Code of Criminal Procedure is the incorporation of a restorative justice mechanism into criminal procedural law. Restorative justice is therefore no longer developed solely through internal regulations issued by law enforcement institutions, but has obtained a statutory legal basis within the national criminal procedural system.

The regulation of restorative justice under Law No. 20 of 2025 is contained, among other provisions, in Chapter IV concerning the Restorative Justice Mechanism. Article 79 provides that the mechanism is directed toward restoring the original condition, which may be achieved through the victim's and/or the victim's family's forgiveness, the return of property, reimbursement of medical or psychological treatment expenses, payment of compensation, or repair of damage resulting from the criminal offense. An agreement concerning restoration must be documented in a formal agreement and implemented within the prescribed period. Once the agreement has been fulfilled, the case must be terminated and submitted to the court for determination. This provision demonstrates that reconciliation under the new Code of Criminal Procedure is not merely understood as a declaration of peace between the parties, but is connected to concrete measures aimed at restoring the consequences experienced by the victim. Furthermore, Article 80 of Law No. 20 of 2025 establishes limitations concerning the types of cases that may be subject to restorative justice mechanisms. Such mechanisms may be applied to criminal offenses that satisfy certain requirements, including offenses punishable by a maximum fine of Category III or imprisonment for a maximum of five years, while also taking into consideration whether the offender is a repeat offender. Restorative mechanisms may be undertaken at the stages of preliminary inquiry, investigation, prosecution, and trial. Article 81 further provides that the mechanism may originate from a request submitted by the parties involved or from an offer made by law enforcement authorities, and must be conducted without pressure, coercion, intimidation, deception, threats of violence, violence, torture, or any conduct

that degrades human dignity. These provisions are particularly relevant to assault cases because they establish a clearer normative framework concerning the procedure, consent, and protection of the parties involved.

Although the new Code of Criminal Procedure provides a clear legal foundation, its application to assault cases continues to raise legal issues that require further examination. Not every assault offense can automatically be resolved through a restorative mechanism because the nature of the offense, the applicable criminal penalty, the consequences arising from the conduct, the offender's status as a repeat offender, the consent of the victim and offender, and other legally prescribed requirements must all be considered. Furthermore, restorative mechanisms must maintain a balance between the victim's interest in obtaining recovery and the legal interest in ensuring that the resolution process is not achieved through pressure exerted upon the victim. Supreme Court Regulation No. 1 of 2024 also identifies victim recovery, strengthening victims' rights and interests, defendant responsibility, consensuality, transparency, and accountability as important principles in the implementation of restorative justice.

In light of these developments, there is a need to re-examine the resolution of assault offenses from the perspective of criminal procedural law, particularly following the entry into force of Law No. 20 of 2025. Previous studies have largely examined the implementation of restorative justice on the basis of National Police Regulation No. 8 of 2021, Attorney General Regulation No. 15 of 2020, or practices within particular institutions, whereas the fundamental development represented by the codification of restorative justice mechanisms into the new Code of Criminal Procedure requires specific scholarly examination.[11]

Based on the foregoing discussion, the study entitled *"Settlement of Assault Offenses through Restorative Justice under the Indonesian Code of Criminal Procedure"* is important to examine the legal position and mechanism of restorative justice in resolving assault cases under the criminal procedural law currently in force. The study is expected to provide a clearer understanding of the scope and limitations of its application, procedural requirements, protection of victims and offenders, and the legal consequences arising from the resolution of assault cases through restorative justice mechanisms.

Research Methodology

Research Design

This study adopts a normative legal research design, also commonly referred to as doctrinal legal research. Normative legal research examines law as a body of norms governing the resolution of assault offenses through restorative justice mechanisms. The analysis focuses on legal provisions, legal principles, doctrines, and concepts relevant to restorative justice within the Indonesian criminal procedural system. This approach is particularly appropriate because the primary object of the study lies within the domain of legal norms, especially following the enactment of Law No. 20 of 2025 concerning the Code of Criminal Procedure, which formally incorporates restorative justice mechanisms as part of the criminal procedural framework.

The study employs two approaches, namely the statutory approach and the conceptual approach. The statutory approach is conducted by examining legal provisions relevant to assault offenses and restorative justice mechanisms, particularly Law No. 20 of 2025 concerning the Code of Criminal Procedure, Law No. 1 of 2023 concerning the Criminal Code, and other relevant legislation. This approach is used to identify the legal basis, requirements, procedural stages, authority of law enforcement officials, and legal consequences associated with the application of restorative justice in resolving assault cases.

The conceptual approach is employed to develop a more comprehensive understanding of the concepts of assault offenses, restorative justice, victim recovery, offender accountability,

reconciliation, and the objectives of criminal case resolution. This approach involves examining scholarly perspectives, legal doctrines, legal principles, and relevant scientific research. Within normative legal research, the conceptual approach enables the researcher to examine the legal ideas and principles underlying statutory provisions, thereby ensuring that the analysis extends beyond a merely textual interpretation of legal norms.

The legal materials examined in this study consist of primary and secondary legal materials. Primary legal materials include legislation relevant to the research subject, particularly Law No. 20 of 2025 concerning the Code of Criminal Procedure and Law No. 1 of 2023 concerning the Criminal Code. Secondary legal materials comprise scholarly journal articles, legal textbooks, research findings, expert opinions, and academic publications addressing assault offenses and restorative justice. These legal materials were obtained through library research, involving the identification, collection, classification, and critical examination of legal sources relevant to the research problem.

Results

3.1 Settlement of Assault Offenses through Restorative Justice under the Indonesian Code of Criminal Procedure

The findings demonstrate that the resolution of assault offenses through restorative justice has obtained an explicit legal foundation following the enactment of Law No. 20 of 2025 concerning the Code of Criminal Procedure. The law entered into force on 2 January 2026 and simultaneously repealed Law No. 8 of 1981 concerning Criminal Procedure. One of the significant reforms introduced by the new Code of Criminal Procedure is the specific regulation of restorative justice mechanisms. These provisions are contained in Chapter IV, comprising Articles 79 to 88. Restorative justice is therefore no longer merely an institutional policy developed through internal regulations issued by law enforcement agencies, but has acquired a normative position within the statute governing the criminal procedural system as a whole.

The introduction of these provisions reflects a shift in the orientation of criminal case resolution. The criminal justice system is no longer directed solely toward establishing criminal responsibility and imposing punishment on offenders, but also provides room for addressing and repairing the consequences of criminal conduct. This shift is consistent with the development of Indonesian criminal law policy, which had previously been characterized by the implementation of restorative justice at the police, prosecution, and judicial levels. Akbar's study indicates that, before restorative justice was regulated at the statutory level, its implementation had already developed within several law enforcement institutions, although differences existed in the applicable rules and procedures at each stage of the criminal justice process.[12] The new Code of Criminal Procedure subsequently provides a more integrated legal foundation for the mechanism.

In assault cases, a restorative approach is particularly relevant because such offenses may, under certain circumstances, produce not only physical harm but also damage the relationship between the offender and the victim. Conflicts arising from personal disputes, neighborhood relations, friendships, family matters, or broader social problems may escalate into physical violence. When such cases are immediately approached through a purely punitive framework, the resolution may terminate the social relationship between the parties without providing sufficient space for meaningful restoration. A restorative approach creates an opportunity for offenders not only to face legal consequences, but also to understand the effects of their conduct and fulfill their obligations toward the victim. At the same time, victims are given an opportunity to determine forms of restoration that correspond to the losses and needs they have experienced.

Article 79 of Law No. 20 of 2025 establishes a clear framework for the objective of restorative justice, namely restoring the circumstances that existed before the criminal offense occurred.

Such restoration may take the form of forgiveness by the victim and/or the victim's family, the return of property, reimbursement of medical or psychological treatment costs, payment of compensation, or repair of damage resulting from the offense. The restoration agreement must be formally documented and implemented within a maximum period of seven days. Once all terms of the agreement have been fulfilled, the case must be terminated and submitted to the court for determination. This provision demonstrates that restorative justice under the new Code of Criminal Procedure has a concrete orientation: reconciliation does not end with a mere expression of mutual forgiveness, but must be accompanied by actual restorative measures.

The provisions governing implementation of the agreement also provide protection for victims. The withdrawal of a report or complaint may only take place after the offender has fulfilled all obligations stipulated in the agreement. This arrangement prevents a situation in which a victim withdraws a report while the offender has not yet performed the agreed obligations. If the offender fails to comply with the agreement within the prescribed period, the investigator is required to prepare an official report containing the identities of the parties, the contents of the agreement, evidence concerning partial or complete implementation, and the reasons for the failure to fulfill the obligations. The report subsequently becomes part of the case file and may serve as a basis for continuing the judicial process, as provided under Article 79 paragraphs (6) to (8) of Law No. 20 of 2025 concerning the Code of Criminal Procedure. Thus, a restorative mechanism does not eliminate the possibility of formal law enforcement when an agreement has not been properly implemented.

The new Code of Criminal Procedure also permits restorative justice to be applied at several stages of the criminal justice process. Pursuant to Article 79 paragraph (8), the mechanism may be implemented during the preliminary inquiry, investigation, prosecution, or trial stages. This provision demonstrates that restorative justice is not exclusively a police-based mechanism. An assault case that has not been resolved at an earlier stage may still be considered for restorative resolution at a subsequent stage, provided that the statutory requirements are satisfied. This model provides procedural flexibility while avoiding the assumption that failure to reach reconciliation at one stage automatically eliminates every subsequent possibility of restorative resolution.

Despite providing broad opportunities for its application, the new Code of Criminal Procedure does not permit every criminal offense to be resolved through restorative justice. Article 80 establishes that the mechanism may be applied to offenses punishable by a maximum fine of Category III or imprisonment for a maximum of five years, while also taking into account whether the offense constitutes a repeat offense. This limitation is important for maintaining proportionality between the nature of an offense and the mechanism used to resolve it. Accordingly, in assault cases, the possibility of restorative resolution cannot be determined solely by the parties' request for reconciliation. The nature of the offense and the applicable criminal penalty must first be examined.

These limitations are further reinforced by Article 82 of Law No. 20 of 2025, which excludes certain offenses from restorative justice mechanisms. The exclusions include offenses punishable by imprisonment of five years or more, offenses against human life, offenses subject to special minimum penalties, and certain offenses considered highly harmful or dangerous to society. Consequently, the analysis of an assault case must begin with an examination of the provision under which the conduct is charged and the applicable penalty. Assault cases whose characteristics and potential penalties satisfy the statutory requirements may be considered for restorative resolution, whereas cases falling within the excluded categories cannot be compelled into such a mechanism.

In addition to objective requirements, the new Code of Criminal Procedure emphasizes the free will of the parties. Article 81 provides that a restorative justice mechanism may be initiated at the request of an offender, suspect, defendant, or their family, and/or the victim or the victim's family. The mechanism may also be proposed by an investigator, prosecutor, or

judge. Nevertheless, the process must be conducted without pressure, coercion, intimidation, deception, threats of violence, violence, torture, or any act that degrades human dignity. This requirement is particularly significant in assault cases because reconciliation achieved through pressure exerted upon the victim would fundamentally conflict with the principles of restorative justice.

The protection of the victim's free will is also consistent with Supreme Court Regulation No. 1 of 2024 concerning Guidelines for Adjudicating Criminal Cases Based on Restorative Justice. The regulation identifies restoration of the original condition, protection and strengthening of victims' rights and interests, defendant accountability, consensuality, transparency, and accountability as important principles governing restorative justice. It also emphasizes that the restorative approach is not intended to automatically eliminate criminal responsibility. Reconciliation in assault cases should therefore be understood as a process that combines victim recovery with offender accountability, rather than as a means of eliminating legal responsibility without a legally accountable process.

From the perspective of normative legal research, the framework established by the new Code of Criminal Procedure demonstrates that restorative resolution of assault cases is based on a balance between law enforcement interests and the need for restoration. The interests of victims are protected through their right to obtain recovery and provide consent freely, while offenders are given an opportunity to take responsibility for their conduct through a process oriented toward repairing the harm caused. The interests of society also remain relevant because not every criminal offense is eligible for restorative resolution. Restorative justice should therefore not be equated with merely terminating a case following reconciliation. Rather, it constitutes a legal mechanism governed by specific requirements, procedures, and legal consequences.

Taken together, the relevant provisions indicate that assault offenses may be resolved through restorative justice under the new Code of Criminal Procedure only when the statutory and substantive requirements have been satisfied. The case must fall within the category of offenses eligible for restorative treatment, the parties must provide voluntary consent, and the agreement must be directed toward repairing the consequences of the offense. The enactment of Law No. 20 of 2025 represents a significant development in the legal framework governing assault cases because restorative mechanisms have formally become part of criminal procedural law. This framework provides a stronger legal basis for law enforcement authorities to pursue restorative resolutions while safeguarding victims' rights, maintaining offender accountability, and taking into account the interests of society.

3.2 Application of Restorative Justice in Assault Cases and Empirical Evidence

Indonesia is a state governed by the rule of law, as expressly recognized in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. One consequence of this principle is that the administration of the state, governmental activities, and social relations must be conducted in accordance with applicable law. Law does not merely function as an instrument for regulating social behavior, but also provides the basis for the state to exercise its authority, provide legal protection, and address various forms of violations arising within society.[13]

The application of restorative justice to assault cases occurring within communities is not a concept that emerged only after the enactment of the 2025 Code of Criminal Procedure. Before restorative justice obtained a statutory basis, the police, prosecution authorities, and courts had already developed mechanisms for resolving cases through restorative approaches under their respective regulations. Research on the application of restorative justice to assault cases within the jurisdiction of the Mamasa District Police indicates that the approach had already been implemented in practice and that several cases were resolved through reconciliation. Nevertheless, the study also identified cases that could not be resolved through restorative mechanisms because victims were unwilling to reconcile or because the cases had

progressed to a more advanced stage of proceedings.[14] These findings demonstrate that the success of restorative mechanisms is strongly influenced by the characteristics of the case and the willingness of the parties involved.

Similar findings can be observed in research concerning the resolution of assault cases within the jurisdiction of the Polewali Mandar District Police. The study recorded 50 assault cases handled in 2022, of which five were resolved through restorative justice, while most of the remaining cases were not concluded through that mechanism. In 2023, 42 cases were recorded, with three resolved through a restorative approach. Factors preventing the resolution of some cases included victims' unwillingness to reconcile, disputes arising from the relationship between the parties, cases that had already been transferred to the prosecution service, and the failure to satisfy the conditions required for restorative resolution.[15] These data illustrate that the availability of a restorative mechanism does not mean that every assault case can automatically be diverted from the formal criminal justice process.

These empirical findings are relevant to understanding the importance of victim consent within the framework of the new Code of Criminal Procedure. Victims are the parties who directly experience the consequences of criminal conduct. Therefore, restorative resolution should not be determined solely by the interests of the offender or considerations of law enforcement efficiency. A victim's refusal to reconcile should be treated as a legally relevant circumstance when determining whether a case is suitable for restorative resolution. This principle has become increasingly significant following Article 81 of Law No. 20 of 2025, which expressly prohibits the implementation of restorative mechanisms through pressure, coercion, intimidation, deception, threats of violence, or conduct that degrades human dignity. Consent must arise from the victim's free will rather than function merely as an administrative formality.

A factual example illustrating the use of a restorative approach in an assault case occurred in Malang Regency in 2025. The Malang District Police handled an alleged assault case in Kromengan District that originated from a misunderstanding among young people following an artistic event. During the course of the proceedings, the parties agreed to resolve the matter amicably. The police subsequently facilitated mediation and a case conference before terminating the preliminary inquiry after the formal and substantive requirements for restorative justice were considered satisfied.[16] The case demonstrates that a restorative approach may be employed where the nature of the conflict permits reconciliation and the parties are willing to resolve the matter voluntarily.

The case also demonstrates that restorative resolution requires a prior assessment process rather than merely an informal agreement between the victim and offender. Law enforcement authorities must establish the identities of the parties, the chronology of events, the nature of the harm suffered, the position of the victim, the offender's accountability, and compliance with the applicable legal requirements. The resulting agreement must then be incorporated into a legally accountable framework. This approach is consistent with Article 79 of Law No. 20 of 2025, which requires restorative measures to be formalized in an agreement and implemented before the case may be terminated. Reconciliation in an assault case should therefore not be regarded merely as a private arrangement between two individuals, since the case continues to involve criminal law considerations and broader public interests.

In contrast to cases successfully resolved through reconciliation, some assault cases do not satisfy the conditions necessary for restorative justice. Research conducted within the jurisdiction of the Polewali Mandar District Police indicates that victims may reject reconciliation because they consider that the harm and suffering they experienced have not been adequately addressed. In one of the cases examined, the victim refused reconciliation after sustaining injuries, requiring medical treatment, bearing the treatment expenses personally, and receiving what was perceived as an inadequate response from the offender.[17] This finding

demonstrates that restorative justice should not be used merely to accelerate case termination without first ensuring that the victim's needs have been properly addressed.

Within the framework of the new Code of Criminal Procedure, this situation is particularly significant because Article 79 places restoration at the core of the restorative mechanism. Restoration may include forgiveness, reimbursement of medical or psychological treatment expenses, payment of compensation, or measures to repair damage caused by the criminal offense. In assault cases, the form of restoration should correspond to the actual consequences experienced by the victim. Where the victim has suffered physical injuries and incurred medical expenses, the agreement should take those needs into account. Where the offense has also caused material losses or particular social consequences, the restorative measures should be formulated proportionately and in a manner that can realistically be implemented.

Beyond the issue of restoration, the application of restorative justice must also take into account the seriousness of the offense. The new Code of Criminal Procedure establishes limitations through Articles 80 and 82, meaning that restorative mechanisms cannot be applied indiscriminately to every type of criminal offense. Article 82, among other provisions, excludes offenses punishable by imprisonment of five years or more, offenses against human life, offenses carrying special minimum penalties, and certain offenses considered highly harmful or dangerous to society. These limitations are important for preventing restorative mechanisms from being applied to cases involving a high degree of danger or social impact that is inconsistent with the characteristics of restorative resolution.

These restrictions also provide parameters for law enforcement authorities when assessing assault cases. The assessment should not be based solely on the willingness of the victim and offender to reconcile, but should begin with identifying the nature of the offense and the applicable criminal provision. Authorities must then determine whether the case falls within the category eligible for restorative resolution and whether any exclusionary circumstances apply. Such an approach provides greater legal certainty than practices based solely on the internal discretion of law enforcement institutions. This is particularly important because previous research has demonstrated that, before restorative justice obtained a statutory basis, different mechanisms were applied by the police, prosecution service, and courts.[18]

At the judicial level, this development had previously been supported by Supreme Court Regulation No. 1 of 2024. The regulation permits a restorative approach to be applied to certain criminal cases, including minor offenses, complaint-based offenses, offenses carrying a maximum penalty of five years under one of the charges, and several other categories. However, judges may not apply the guidelines where the victim or defendant rejects reconciliation, where a relationship of power exists between the parties, or where the defendant has committed a similar offense within the prescribed period. These provisions reinforce the principle that restorative justice must take into account the balance between the parties and should not be applied where circumstances may undermine the victim's freedom to provide consent.

A comparison between the new Code of Criminal Procedure and practices preceding 2026 demonstrates a shift from a previously fragmented approach toward a more integrated mechanism within criminal procedural law. Before the enactment of the new Code, restorative justice in practice relied substantially on National Police Regulation No. 8 of 2021, Attorney General Regulation No. 15 of 2020, and Supreme Court Regulation No. 1 of 2024. Following the entry into force of Law No. 20 of 2025, the mechanism acquired a direct statutory basis and may be implemented from the preliminary inquiry stage through trial. This development is significant because it provides stronger legal legitimacy while establishing clearer requirements concerning restoration, consent, implementation of agreements, and the legal consequences of non-compliance.

Based on the normative analysis and the empirical evidence discussed above, the resolution of assault offenses through restorative justice under the new Code of Criminal Procedure can be understood as a mechanism that places restoration at the center of the process

without eliminating the principle of criminal accountability. Ideally, the mechanism should involve an assessment of the case's eligibility, an evaluation of the consequences and seriousness of the offense, verification of the victim's and offender's free will, formulation of a restorative agreement, implementation of the agreed obligations, and termination of the case only after those obligations have been fulfilled. Empirical evidence demonstrates that reconciliation may provide a means of resolving certain assault cases, but its effectiveness depends substantially on the parties' voluntary consent, meaningful restoration, and compliance with the applicable legal requirements. Accordingly, the new Code of Criminal Procedure provides a clearer normative foundation for restorative justice while affirming that resolving assault cases through reconciliation does not simply constitute the elimination of legal proceedings, but rather a legally regulated mechanism that must uphold legal certainty, victim protection, offender accountability, and the restoration of social relationships.

Conclusion

The findings of this study demonstrate that the settlement of assault offenses through restorative justice has acquired a stronger legal foundation following the enactment of Law No. 20 of 2025 concerning the Code of Criminal Procedure. This regulatory development reflects a broader transformation in Indonesian criminal procedural law, which no longer places punishment as the sole objective of criminal case resolution. Instead, it provides greater space for victim recovery, offender accountability, and the restoration of social relationships. Under the new Code of Criminal Procedure, restorative justice may be applied from the stages of preliminary inquiry and investigation through prosecution and trial, provided that the requirements stipulated by law are satisfied.

The application of restorative justice to assault offenses cannot be undertaken automatically merely because the victim and the offender agree to settle the matter amicably. The new Code of Criminal Procedure establishes limitations concerning the types and characteristics of offenses that may be resolved through restorative mechanisms, while also identifying offenses that are excluded from such procedures. Furthermore, any resolution must be based on consent that is genuinely and freely given, without pressure, coercion, intimidation, violence, or any other conduct that undermines the dignity of the parties. Accordingly, an agreement to reconcile constitutes part of a legally regulated mechanism that must satisfy both substantive and procedural requirements, rather than merely representing an informal agreement between the victim and the offender.

The implementation of restorative justice in assault cases prior to the enactment of the new Code of Criminal Procedure demonstrates that reconciliation mechanisms had already been utilized in law enforcement practice. However, their application largely depended on the specific characteristics of each case, the willingness of the victim and offender to reach an agreement, and compliance with the requirements established by the respective law enforcement institutions. The enactment of Law No. 20 of 2025 therefore represents an important legal development by providing a more integrated regulatory framework within Indonesian criminal procedural law. Nevertheless, the implementation of restorative justice must continue to take into account the interests of victims, the seriousness of the offense, offender accountability, and the broader interests of society. This approach is consistent with Supreme Court Regulation No. 1 of 2024, which identifies restoration of the circumstances, protection of victims' interests, the defendant's responsibility, consensuality, and transparency as fundamental principles in the application of restorative justice.

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