

Restorative Justice in the Implementation of Criminal Sanctions in the Form of Fines and Community Service for Perpetrators of Minor Physical Violence in the Household According to Law No. 1 of 2023

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Abstract

The development of Indonesian criminal law through Law Number 1 of 2023 concerning the Criminal Code marks a shift in the paradigm of punishment from a repressive approach to a more proportional, rehabilitative, and restorative approach. One important reform in the National Criminal Code is the introduction of alternative punishments in the form of fines and community service as punishment instruments aimed at reducing the dominance of imprisonment, including for certain crimes with a relatively low level of culpability and social impact. In the context of minor physical violence in the household, the application of alternative punishments is relevant because such crimes involve not only the punishment of the perpetrator but also consider the continuity of family relationships, victim recovery, social balance, and protection of the household structure. However, the application of fines and community service to perpetrators of minor physical violence in the household has sparked debate regarding their effectiveness in ensuring a sense of justice, victim protection, and the ability to create a restorative effect compared to conventional punishment approaches. This study aims to analyze the relevance of the concept of restorative justice to the application of fines and community service for perpetrators of minor physical violence in the household and examine whether the application of alternative punishments in the New Criminal Code is able to create a balance between the interests of victims, perpetrators, and society. The research method used is normative legal research with a legislative approach, conceptual, and case approach through an analysis of Law Number 1 of 2023 concerning the Criminal Code, criminal law doctrine, restorative justice theory, and modern criminal concepts. The results of the study indicate that the application of fines and community service has a strong relevance to the principles of restorative justice because it is able to encourage social recovery, reduce stigmatization of perpetrators, maintain the continuity of family relations, and open up space for a more proportional resolution of minor physical violence in the household. On the other hand, the effectiveness of alternative punishments in creating a balance between the interests of victims, perpetrators, and society is still influenced by the implementation mechanism, the quality of supervision, protection of victims, and the ability of the legal system to ensure that alternative punishments do not reduce the accountability of perpetrators for their actions.

Keywords: *Restorative Justice; Criminal Fines; Social Work; Domestic Violence; National Criminal Code.*

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2nd International Conference on Islamic Community Studies (ICICS)

Theme: History of Malay Civilisation and Islamic Human Capacity and Halal Hub in the Globalization Era

<https://proceeding.pancabudi.ac.id/index.php/ICIE/index>

Introduction

The reform of the national criminal law through Law Number 1 of 2023 concerning the Criminal Code (National Criminal Code) marks a fundamental shift in the paradigm of punishment in Indonesia, which was previously heavily oriented towards punishment (punitive justice) towards a more humanistic, rehabilitative, and restorative approach. This reform arose from the need to adapt the criminal law system to societal developments, the dynamics of human rights protection, and criticism of the dominance of imprisonment, which has been deemed ineffective in creating a deterrent effect or social recovery. In this context, the National Criminal Code introduces alternative forms of punishment such as fines and community service as punishment instruments that are expected to be able to reduce the negative impact of imprisonment while establishing a balance between the interests of punishment, rehabilitation, and social reintegration of criminal offenders.^[1]

This shift in the orientation of criminal punishment becomes crucial when it comes to the crime of minor physical violence in the household, which has distinct characteristics compared to other violent crimes in general. Minor physical violence in the household is not only related to legal violations against the victim's body and integrity, but also concerns emotional, economic, and social relationships, and the continuity of complex family structures. Under certain conditions, overly repressive punishment for perpetrators can actually exacerbate new social impacts, such as family disintegration, loss of household economic function, psychological distress for children, and increased protracted domestic conflict. Therefore, there is a need to implement a more proportional criminal punishment policy for minor physical violence in the household, while maintaining victim protection without ignoring the possibility of restoring social relationships that can still be improved.^[2]

Law Number 1 of 2023 concerning the National Criminal Code demonstrates the state's efforts to reduce the dominance of imprisonment by strengthening alternative punishments, including community service and fines, as a response to the principle of individualization of punishment. This concept positions punishment not only as a means of retribution but also as an instrument of social development that considers the level of culpability, the impact of the crime, the perpetrator's condition, and opportunities for rehabilitation and social reintegration. In cases of minor physical violence within the household, the application of alternative punishments is relevant because it opens up space for more adaptive resolutions that take into account the sustainability of family relationships, the needs of the victim, and the broader social interests of society.^[3]

On the other hand, academic and practical debate has emerged regarding the effectiveness of implementing alternative punishments for perpetrators of minor physical violence in the home. Some believe that fines and community service have the potential to create more restorative solutions because they do not directly sever social ties and allow perpetrators to be held accountable for their actions in a more productive manner within the community. However, there are also concerns that implementing alternative punishments risks undermining victims' sense of justice if not accompanied by adequate legal protection, effective oversight mechanisms, and assurances that perpetrators will not repeat domestic violence.^[4]

From the perspective of restorative justice theory, criminal case resolution should ideally be directed at redressing social harm, balancing relationships between parties, holding perpetrators accountable, and social reintegration, rather than solely relying on formal punishment. This concept is relevant to acts of minor physical violence in the home because the relationship between victim and perpetrator generally involves emotional, familial, and ongoing social dimensions that cannot always be resolved through a prison sentence. Therefore, the application of fines and community service in the National Criminal Code can be understood as a punishment instrument that overlaps with the restorative justice orientation, as long as it ensures the safety of the victim and the accountability of the perpetrator for their actions.^[5]

Normatively, the sentencing policy in the National Criminal Code also demonstrates a strengthening of the principle of balance between community protection, the interests of

victims, and the rights of perpetrators. The modern penal system no longer views punishment solely as a means of state revenge, but also as an instrument of social reconstruction to minimize the risk of recidivism and mitigate the negative impacts of short-term imprisonment. In the context of minor acts of physical violence in the home, such an approach is important because not all domestic conflicts need to end in imprisonment, particularly in cases that involve limited social damage and still offer opportunities for healthy reconciliation without compromising victim protection.^[6]

However, the implementation of restorative justice-based alternative punishments for perpetrators of minor physical violence in the home still faces conceptual and implementation challenges. One major issue is the lack of clarity regarding the practical limits on when community service or fines are more appropriate than imprisonment, including how to ensure a balance between the interests of the victim, the perpetrator, and the community is maintained. Furthermore, there are concerns that alternative punishments could be perceived as a form of "weakening the punishment" for domestic violence if not established through objective parameters and strict oversight mechanisms.^[7]

From the perspective of Gustav Radbruch's theory of legal objectives, the law must be able to create a balance between legal certainty (*rechtssicherheit*), justice (*gerechtigkeit*), and utility (*zweckmäßigkeit*). The application of alternative punishments to perpetrators of minor physical violence in the household provides an important opportunity to examine how the balance of these three legal objectives is realized in the practice of national criminal policy. Overly repressive law enforcement has the potential to sacrifice social benefits and the continuity of family relations, while an overly lenient approach can undermine victims' sense of justice and the legitimacy of criminal law itself. Therefore, the formulation of restorative justice-based punishments requires a more comprehensive analysis of the relevance of alternative punishments to victim protection, perpetrator accountability, and the interests of society.^[8]

Based on these conditions, the author argues that the reform of criminal penalties through fines and community service in the National Criminal Code must be understood not only as a technical change in criminal law, but as a paradigm transformation towards a criminal system that is more oriented towards social recovery and a balance of legal interests. This research is important to analyze how the concept of restorative justice is relevant to the application of fines and community service for perpetrators of minor physical violence in the household and whether the application of alternative punishments in the New Criminal Code is able to create a balance between the interests of victims, perpetrators, and society within the framework of a more modern, proportional, and just Indonesian criminal law.^[9]

Research Methodology

This study uses a normative legal research method with a prescriptive-analytical character to examine the relevance of the concept of restorative justice to the application of fines and community service for perpetrators of minor physical violence in the household and analyzes the ability of alternative punishments to create a balance between the interests of victims, perpetrators, and society according to Law Number 1 of 2023 concerning the Criminal Code. Normative legal research was chosen because the research object focuses on the construction of legal norms, principles of punishment, restorative justice theory, and the formulation of national criminal law policies regulated through legislation and modern criminal law doctrine. From a methodological perspective, normative legal research is used to examine the law in books through an analysis of legal norms, principles, theories, and concepts to obtain prescriptive arguments regarding how the law should be applied (*ius constituendum*) in the context of alternative punishment for perpetrators of minor physical violence in the household. This research approach is also relevant to the methodological thinking developed by Fitri Rafianti in legal research based on a normative approach and legal policy analysis as an instrument for understanding the dynamics of legal protection and reform of the criminal law system.

The research approaches used include a statutory approach, a conceptual approach, and a case approach. The statutory approach is carried out through a systematic review of various regulations relevant to the research object, including Law Number 1 of 2023 concerning the Criminal Code, specifically provisions regarding fines, community service, the purpose of punishment, and individualization of punishment; Law Number 23 of 2004 concerning the Elimination of Domestic Violence; Law Number 39 of 1999 concerning Human Rights; and other criminal law provisions relating to victim protection and alternative punishment. The conceptual approach is used to analyze the theory of restorative justice, the theory of the purpose of punishment, the theory of the balance of legal interests, the concept of victim protection, and the principle of proportionality in punishment. Meanwhile, the case approach is carried out through a study of the practice of implementing alternative punishment and the dynamics of punishment policies for minor physical violence in the household as material for normative evaluation of the effectiveness of national criminal law reform.^[10]

The legal sources in this study consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include all laws and regulations directly related to the research theme, such as Law Number 1 of 2023 concerning the Criminal Code, Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Law Number 39 of 1999 concerning Human Rights, and other regulations related to the criminal justice system, victim protection, and the principle of social recovery. Secondary legal materials were obtained through literature studies in the form of books, scientific journals, research results, academic articles, and legal doctrines that discuss restorative justice, alternative punishments, community service punishments, fines, and Indonesian criminal law reform. In the context of legal methodology, Fitri Rafianti's scientific articles and academic studies are used as one of the conceptual references to understand the pattern of normative analysis of legal policies that place aspects of protection, recovery, and substantive justice as the orientation of contemporary legal research.

The legal material collection technique is carried out through library research by inventorying, identifying, classifying, and analyzing laws and regulations, books, journals, decisions, scientific articles, and legal documents that are relevant to the research object. The legal material analysis is carried out qualitatively using legal interpretation methods and deductive thinking patterns, namely connecting general legal norms with more specific legal issues regarding the relevance of restorative justice to fines and community service for perpetrators of minor physical violence in the household. With this method, the research is directed at producing a legal argument construction that is able to explain whether the application of alternative punishments in the National Criminal Code has reflected a balance between the interests of victims, perpetrators, and society from the perspective of criminal law reform based on restorative justice.^[11]

Results

The Relevance of the Concept of Restorative Justice to the Implementation of Criminal Fines and Social Work for Perpetrators of Minor Physical Violence in the Household

The development of national criminal law policy through Law Number 1 of 2023 concerning the Criminal Code indicates a shift in the orientation of punishment from a retributive punishment paradigm to a more humanistic, rehabilitative, and restorative punishment paradigm. One significant reform is the strengthening of alternative punishments in the form of fines and community service sentences, designed as punishment instruments to reduce the dominance of imprisonment, especially for crimes with a relatively limited level of social harm and intensity of culpability. In the context of minor physical violence in the household, this reform is relevant because domestic cases have a unique relationship character, namely involving emotional, economic, and the continuity of family functions that are not always appropriately resolved through a repressive punitive approach that permanently sever social ties.^[12]

Normatively, the relevance of fines and community service penalties for perpetrators of minor physical violence in the household must be read systematically with Law Number 23 of 2004 concerning the Elimination of Domestic Violence, which aims to provide protection for victims while encouraging a more humane resolution of domestic conflicts without ignoring the accountability of the perpetrator. In cases of minor physical violence, the relationship between the perpetrator and victim is generally still within the family scope, which allows for opportunities for reconciliation, recovery, and social reintegration if carried out through an appropriate legal approach. Therefore, alternative punishment in the National Criminal Code can be understood as a form of state response to the need for a more proportional case resolution by considering the level of culpability, social impact, and the sustainability of family relations.^[13]

The concept of restorative justice essentially aims to restore the balance of social relations disrupted by criminal acts through perpetrator accountability, victim protection, and the reconstruction of social harmony. In restorative theory, punishment is not merely positioned as a tool of state retaliation, but as a means of redressing the losses arising from a criminal act. Therefore, the relevance of the concept of restorative justice to the application of fines and community service is very strong because both forms of punishment conceptually allow perpetrators to remain accountable for their mistakes without having to experience imprisonment, which has the potential to exacerbate domestic conflict, eliminate the family's economic function, and cause broader social trauma.^[14]

Community service punishment specifically demonstrates a close alignment with the principles of restorative justice because its orientation is not only punishment, but also social development and strengthening the perpetrator's moral responsibility to society. From a modern criminal justice perspective, community service is seen as a form of community-based punishment that allows perpetrators to experience legal consequences productively through certain social contributions, rather than undergoing short-term imprisonment, which often does not produce a rehabilitative effect. For perpetrators of minor physical violence in the household, community service punishment has restorative relevance because it still provides sanctions for the mistake, while at the same time avoiding the destructive effects of permanent family separation, especially when the crime was committed without the intention of serious violence and still creates a safe space for reconciliation for the victim.^[15]

Similarly, fines are relevant to restorative justice when applied proportionally and not merely interpreted as a form of monetization of criminal wrongdoing. From a restorative perspective, fines can be positioned as a form of legal accountability that allows perpetrators to bear the economic consequences of their actions while providing opportunities for recovery for victims, as long as their implementation still considers the interests of victim protection and does not result in new inequalities in household relations. Therefore, fines must be positioned not merely as administrative sanctions, but as a punishment instrument integrated with the goals of social recovery and balanced family relationships.^[16]

T. Riza Zarzani explained that restorative justice cannot be understood as the elimination of criminal responsibility, but rather as a case resolution approach that places a balance between the interests of the victim, the perpetrator, and society as the primary orientation of the modern criminal law system. This perspective shows that the relevance of community service and fines in cases of minor physical violence in the household lies in their ability to create a space for recovery without eliminating the legal accountability function of the perpetrator. Therefore, the application of alternative punishments must still be accompanied by an evaluation of the victim's safety, the perpetrator's level of culpability, and the possibility of reconstructing healthy social relationships.

From the perspective of the theory of the purpose of punishment, the relevance of restorative alternative punishment is also evident in its ability to balance the elements of retribution, prevention, rehabilitation, and social protection. Short-term prison sentences for perpetrators of minor physical violence in the household are often considered ineffective

because they create economic burdens, family disintegration, and escalate new social conflicts without guaranteeing the victim's recovery. Conversely, the imposition of fines and community service opens up the possibility of more constructive accountability because perpetrators are still subject to legal sanctions, but with a more rehabilitative and restorative orientation.^[17]

However, the relevance of restorative justice to the application of alternative punishments cannot be interpreted in an absolute sense. Not all domestic violence cases deserve to be resolved through fines or community service, especially when there is a pattern of repeated violence, dominant power relations, serious threats to the victim's safety, or severe psychological trauma. Therefore, the application of alternative punishments must be based on the principles of selectivity, proportionality, and victim protection so that the restorative approach does not become a justification for weakening legal protections for victims of domestic violence.^[18]

From the perspective of Gustav Radbruch's theory of legal objectives, the application of alternative punishments to perpetrators of minor physical violence in the household demonstrates the need for a balance between legal certainty, justice, and expediency. Legal certainty is realized through the normative legitimacy of alternative punishments in the National Criminal Code, justice is realized through the accountability of the perpetrator and the protection of the victim, while expediency is realized through the opportunity for social recovery and the continuation of family functions that can still be improved. Therefore, fines and community service have strong relevance to the concept of restorative justice as long as their application continues to consider the objective conditions of the victim and the level of social risk of the crime committed.^[19]

From the author's synthesis perspective, the relevance of the restorative justice concept to the application of fines and community service for perpetrators of minor physical violence in the household lies in its ability to develop a punishment model that not only punishes but also repairs social relationships damaged by the crime. The author believes that alternative punishment should be positioned as a restorative punishment model that integrates perpetrator accountability, victim protection, and family social rehabilitation in a proportional manner. In this context, punishment is no longer understood solely as a formal punishment mechanism, but as a means of social reconstruction that maintains the dignity of the victim while providing opportunities for behavioral change towards the perpetrator.^[20]

The author also assesses that the effectiveness of restorative justice in relation to fines and community service requires clearer implementation parameters, including indicators of case eligibility, evaluation of the level of violence, victim safety, social service oversight mechanisms, and strengthening psychological rehabilitation for both perpetrators and victims. Without objective parameters, alternative punishments have the potential to be perceived as a weakening of sanctions against domestic violence. Therefore, the implementation of restorative-based alternative punishments must be developed through legal policies that maintain a balance between victim protection, effective punishment, and the restoration of social relations in a more humane and just manner.^[21]

The Implementation of Alternative Criminal Procedures in the New Criminal Code Can Create a Balance Between the Interests of Victims, Perpetrators, and Society

The reform of criminal law through Law Number 1 of 2023 concerning the Criminal Code presents a fundamental change in the national penal system by introducing alternative punishment models as part of a more modern, proportional, and humanistic orientation to punishment. The penal system in the New Criminal Code no longer places imprisonment as the dominant instrument, but begins to develop a more varied approach to punishment through supervision, fines, and community service as a form of individualization of punishment that considers the level of culpability, social impact, the perpetrator's condition, and the interests of society. This reform demonstrates the state's efforts to establish a balance between the functions of punishment, social protection, and rehabilitation without eliminating the aspect of criminal accountability of the perpetrator.

In cases of minor physical violence within the household, the need for a balance of legal interests becomes increasingly important because the crime that occurs is not only legal, but also social, emotional, economic, and relational. The relationship between the victim and the perpetrator is generally still within an interconnected family structure, so that an overly repressive criminal approach often results in additional social consequences such as family disintegration, loss of livelihoods, psychological trauma for children, and increased domestic conflict. Therefore, the implementation of alternative punishments in the New Criminal Code can be understood as an effort by the state to create a legal solution that not only punishes the perpetrator, but also maintains social balance within the family space, as long as the safety and rights of the victim continue to receive adequate legal protection.^[22]

Balancing the interests of victims in the application of alternative punishments is achieved by strengthening the orientation of protection and recovery from the impact of criminal acts. From a restorative justice perspective, victims are no longer positioned as passive parties in the legal process, but as subjects whose interests must be restored through guarantees of security, recognition of suffering, and protection against the possibility of recurrence of violence. Therefore, the application of community service or fines to perpetrators of minor physical violence in the household is only relevant if it still guarantees the victim's sense of security, an evaluation of the risk of recurrence of violence, and a control mechanism for the perpetrator's behavior after conviction. This approach is crucial to prevent alternative punishments from becoming a symbol of veiled impunity for perpetrators of domestic violence.^[23]

From the perspective of the perpetrator's interests, the alternative punishments in the New Criminal Code offer greater opportunities for social rehabilitation than short-term imprisonment. Community service, for example, allows perpetrators to serve their sentences productively while maintaining economic function and family responsibilities, while fines provide legal consequences that remain punitive without creating excessive social stigma and marginalization due to the experience of imprisonment. Such policies align with the principle of individualization of punishment, which places proportionate punishment based on the perpetrator's specific circumstances and the broader objectives of punishment.

From a societal perspective, alternative punishments also have relevance to broader social interests because they reduce the negative impact of correctional overcrowding, increase state cost efficiency, and increase opportunities for social reintegration of offenders. In criminal policy theory, the effectiveness of punishment is measured not only by the severity of the sentence, but also by the legal system's ability to reduce reoffending and foster social order. Therefore, effectively structured and supervised community service can serve both an educational and restorative function for both offenders and the community.^[24]

However, the effectiveness of alternative punishments in balancing the interests of victims, perpetrators, and society cannot be fully understood. Not all cases of minor physical violence in the home are suitable for resolution through alternative punishments, especially when there are indications of repeated violence, dominant power relations, intimidation of the victim, economic dependence that makes the victim vulnerable, or the potential for severe psychological trauma. In such situations, the application of alternative punishments without selective parameters has the potential to exacerbate injustice, as victims may feel the state is not providing adequate protection for their suffering.^[25]

T. Riza Zarzani emphasized that restorative justice must be positioned as an approach that balances victim protection, perpetrator accountability, and the social interests of the community without negating the function of criminal law as an instrument of social protection. This perspective shows that the application of alternative punishments can only achieve balance if it remains based on an objective evaluation of the level of culpability, the impact of the crime, the victim's condition, and the opportunity for social recovery. In other words, restorative justice does not mean reducing the perpetrator's accountability, but rather directing punishment toward a more productive and constructive form of accountability for all parties.

From the perspective of Gustav Radbruch's theory of legal objectives, the ability of alternative punishments to create balance can be analyzed through three main elements: legal certainty, justice, and expediency. Legal certainty is reflected in the normative legitimacy of alternative punishments, which are explicitly regulated in the National Criminal Code. Justice is realized through perpetrator accountability and victim protection, while expediency is reflected in opportunities for social rehabilitation and the restoration of family relationships that can still be improved. Thus, alternative punishments have great potential to create legal balance when applied selectively, proportionally, and based on victim protection.

On the other hand, the effectiveness of alternative punishments is greatly influenced by the quality of institutional implementation. Without oversight of social work implementation, victim risk assessment, mechanisms for monitoring perpetrator behavior, and integration of family psychological rehabilitation services, alternative punishments can lose their restorative function and instead be perceived as a weakening of punishment for domestic violence. Therefore, the application of alternative punishments requires more detailed implementation policies, including case eligibility indicators, risk evaluation standards, and a victim-protection-based oversight system to truly achieve the goal of legal balance.^[26]

In the author's synthesis perspective, the application of alternative punishment in the New Criminal Code basically has the normative and conceptual capacity to create a balance between the interests of victims, perpetrators, and society, but its success is largely determined by the quality of implementation and the courage of law enforcement officers to apply the principles of selectivity and proportionality. The author is of the view that alternative punishment should not be positioned as a form of leniency alone, but rather as a restorative punishment mechanism that integrates victim protection, perpetrator responsibility, and family social recovery within a more humane and substantive criminal policy framework.

The author also believes that a balance of interests in cases of minor domestic violence can only be achieved if alternative punishments are implemented through a risk-based sentencing approach, namely by considering the level of threat to the victim, the opportunity for healthy reconciliation, the level of culpability of the perpetrator, and the social impact on the family structure. Within this framework, fines and community service must be understood as corrective instruments aimed at improving social relations without eliminating the legitimacy of punishment, so that national criminal law reforms can truly reflect the objectives of law that are just, beneficial, and provide substantive protection for all parties.^[27]

From the perspective of criminal law policy analysis, the implementation of alternative punishments in the New Criminal Code essentially demonstrates a shift in the state's orientation from a repressive punishment pattern to a criminal settlement model that is more adaptive to social needs. This shift is important because in cases of minor physical violence in the household, the impact of the crime does not always stop at the relationship between the state and the perpetrator, but also affects family stability, the psychological condition of the victim, the continuity of childcare, and the household's economic resilience. Therefore, fines and community service can be understood as instruments that theoretically have the ability to maintain a balance between punishment and social recovery, as long as their implementation continues to guarantee protection for the victim and does not reduce the perpetrator's legal responsibility. In this context, balance is not interpreted as a mathematically equal position between the rights of the perpetrator and the victim, but as a condition where the legal system is able to provide protection, accountability, and social benefits proportionally without causing new legal losses to certain parties.

From the perspective of the victim's interests, the effectiveness of alternative punishment depends heavily on the extent to which the legal system guarantees a sense of security, psychological protection, and assurance that the perpetrator will not repeat the act of violence. The author believes that one potential weakness in the application of fines and community service is the perception that the perpetrator receives too lenient a form of punishment, which can lead to secondary victimization, where the victim feels the state has not provided an

adequate legal response to their suffering. Therefore, alternative punishment can only truly create balance if it is accompanied by a risk assessment mechanism, monitoring of the perpetrator's behavior, limiting certain interactions when necessary, and providing psychological recovery services for the victim. Therefore, the restorative approach is not understood as a compromise to the victim's suffering, but rather as a more comprehensive form of legal protection oriented toward long-term recovery.

From the perpetrator's perspective, the application of alternative punishments creates a more rational opportunity for social development than short-term imprisonment, which often results in stigmatization and social marginalization. In many cases, imprisonment for perpetrators of minor physical domestic violence has the potential to disrupt the family's economic functioning, increase domestic conflict, and even exacerbate social instability for children in the family. Therefore, community service and fines have strategic value in maintaining the perpetrator's social responsibility without eliminating the legal consequences of their actions. However, the effectiveness of this approach will only be achieved if the perpetrator is also required to participate in behavioral rehabilitation mechanisms, family counseling, or emotional management education so that alternative punishments are not merely symbolic but actually encourage behavioral change and prevent recurrence of violence.

Meanwhile, from a societal perspective, the implementation of alternative punishments in the New Criminal Code demonstrates significant potential for enhancing efficiency in the criminal justice system while strengthening the restorative function of law. Prisons, which have long experienced problems with overcrowding, demonstrate that the dominance of imprisonment is not always the most effective solution for all types of crimes, especially crimes with a relatively low level of social danger. In this context, community service and fines can serve as a means of social education, demonstrating that punishment is not merely about retribution, but also about ameliorating the social impact of a crime. Thus, the ability of alternative punishments to strike a balance between the interests of victims, perpetrators, and society is largely determined by the state's ability to build a selective, measurable implementation system based on substantive legal protection, so that the goals of modern, just punishment can be more optimally realized.

Conclusion

Based on the description of the relevance of the concept of restorative justice to the application of fines and community service for perpetrators of minor physical violence in the household, it can be concluded that the reform of criminal law through Law Number 1 of 2023 concerning the Criminal Code demonstrates a shift in the paradigm of punishment towards a more rehabilitative, proportional, and social recovery-oriented approach. Fines and community service are strongly relevant to the concept of restorative justice because they are able to integrate perpetrator accountability, victim protection, and the continuity of family social relations without always placing imprisonment as the primary solution to resolve domestic conflicts. In the context of minor physical violence in the household, alternative punishments open up opportunities for the creation of more humane legal solutions through the restoration of social relations, prevention of the destructive impact of imprisonment on the family, and more constructive guidance for perpetrators. However, the application of alternative punishments cannot be interpreted as absolute because their effectiveness is greatly influenced by an evaluation of the level of violence, victim safety, opportunities for healthy reconciliation, and the state's ability to provide objective oversight mechanisms so that the restorative approach does not turn into a weakening of legal protection for victims of domestic violence.

Meanwhile, the application of alternative punishments in the New Criminal Code in principle has the normative capacity to create a balance between the interests of victims, perpetrators, and society as long as they are implemented selectively, proportionally, and based on substantive legal protection. The interests of victims can be safeguarded through protection mechanisms, psychological recovery, and monitoring of the risk of recurrent violence; the

interests of perpetrators are realized through social development and reducing the stigma of excessive punishment; while the interests of society are realized through the efficiency of the correctional system, strengthening the educational function of law, and preventing broader social conflict. Therefore, the success of alternative punishments in achieving legal balance is largely determined by the quality of institutional implementation, standardization of case eligibility parameters, mechanisms for rehabilitating perpetrator behavior, and a risk-based approach that can ensure that punishment not only meets the aspect of legal certainty, but also produces justice and social benefits in a more sustainable manner.

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