

# Effectiveness and Challenges of Restorative Justice in Resolving Domestic Violence Cases: An Empirical Study at the Batam City Prosecutor's Office

Siti Aisyah<sup>1</sup> | Ampuan Situmeang<sup>1</sup> | Hari Sutra Disemadi<sup>1</sup>

1. Universitas Internasional Batam, Indonesia

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## Abstract

Domestic violence remains a pervasive social and legal issue in Indonesia, particularly in Batam City, despite existing legal frameworks. This study aims to analyze the effectiveness of resolving domestic violence cases through restorative justice at the Batam City Prosecutor's Office and to identify factors influencing its implementation. Employing an empirical legal research method with a juridical-sociological approach, data were collected through interviews, observations, and document analysis. The results reveal that while restorative justice provides a humane and efficient alternative to conventional prosecution—prioritizing victim recovery, offender accountability, and the restoration of social harmony—its application faces challenges. These include limited regulatory authority, punitive mindsets among law enforcement, and low public awareness. However, supporting factors such as an established legal basis, positive prosecutorial attitudes, and community involvement contribute to its success. The study concludes that restorative justice is a viable, progressive approach to addressing domestic violence cases. Sustainable implementation requires regulatory refinement, professional training, and cultural shifts toward restorative principles.

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## Introduction

Domestic violence (*Kekerasan Dalam Rumah Tangga/KDRT*) remains a significant social and legal issue in Indonesia. It encompasses all forms of violence occurring within a household, including physical, psychological, sexual abuse, and neglect, perpetrated by one family member against another. *KDRT* often arises in marital or familial relationships where the perpetrator holds emotional or economic power over the victim. In Indonesia, *KDRT* is governed by Law No. 23 of 2004 on the Elimination of Domestic Violence (*PKDRT* Law), which explicitly defines domestic violence as a criminal act and establishes protections and rights for victims.

Various factors contribute to domestic violence, including power imbalances within households, economic pressures, patriarchal cultural norms, and low legal awareness. Despite existing regulations, many victims hesitate to report abuse due to fear, social stigma, or dependence on the perpetrator (Setiawan, 2024). Although *PKDRT* Law and related regulations aim to protect victims and prosecute offenders, domestic violence remains prevalent across many regions. In 2023, the Riau Islands reported the highest number of domestic violence cases involving women and children, totaling 1,157 incidents

Correspondence regarding this article should be addressed to:  
Ampuan Situmeang, Universitas Internasional Batam, Indonesia  
Email address: [ampuan.situmeang@uib.ac.id](mailto:ampuan.situmeang@uib.ac.id)



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(Fadillah et al., 2024). This alarming figure underscores that domestic violence continues to pose a serious threat to vulnerable groups, particularly women and children, who are often victimized by close family members (Utama et al., 2025). Efforts to address domestic violence include stricter law enforcement and awareness campaigns through media and social organizations. However, complex factors such as power imbalances, uncontrolled emotions, economic hardship, and even political differences within families continue to fuel domestic violence (Jabali, 2024; Mentari, 2024).

Recent cases in Batam City illustrate these complexities. In 2023, a police officer was reported for committing violence against his wife and child, drawing public attention because the perpetrator was a law enforcement officer (Darmawan, 2023). Other cases revealed how political disagreements between spouses can escalate into violence (Mubarok, 2021). On a positive note, Batam has begun implementing more humane legal approaches, such as restorative justice, offering non-litigation alternatives that aim to restore family harmony (Pangestu et al., 2024). These developments highlight the need for a comprehensive approach to protect and deliver justice to victims. One significant challenge in addressing domestic violence is the gap between the legal provisions and their practical enforcement. Although *PKDRT* Law explicitly defines forms of violence in Articles 1(1), 5, and 10, and guarantees victims' rights to protection, legal aid, and rehabilitation, implementation remains far from ideal (Jamilah & Adicahya, 2014). Social stigma, fear of retaliation, and limited access to support services, such as *UPTD PPA*, often deter victims from seeking help (Sidik & Suherman, 2024). Bridging this gap requires concrete solutions to create an environment genuinely free from domestic violence.

Restorative justice has emerged as a promising approach in Batam for handling domestic violence cases. Unlike traditional criminal justice systems that emphasize punishment, restorative justice focuses on restoring social relationships, ensuring justice for victims, and promoting offender accountability. Many victims are reluctant to pursue legal action due to economic dependence, social pressure, or a desire to maintain family unity. Restorative justice offers a balanced solution, safeguarding victims while preserving family bonds through mediated agreements involving victims, offenders, and relevant stakeholders. This approach empowers victims to heal, encourages offender accountability, and helps prevent recurring violence through binding agreements. Despite challenges, restorative justice represents an effective alternative for resolving domestic violence cases, especially when victims remain emotionally or economically tied to their abusers.

Several previous studies have explored the use of restorative justice in domestic violence cases. Siti Humaira (2020) examined obstacles to implementing restorative justice in Bireuen District, focusing on legal structure, substance, and culture. Anwar et al. (2020) emphasized the need for legal reform but largely addressed normative aspects without thoroughly assessing prosecutorial effectiveness, as this study does. Other studies, such as Rosalin & Usman (2023) analyzed restorative justice from a legal utility theory perspective but offered limited practical insights specific to Batam. Dheny Wahyudhi and Herry Liyus (2020) highlighted the importance of multi-stakeholder involvement but lacked applied regional analysis (Liyus & Wahyudi, 2020).

This research fills a significant gap by examining the effectiveness of restorative justice in domestic violence cases in Batam City, with a specific focus on local context and prosecutorial decision-making processes. It contributes novel, empirical insights into the factors supporting successful implementation, providing valuable input for improving legal practices in Indonesia. The study employs Soerjono Soekanto's theory of legal effectiveness, analyzing five key factors: legal substance, law enforcement, facilities and infrastructure, public awareness, and legal culture (Mawaddah & Haris, 2022). The findings aim to guide policymakers and law enforcement agencies in enhancing the effectiveness of restorative justice, promoting inclusive, recovery-oriented justice, and reducing over-penalization in the criminal justice system. However, the study has certain limitations, primarily its geographic focus on Batam City. The social, cultural, and legal enforcement characteristics in Batam may differ from other regions, affecting the generalizability of the findings. As such, applying these results nationally requires caution. Broader studies encompassing diverse regions are necessary to validate and strengthen the national relevance of the findings.

## Method

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This research is an empirical legal research that examines law in practice by relying on field data as the main source of information (S & Usman, 2023; Disemadi, 2022). The type of empirical research used to study the effectiveness or ineffectiveness of understanding how the law, especially restorative justice in cases of Domestic Violence (KDRT), is applied in society and how legal norms interact with social behavior. The approach used is the restorative justice approach, which emphasizes conflict resolution through reconciliation and recovery for victims and perpetrators, as well as the juridical-sociological approach (Triantoro, 2022), where the legal approach is used to analyze relevant laws and regulations, such as the Domestic Violence Law Number 23 of 2004 and the legal policies implemented by the Batam City Prosecutor's Office, while the sociological approach is used to explore social factors that influence the effectiveness of the implementation of restorative justice in handling domestic violence cases in Batam City.

The types of data used in this study consist of primary and secondary data, where primary data is obtained directly from interviews with various parties involved in the legal process, such as prosecutors, victims, perpetrators, and other parties authorized in the implementation of restorative justice, while secondary data includes primary legal materials, such as the Domestic Violence Law and related regulations, secondary legal materials in the form of journals, books, and previous research, and tertiary legal materials in the form of legal dictionaries and other supporting documents. Data collection techniques were carried out through in-depth interviews, direct observation of the process of implementing restorative justice at the Batam City Prosecutor's Office, and document studies of relevant regulations and policies. The data analysis technique used was a qualitative analysis method, which was carried out through data reduction, data presentation, and drawing conclusions, allowing the author to understand more deeply how restorative justice is applied in resolving domestic violence crimes, as well as identifying challenges and supporting factors in its implementation in Batam City. With this approach, the study is expected to provide more comprehensive insights into the effectiveness of restorative justice in the legal and social context in Indonesia.

## Discussion

### **Effectiveness of Settlement of Domestic Violence Crimes Through Restorative Justice at the Batam City Prosecutor's Office**

Domestic violence is a form of crime that has significant social and psychological impacts on victims, especially women and children (Hasan et al., 2023). Based on Article 1 Number 1 of the Domestic Violence Law Number 23 of 2004, Domestic Violence is any act against a person, especially a woman, which results in physical, sexual, psychological misery or suffering, and/or neglect of the household, including threats to commit acts, coercion, or unlawful deprivation of liberty within the household. Domestic violence is not only limited to the dynamics between husband and wife, but also includes acts of aggression directed at other individuals within the household (Supriyadi et al., 2024). The parties included in this scope include: (1) husband, wife, and children, including stepchildren and adopted children; (2) household members who have family relationships with the husband, wife, and children through blood, marriage, breastfeeding, foster care, or guardianship; and (3) individuals who live in the home and work to help the household (Lesnussa et al., 2021).

Domestic violence figures have fluctuated in recent years because the steps taken by state institutions to combat this crime have been quite massive (Santy, 2020). Domestic violence nationally is caused by many factors. First, a combination of many problems, such as economic, social, children, and so on. Second, economic. Third, education and faith. The dominant factor that causes domestic violence is economic (Tahir, 2022). In this case, there are at least two groups that are perpetrators and victims of domestic violence. First, they are economically stable. Second, the poor. Those who are economically stable can commit domestic violence for various reasons, such as having a mistress and so on. In addition, husbands and wives are too busy working, the impact is that children do not get attention, so they fall into free association and drugs which causes the husband to commit domestic violence against his wife as an outlet for his frustration. Cases of Domestic Violence committed by husbands against wives are caused by weak economic factors, unemployed husbands and have a temperamental nature (Fakhruzy, 2021). The economic factor in question is domestic violence committed by a husband against

his wife due to a lack of economic needs, the wife works to support the family while the husband is unemployed (Imas & Fahrazi, 2024).

Current developments show that acts of physical, psychological, sexual violence and domestic neglect often occur, so that adequate legal instruments are needed to eliminate domestic violence. The provisions in the Criminal Code (*KUHP*) Article 285 do not regulate sexual violence that can occur in the household between husband and wife. Based on the weaknesses of the Criminal Code, special regulations are needed regarding domestic violence. This condition is part of the background to the birth of the *PKDRT* Law No. 23 of 2004, which can be said to have made domestic violence, which was initially a form of violence in the domestic sphere, into violence in the public sphere. Thus, there is already a legal system that guarantees protection for victims of domestic violence.

The Domestic Violence Law No. 23 of 2004 contains the obligations of law enforcement officers, social workers, health workers, volunteer companions and also spiritual guides so that these parties are more responsive to the interests of families and households which from the beginning have the goal of harmony and unity of the household. Specifically, according to article 4 of the Domestic Violence Law Number 23 of 2004, it aims to prevent all types of violence in the household, protect victims of domestic violence, provide sanctions to perpetrators of Domestic Violence, and to maintain harmony and welfare of the household so that the household remains intact.

The imposition of criminal sanctions is one of the efforts to create a deterrent effect on perpetrators of violence and an effort made to deal with perpetrators of domestic violence (SS Safitri et al., 2023). For perpetrators of domestic violence who commit repeated acts of violence, the criminal sanctions imposed are not only limited to the main criminal penalties as regulated in the relevant Chapter, but can also be subject to additional criminal penalties as regulated in Article 50 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence (*PKDRT LAW*). This article gives the judge the authority to impose additional penalties, including restrictions on the perpetrator's movement, either to keep the perpetrator away from the victim for a certain distance and time or in the form of restrictions on certain rights of the perpetrator. In addition, the judge can also determine that the perpetrator participate in a counseling program carried out under the supervision of a certain institution, as an effort to restore and prevent similar violence in the future.

A crime is a violation of human relations when viewed from the perspective of restorative justice (Angelina, 2024). Restorative justice is a process in which all parties involved in a particular crime work together to resolve the problem and how to deal with the consequences that will occur in the future (Rado & Badillah, 2019). It does not mean that criminals create an obligation to make things better by involving victims, perpetrators, and the community to find solutions of reparation, reconciliation, and reassurance.

*Restorative justice* present as an alternative in the criminal justice system which places more emphasis on restoring the relationship between the victim and the perpetrator compared to the repressive penal approach (Hambali, 2020; Lasmadi, Sari, & Disemadi, 2020; Alhakim, 2023). Based on the Domestic Violence Law, perpetrators of domestic violence can be subject to criminal sanctions as regulated in Articles 44 to 53, which include imprisonment and/or fines depending on the level of violence committed. Although this approach provides a deterrent effect, in many cases, punishment through litigation often ignores the social and psychological aspects of the relationship between the victim and the perpetrator, especially within the family. On the other hand, restorative justice provides a more humane alternative solution by emphasizing reconciliation and recovery for both parties (Mukaromah et al., 2023). In cases of domestic violence, this approach offers a more humane solution, where the victim and perpetrator can reach a fairer and more constructive agreement. Restorative justice in the Indonesian criminal justice system, especially in handling domestic violence, has been accommodated in various legal policies (Rahmawati, 2025).

The Prosecutor's Office as an Indonesian government institution that has the power in the field of prosecution must be able to provide legal certainty, legal order and legal justice (Ramadan, 2021). One form of the prosecutor's efforts in realizing it is restorative justice, that there are efforts to resolve disputes in criminal cases that see the restoration of justice, there is a paradigm shift where modern criminal law no longer prioritizes revenge, but focuses on restoring the original situation by looking at

balance and protection for victims. In cases of domestic violence, the prosecutor's office can take restorative justice measures, as stated in the Republic of Indonesia Prosecutor's Office Regulation Number 15 of 2020 concerning the Termination of Restorative Justice Prosecution. This regulation provides a legal umbrella and legal certainty regarding domestic violence cases that can be subject to restorative justice. Based on this regulation, it explains that the termination of the prosecution of the settlement of domestic violence cases before litigation, the prosecutor's office can involve the perpetrator, victim, perpetrator's family, victim's family, and other parties involved to jointly resolve the dispute through penal mediation by focusing on restoring the original state, and not on retaliation (Sonia & Prakasa, 2024).

In the prosecution of domestic violence cases, the principle of restorative justice must always be prioritized. This includes aspects of justice, public interest, proportionality, and criminal law as a final solution (Sonia & Prakasa, 2024). Prosecution efforts must be carried out quickly, simply, and at low cost to ensure justice for all parties involved. The Public Prosecutor also has the authority to close a case, either because the perpetrator of domestic violence has died, the complaint has been withdrawn by the victim, the case has been settled outside the complaint, the prosecution has expired, or a decision on another complaint or the same case (Brilianty & Rosando, 2024). The closure of this case is carried out to ensure that the law is applied proportionally and takes into account the public interest. So that in cases of domestic violence, the parties who have carried out restorative justice can stop the prosecution. The requirements for stopping the prosecution prioritize restorative requirements such as, the prosecutor must be able to fulfill the interests of the victim, the legal interests of all parties, avoid negative stigma, foster justice and not have a sense of revenge, realize a harmonious response from society, and public order (Khalid, 2022).

In addition, in handling domestic violence cases, the prosecutor's office considers several important factors to determine the termination of prosecution. They will assess the subject, object, category, and threat aspects of domestic violence crimes, as well as consider the background of the act and its level of despicableness. In addition, they also note that domestic violence crimes do not result in the potential loss of life and see the losses caused by the crime. The cost and benefit of handling domestic violence cases are also important considerations for the prosecutor's office. Finally, the existence of a peace agreement between the victim and the suspect also influences the decision to terminate prosecution. Therefore, the prosecutor's office conducts a careful evaluation and considers several important factors before making a decision to terminate prosecution in domestic violence cases. Meanwhile, from the suspect's side, it also influences the termination of prosecution in domestic violence cases. The suspect must meet several requirements so that restorative justice can be carried out, including (Juventus et al., 2024):

The suspect committed a crime for the first time

Criminal acts that are punishable by a fine or are threatened with imprisonment of no more than 5 years

The crime is committed with the value of evidence or loss value not exceeding Rp. 2,500,000 (two million five hundred thousand rupiah)

One example of a case at the Batam District Attorney's Office, the process of resolving domestic violence cases through the restorative justice mechanism was carried out in systematic and structured stages in accordance with applicable regulations (Manik & Husna, 2023). Based on the results of observations and interviews with Mr. Immanuel, SH, on Friday, July 26, 2024 (Prosecutor at the Batam District Attorney's Office), the implementation of restorative justice has been proven to provide quite positive results in resolving domestic violence cases with a more humanistic approach. Restorative justice in domestic violence cases, as implemented by the Batam District Attorney's Office, refers to the Republic of Indonesia Prosecutor's Office Law Number 16 of 2004, Republic of Indonesia Prosecutor's Office Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, and Articles 13 and 137 of the Criminal Procedure Code (*KUHAP*). The implementation of restorative justice by the Prosecutor at the prosecution stage will be carried out after the handover of the suspect and evidence (stage two) from the investigator to the public prosecutor. The Public Prosecutor will analyze and examine whether the case meets the criteria to be resolved with a restorative justice

mechanism, if it meets the criteria, the Public Prosecutor will seek peace between the two parties to the case, the procedures for implementing peace have been regulated in Articles 7 to 14 of the Attorney General's Regulation Number 15 of 2020 which begins with peace efforts to the peace process. In the existence of peace between the victim and the suspect, it is mandatory to fulfill in implementing the termination of prosecution based on restorative justice. The Public Prosecutor plays an active role in peace efforts, but the Public Prosecutor only facilitates peace between the two parties, the victim and the suspect, peace efforts are carried out without conditions. The first thing to do in peace efforts is for the Public Prosecutor to offer peace to the victim and the suspect. The prosecutor summons the victim by clearly stating the reason for the summons, this peace effort involves the victim's family, the suspect's family, community leaders, and other related parties.

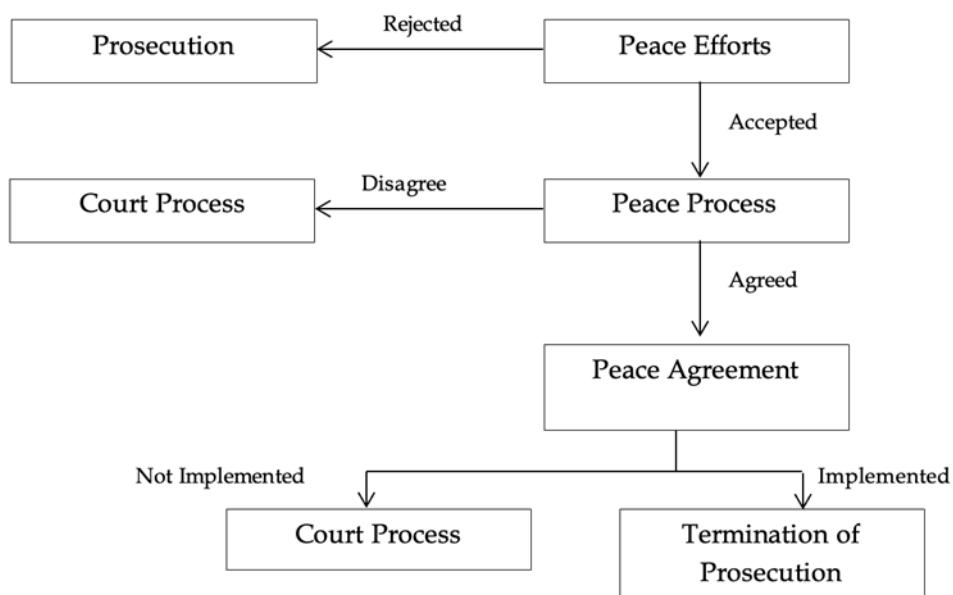
The public prosecutor explains the intent, purpose, rights and obligations of the victim and suspect in the peace effort. If the peace effort is accepted by the victim and suspect, the public prosecutor will make a report on the acceptance of the peace effort to the Head of the District Attorney's Office and forward it to the Head of the High Prosecutor's Office. In certain cases that receive special attention from the leadership and the community, the peace effort report is also submitted to the Attorney General in a hierarchical manner. However, if the peace effort is rejected by the victim and suspect, the public prosecutor will write that the peace effort was not achieved in the minutes and make an opinion note that the case is referred to the court with the reasons and submit the case files to the court.

In the peace process, the public prosecutor acts as a facilitator where the peace process is carried out voluntarily, by deliberation to reach a consensus, without pressure, coercion, and intimidation. The public prosecutor also has no interest or connection with the case, victim, or suspect, either personally or professionally, directly or indirectly. The peace process is carried out at the Prosecutor's Office, Government Office or other agreed and approved place with a letter of order from the Head of the District Attorney's Office. The peace process is carried out within a maximum of 14 days from the transfer of responsibility for the suspect and evidence or stage two. When the peace process is reached, the victim and suspect make a peace agreement in the form of agreeing to make peace accompanied by the fulfillment of obligations or agreeing to make peace without being accompanied by the fulfillment of certain obligations.

The peace agreement is agreed and signed by the victim, the suspect and 2 witnesses and is known by the public prosecutor. If the peace agreement is accompanied by fulfillment, the public prosecutor makes a peace report and a memorandum of opinion after the fulfillment of obligations is carried out. While the peace agreement is not accompanied by fulfillment of obligations, the public prosecutor makes a peace agreement report and a memorandum of opinion. In the event that the peace is not successful or the fulfillment of obligations is not carried out according to the peace agreement, the public prosecutor states the failure to achieve a peace agreement in the report and makes a memorandum of opinion that the case is referred to the court by stating the reasons.

If there is a condition where the peace agreement is not successful due to unprofessional requests to fulfill obligations, threats or intimidation, discriminatory treatment or harassment based on ethnicity, religion, race, nationality, or certain groups against suspects who act in good faith, this can be taken into consideration by the public prosecutor in carrying out the prosecution. This consideration also applies if the fulfillment of obligations is not carried out according to the peace agreement for other reasons accompanied by good faith from the suspect.

These considerations are in the form of transferring cases with a short examination procedure, mitigating circumstances in filing criminal charges and filing criminal charges based on guidelines for criminal charges for general criminal cases. When a peace agreement is reached, the public prosecutor reports to the Head of the District Attorney's Office by attaching a peace agreement report and a memorandum of opinion. Based on the prosecutor's report as referred to in paragraph (1). The Decree on Termination of Case Prosecution (*SKP2P*) as a form of legalization of a peaceful settlement. The Head of the Prosecutor's Office requests permission from the Deputy Attorney General for General Crimes to stop prosecution based on restorative justice.



**Figure 1.** Restorative Justice Settlement Flow

In several case studies observed at the Batam City Prosecutor's Office, there were examples of success where victims and perpetrators managed to reach a fair agreement and avoid further escalation of the conflict (Abidin, 2024). However, there are also cases where restorative justice fails (Pratidina et al., 2020). In the Batam City Prosecutor's Office, there are several real cases that reflect the success or failure of the implementation of restorative justice in resolving domestic violence crimes. One example of success occurred in a case involving a married couple in Batu Aji District, where the husband as the perpetrator admitted his guilt after committing violence against his wife due to a domestic dispute (Munir, 2024). Through mediation facilitated by the prosecutor, the victim stated that he was willing to give the perpetrator a second chance on the condition that the perpetrator commits not to repeat his actions and undergoes family counseling. This process was supported by the families of both parties as well as local community leaders, so that peace was achieved and the case did not proceed to trial. There are also cases where restorative justice cannot be applied, such as what happened in Sekupang District, where a wife was a victim of repeated violence from her husband (Hamapu, 2025). Although the perpetrator expressed his willingness to reconcile, the victim and her family refused due to deep trauma and concerns that the perpetrator would return to violence in the future. In addition, pressure from the victim's social environment, including support from the local women's community and NGOs, further strengthened the decision to continue the legal process. In this case, restorative justice was considered inappropriate because there was no guarantee that the perpetrator would truly change, so the case was still processed through the formal criminal justice system. (Sari & Alega, 2024). The difference in results in these two cases shows that the success of restorative justice is very dependent on the mental and emotional readiness of both parties, social support, and the guarantee that the perpetrator will not repeat his actions (Sitohang et al., 2024).

The application of restorative justice in resolving domestic violence cases at the Batam District Attorney's Office provides a number of significant benefits, especially in terms of time efficiency, restoring social relationships, and reducing the burden on the criminal justice system. Compared to the formal justice process which can last for months, the restorative justice approach allows cases to be resolved in less than 20 days (Hermawan & Rizal, 2024). Based on the recapitulation data of restorative justice at the Batam District Attorney's Office from January to September 2024, it shows that out of five domestic violence cases submitted through this mechanism, three cases succeeded in reaching a peaceful agreement between the victim and the perpetrator. This success reflects the effectiveness of restorative justice in providing faster and more humane solutions for the parties involved. In addition, this approach helps maintain social relations between victims and perpetrators, who often have complex emotional

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attachments or family relationships (Redi, 2025).

**Table 1.** Restorative Justice Recapitulation Data at the Batam District Attorney's Office 2024

Month	Number of Cases	Information
January	0	-
February	1	Peace
March	0	-
April	1	-
May	0	-
June	1	Peace
July	1	Peace
August	0	-
September	1	-

Source: Batam District Attorney's Office

In the interview results, Mr. Immanuel, SH., emphasized that the implementation of restorative justice in domestic violence cases at the Batam District Attorney's Office faces various obstacles, both internally and externally. From an internal perspective, one of the main obstacles is the absence of legal regulations that explicitly give the prosecutor's office the authority to resolve criminal cases outside the courts. Although Article 8 paragraph (4) of Law Number 48 of 2009 concerning Judicial Power emphasizes the importance of exploring humanitarian values in the legal process, the absence of regulations that regulate in detail the prosecutor's authority in implementing restorative justice makes this process difficult to implement consistently. In addition, the time constraints given in the Batam District Attorney's internal procedures, namely a maximum of seven days to complete the restorative justice process, are a challenge in themselves in coordinating the various parties involved, such as victims, perpetrators, community leaders, and superiors at the prosecutor's office. In terms of legal culture, there is still resistance from law enforcement officers who tend to be more comfortable with conventional approaches based on punishment (Muhdor & Saputra, 2024).

On the external side, the limited understanding of the community regarding the concept of restorative justice is a major challenge in its implementation. This was expressed by Mr. Immanuel, SH., interview on date July 26, 2024, many people still believe that resolving domestic violence cases must go through a formal judicial process, so they tend to reject a peaceful approach or even demand heavier punishment for the perpetrators (Nisa, 2025). Other obstacles arise in reconciling the interests of the parties, especially when the victim wants punishment for the perpetrator rather than a peaceful resolution or when the perpetrator is unable to fulfill the compensation requested by the victim (Benatha, 2022). In addition, there are concerns about the possibility of pressure or coercion from the perpetrator on the victim to agree to peace (Santy, 2020). In some cases, differences in perception between victims also become an obstacle, for example if there is more than one victim in a domestic violence case, where one party receives compensation while the other party rejects it.

The effectiveness of the application of restorative justice in resolving domestic violence crimes at the Batam City Prosecutor's Office can be analyzed using the Theory of Legal Effectiveness from Soerjono Soekanto, which emphasizes that the success of the law does not only depend on existing regulations, but also on implementation and acceptance by the community (Alifuddin et al., 2024). The theory of legal effectiveness according to Soerjono Soekanto is that the effectiveness or ineffectiveness of a law is determined by 5 (five) factors: 1) The legal factor itself (law); 2) The law enforcement factor, namely the parties who form or implement the law; 3) The means or facilities that support law enforcement; 4) The community factor, namely the environment in which the law applies or is implemented; 5) The cultural factor, namely as a result of work, creativity and feeling that is based on human will in social interaction (Huda et al., 2022). The five factors above are closely related, therefore they are the essence of law enforcement, and are also a measure of the effectiveness of law enforcement.

From a legal perspective, the resolution of domestic violence cases through the restorative justice mechanism at the Batam District Attorney's Office has been carried out based on applicable laws and regulations, including the Republic of Indonesia Attorney General's Law Number 16 of 2004, Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, and Articles 13 and 137 of the Criminal Procedure Code. This legal basis not only provides formal legitimacy for efforts to resolve cases outside the courts, but also regulates the technical stages, requirements, and limitations in the implementation of restorative justice, thus ensuring that the process carried out remains within the corridor of positive Indonesian law.

In terms of law enforcement, the public prosecutor plays an active role as a peace facilitator between the victim and the perpetrator, not as a party that forces a settlement. The mediation process is carried out on a voluntary basis, deliberation for consensus, and without pressure, coercion, or intimidation, in line with the provisions of Attorney General Regulation Number 15 of 2020. This systematic and structured implementation ensures that substantive justice is achieved, not just fulfilling formal procedures. In terms of legal facilities or infrastructure, the Batam District Attorney's Office has provided adequate infrastructure, such as a mediation room, support from legal assistants, and administrative completeness that allows cases to be resolved in a relatively short time, namely less than 20 days from the stage of submitting case files. This has an impact on increasing work efficiency and reducing the burden of cases in court.

From the perspective of society, the active involvement of the victim's family, the perpetrator's family, community leaders, and community organizations are important elements in strengthening the legitimacy of mediation results. This social support increases the chances of a successful peaceful resolution, although on the other hand, there are still challenges in the form of resistance from some people who do not fully understand the concept of restorative justice and tend to assume that domestic violence cases must always be resolved through litigation and criminal punishment.

Finally, from a cultural aspect, the implementation of restorative justice still faces a dominant legal culture that adheres to the retributive or punitive paradigm as a form of justice. This culture creates reluctance, especially in cases of repeated domestic violence, where the community or victims feel that peaceful resolution is not enough to provide a sense of justice. Therefore, although the implementation of restorative justice at the Batam District Attorney's Office shows quite good effectiveness, efforts are still needed to strengthen legal literacy and change the community's legal culture to support the sustainability of this approach optimally.

### **Factors Influencing the Effectiveness of Resolving Domestic Violence Crimes Through Restorative Justice at the Batam City Prosecutor's Office**

#### **Inhibiting Factors in the Implementation of Restorative Justice in Resolving Domestic Violence Crimes at the Batam City Prosecutor's Office**

The implementation of restorative justice in resolving domestic violence crimes at the Batam City Prosecutor's Office faces various inhibiting factors originating from legal aspects, law enforcement officers, and public perceptions that are still diverse. From a regulatory aspect, the main obstacle faced is the limited authority of prosecutors in resolving cases outside the court. Based on the results of interviews with Mr. Immanuel, SH., in interview on date July 26, 2024, the absence of legal regulations that explicitly regulate the application of restorative justice in domestic violence cases means that prosecutors must be very careful in applying this mechanism so as not to conflict with applicable legal provisions. The unclear legal basis also makes decisions taken in the restorative justice process potentially debatable, especially if the case that is resolved raises pros and cons in society or receives attention from women's and children's protection agencies (Jazuli, 2017).

Apart from regulatory barriers, another factor that complicates the implementation of restorative justice in domestic violence cases at the Batam City Prosecutor's Office is the mindset of law enforcement officers which is still dominated by a retributive approach (Hambali, 2020). In practice, prosecutors and investigators place more emphasis on punishing the perpetrators than on efforts to restore the relationship between the victim and the perpetrator. This is due to the legal paradigm that has long been oriented towards repressive law enforcement, where justice is more often measured based on

how severe the punishment given to the perpetrator is, rather than on the extent to which recovery for the victim can be achieved (Princess, 2025).

In addition, the limited understanding of law enforcement officers regarding the concept of restorative justice is also a challenge in itself (Putra & Aryaputra, 2024). Some prosecutors and investigators still have the perception that this approach tends to weaken the criminal justice system and can provide opportunities for perpetrators to avoid legal accountability. Another concern that arises is the potential for abuse of RJ by perpetrators to avoid punishment by taking advantage of the victim's ignorance of their rights. As a result, even though there is an opportunity to resolve cases through restorative justice, law enforcement officers often prefer to continue the conventional legal process because it is considered more certain in providing legal certainty and avoiding the risk of controversial decisions.

On the other hand, the orientation of the authorities towards punishment is also strengthened by the expectations of society which still sees the criminal justice process as the only way to achieve justice (Utomo, 2023). Pressure from the victim's family or advocacy groups often influences the decisions of the authorities in handling domestic violence cases, especially in cases that receive public attention. In this condition, restorative justice is still seen as an approach that is not yet fully acceptable as part of a legitimate and effective criminal justice system (Gultom, 2022). Therefore, without a change in mindset among law enforcement officers and an increase in understanding of the benefits and basic principles of RJ, the implementation of this approach in resolving domestic violence cases will continue to face various challenges.

Based on the results of respondents to 50 visitors at the Batam City Prosecutor's Office, several other inhibiting factors were found which can be seen in table 2.

**Table 2.** Results of the Inhibiting Factors Questionnaire in the implementation of restorative justice in resolving domestic violence crimes at the Batam City Prosecutor's Office

No	Inhibiting Factors	Percentage
1	Lack of understanding of the concept of restorative justice among law enforcement officers.	62.50%
2	Victims of domestic violence tend to feel afraid to participate in the peace process.	66.00%
3	There is social pressure that prevents victims from reaching a peaceful agreement.	68.50%
4	Victims' distrust of justice in the restorative justice process.	65.50%
5	Lack of clear regulations regarding the use of restorative justice in domestic violence cases.	66.00%
6	The perpetrator's dominance over the victim makes it difficult to reach a fair agreement.	66.00%
7	Lack of supporting facilities such as professional mediators in resolving cases.	66.00%
8	A patriarchal culture that considers domestic violence as a domestic problem that does not need to be prosecuted.	70.50%
9	There is no long-term protection for victims after a peace agreement is reached.	68.00%
10	Lack of socialization to the community about restorative justice in domestic violence cases.	70.50%

Source: Research Result

Table 2 shows that in an effort to implement restorative justice to resolve cases of Domestic Violence (KDRT) in the Batam City Prosecutor's Office, several inhibiting factors were found based on the results of a survey of 50 respondents. One of the main obstacles is the lack of understanding of law enforcement officers regarding the concept of restorative justice, with a percentage of 62.5%. In addition, many victims of domestic violence are afraid to participate in the peace process, as many as 66% of respondents indicated this. Social pressure is also a major problem, with 68.5% of respondents stating that pressure from the surrounding environment makes it difficult for victims to reach a peace agreement. Victims' distrust of justice in the restorative justice process is also quite high, at 65.5%. In terms of regulation, 66% of respondents stated that there are no clear rules regarding the use of restorative justice for domestic violence cases. Other factors are the dominance of the perpetrator over

the victim which makes the agreement unfair (66%), as well as the lack of supporting facilities such as the presence of professional mediators (66%). The patriarchal culture that considers domestic violence as an ordinary household matter is also a serious obstacle, with the highest figure being 70.5%. In addition, there is also concern due to the lack of long-term protection for victims after a peace agreement is reached (68%). Finally, as many as 70.5% of respondents considered that the lack of socialization to the community about restorative justice also slowed down its implementation. All of these factors indicate that in order to implement restorative justice effectively in cases of domestic violence, there needs to be serious improvement in terms of legal understanding, facility support, community culture, and clearer regulations.

#### Supporting Factors in the Implementation of Restorative Justice in Resolving Domestic Violence Crimes at the Batam City Prosecutor's Office

The implementation of restorative justice in resolving domestic violence crimes at the Batam City Prosecutor's Office is supported by various factors originating from legal aspects, the readiness of law enforcement officers, and public acceptance of this approach. In terms of regulation, although there are no regulations that specifically regulate the application of RJ in domestic violence cases, the existence of the Prosecutor's Regulation (Perja) Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice provides a basis for the prosecutor's office to handle certain cases with this approach. In addition, good coordination between the prosecutor's office and the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA) and victim assistance institutions also strengthen the success of the implementation of RJ, because it provides psychosocial support to victims and assists in mediation with a more humanistic approach (RK Safitri & Adityo, 2022).

From the side of law enforcement officers, the results of interviews with prosecutors at the Batam District Attorney's Office, namely Mr. Immanuel, showed that most prosecutors began to understand the benefits of restorative justice as an alternative solution that is faster and more effective compared to the long and complex criminal justice process. This awareness emerged along with the increasing number of cases that were successfully resolved through the restorative justice approach, which not only saves time and resources but also provides a more humane solution for victims and perpetrators (Machmud et al., 2024a).

The success of the implementation of RJ in several previous cases has also increased the trust of law enforcement officers in the effectiveness of this approach, so that they are more open in seeking peace between victims and perpetrators, especially in cases where victims consciously want a settlement without going through litigation. Prosecutors involved in the RJ mechanism also acknowledge that this approach can reduce the burden of cases in court and provide more satisfaction for the parties involved, because the resulting solution is more oriented towards restoration and balanced justice (Muhsin & Saputra, 2024).

In addition, better coordination with supporting institutions such as the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA), psychologists, and social workers further strengthens the prosecutor's confidence in implementing RJ (Machmud et al., 2024b). They realize that with support from various parties, this approach can be implemented more effectively without sacrificing the rights of victims. However, although understanding of RJ is increasing, further efforts are still needed in the form of training and socialization so that all law enforcement officers have the same standards in implementing this mechanism, as well as ensuring that the implementation of RJ remains in accordance with the principles of justice and protection of victims.

Based on table 3, there are several supporting factors in the implementation of restorative justice for resolving domestic violence crimes at the Batam City Prosecutor's Office. Most respondents felt that they received a clear explanation from the Prosecutor's Office about the restorative justice process, with a percentage of 65.5%. In addition, 67.5% of respondents felt supported by officers during the process. The rights of victims as reporters were also given sufficient attention, as seen from the same percentage of 67.5%. Mediators or facilitators in the restorative justice process were considered neutral and fair by 67% of respondents. A sense of security during the process was also an important factor, with 67.5% of respondents stating that they felt safe. From the perpetrator's perspective, 64% of respondents

considered that the perpetrator showed good faith in resolving the problem through restorative justice. Support from the family or community environment for the decision to use restorative justice was also quite high, reaching 67%. The restorative justice process was considered to be fast and not protracted by 66% of respondents. In addition, 67% of respondents acknowledged that there was follow-up or monitoring after the process was completed. Overall, 67% of respondents were satisfied with the results of the restorative justice process carried out at the Batam City Prosecutor's Office.

**Table 3.** Results of the Supporting Factors Questionnaire in the implementation of restorative justice in resolving domestic violence crimes at the Batam City Prosecutor's Office

No	Supporting Factors	Percentage
1	I received a clear explanation from the Prosecutor's Office regarding the restorative justice process.	65.50%
2	I feel supported by the Prosecutor's Office officers in following the restorative justice process.	67.50%
3	The restorative justice process was carried out by paying attention to my rights as a reporter.	67.50%
4	The mediator or facilitator in the restorative justice process is neutral and fair.	67.00%
5	I felt safe during the restorative justice process at the Batam City Prosecutor's Office.	67.50%
6	The perpetrator showed good faith to resolve the problem through restorative justice.	64.00%
7	My family or community environment supports my decision to use restorative justice.	67.00%
8	The restorative justice process is fast and does not drag on.	66.00%
9	After the restorative justice process, there was follow-up or monitoring of my situation.	67.00%
10	I am satisfied with the results of the restorative justice process at the Batam City Prosecutor's Office.	67.00%

Source: Research Result

#### Optimization strategy for resolving domestic violence through restorative justice at the Batam City Prosecutor's Office

The strategy of optimizing the resolution of Domestic Violence (KDRT) cases through a restorative justice approach at the Batam City Prosecutor's Office is an important step that must be carried out comprehensively and in an integrated manner. This requires the involvement of various elements in the criminal justice system, starting from the police, prosecutor's office, courts, to correctional institutions, so that the law enforcement process can run more effectively and be oriented towards the recovery of victims and the rehabilitation of perpetrators. Based on interviews with Mr. Immanuel, SH., in interview on date July 26, 2024, One of the main approaches in the implementation of restorative justice is through the penal mediation mechanism. This penal mediation has a crucial role in creating a constructive dialogue space between the victim and the perpetrator by involving the family and related parties, such as community leaders or competent social institutions (Herningsih & Rahaditya, 2025).

This process aims to reach a fair agreement for both parties, where the victim gets proper reparation, while the perpetrator has the opportunity to be held accountable without having to go through a long and expensive conventional judicial process (Aisyah et al., 2024). The effectiveness of penal mediation in resolving domestic violence cases is proven in several aspects. First, this approach can prevent perpetrators from entering correctional institutions, which in turn prevents them from being stigmatized as convicts (Lesmana, 2019). Second, this policy also contributes to the efficiency of the state budget in the law enforcement process, considering the costs incurred to detain and prosecute perpetrators are quite large (Citrawan & Rasyidi, 2019). Third, penal mediation functions as a means of recovery for victims, where they can obtain compensation or a more humane settlement compared to simply punishing the perpetrator (Primary, 2024). Furthermore, penal mediation in domestic violence cases not only has an impact on individual resolution between the victim and the perpetrator, but also has broader social implications (Hariyono, 2021).

To ensure the success of the implementation of restorative justice, comprehensive and well-planned strategic steps are needed. One of the main steps is holding a meeting that brings together various parties involved in the case, namely the victim, the perpetrator, and the family who have a role in providing support to them (Machmud et al., 2024b). This meeting aims to create an open and constructive dialogue space, where all parties can convey their experiences, feelings, and hopes regarding the resolution of the case. In the dialogue session, victims are given the opportunity to express the emotional, psychological, and material impacts they have experienced due to the perpetrator's actions. On the other hand, perpetrators are also given space to explain their motives, backgrounds, and reflections on the actions they have committed. With honest and transparent communication, it is hoped that a shared understanding will be established which will form the basis for efforts to restore relations between victims and perpetrators. After listening to the various perspectives presented, the perpetrators and their families are given the opportunity to propose solutions or forms of accountability that are acceptable to all parties involved. These solutions can be in the form of material compensation, an open apology, or other actions aimed at restoring social balance and reducing the negative impacts that have occurred. The final decision taken in the meeting must be consensual and reflect the principle of restorative justice that prioritizes recovery, not just punishment. Furthermore, in order for the results of the agreement to be implemented effectively, the role of the prosecutor's office and the accompanying institution is very crucial. These two institutions must ensure that every point that has been agreed upon is actually implemented, especially those related to compensation for victims. This supervision can be carried out through periodic monitoring mechanisms, progress evaluations, and interventions if there are obstacles in its implementation.

Furthermore, the success of restorative justice in resolving cases of Domestic Violence (*KDRT*) is very dependent on the application of this principle in all aspects of the criminal justice system, namely structurally, substantially and culturally (Manik & Husna, 2023). In the structural aspect, synergy between law enforcement agencies, such as the police, prosecutors, courts, and correctional institutions, must be well established so that the implementation of restorative justice can run comprehensively. From a substantial perspective, legal regulations and policies must be in line with the spirit of restorative justice, so that it does not only emphasize punishment, but also provides space for recovery mechanisms for victims and perpetrators. Meanwhile, in the cultural aspect, a paradigm shift in the criminal justice system must be attempted so that law enforcement no longer adheres to a retributive and normative approach, but rather prioritizes settlements based on deliberation, mediation, and restoration of social relations. If only the police and prosecutors apply this concept, while judges still adhere to a rigid and normative legal paradigm, then restorative decisions will not be realized. As a result, correctional institutions cannot implement recovery mechanisms for perpetrators, so that the main goal of restorative justice, namely improving relations between perpetrators, victims, and the community, becomes difficult to achieve (Rado & Badillah, 2019).

In addition, the implementation of restorative justice in cases of Domestic Violence (*KDRT*) also requires clearer and more comprehensive regulatory support to avoid deviations in the legal process. Strict regulations are needed to ensure that this approach is not misused or misapplied so that it actually harms the victim. Currently, although the Prosecutor's Regulation (*Perja*) Number 15 of 2020 has provided a legal basis for the implementation of restorative justice in the criminal justice system, the regulation is still general in nature and does not specifically regulate the mechanism for its implementation in cases of *KDRT*. In the context of *KDRT*, there are various factors that need to be considered, such as the psychological condition of the victim, the power relationship between the perpetrator and the victim, and the potential for intimidation or pressure that can hinder a fair mediation process (Princess, 2025). Therefore, additional, more specific regulations are needed, for example in the form of laws and regulations or technical guidelines from the Supreme Court and related agencies, which regulate the conditions, procedures, and limitations in the application of restorative justice in domestic violence cases. These regulations must ensure that the rights of victims remain protected, while also providing clear guidance for law enforcement officers in assessing the appropriateness of using this approach.

Resolving domestic violence cases through criminal sanctions often does not provide satisfaction for all parties, including victims, perpetrators and the community (Liyus & Wahyudi, 2020). Therefore, a more progressive legal breakthrough is needed, especially by implementing a method of resolving

criminal cases through non-litigation channels based on the principles of restorative justice. The Alternative Dispute Resolution (ADR) or Appropriate Dispute Resolution model can be a more effective alternative in handling domestic violence cases, because it not only provides justice for victims, but also prevents broader social impacts, such as family disintegration and prolonged trauma for victims (Masruroh & Prayekti, 2021). With the right optimization strategy, restorative justice can be a more humane and just solution in resolving domestic violence cases in Batam City.

In the context of analyzing the implementation of restorative justice in resolving domestic violence crimes at the Batam City Prosecutor's Office, it is important to understand the Legal System Theory put forward by Soerjono Soekanto, which states that a legal system consists of three main elements, namely legal structure, legal substance, and legal culture.(Ansori, 2017). Legal structure refers to law enforcement institutions and their apparatus, such as the prosecutor's office, police, and courts, which play a role in implementing restorative justice. Legal substance includes laws and policies that form the basis for implementing restorative justice, including Prosecutor's Regulation Number 15 of 2020. Meanwhile, legal culture relates to the mindset, awareness, and behavior of the community and law enforcement officers towards law and justice. In implementing restorative justice in domestic violence cases, these three elements must run in harmony. If one element, for example the legal culture of the apparatus which is still oriented towards punishment, does not support it, then the effectiveness of restorative justice will be hampered. Therefore, efforts to optimize the implementation of restorative justice in domestic violence must consider these three elements of the legal system in a balanced manner, so that the goal of restorative justice which focuses on the recovery of victims and perpetrators can be achieved.

## Conclusion

The application of restorative justice in resolving domestic violence cases at the Batam City Prosecutor's Office has demonstrated significant potential to offer humane, efficient, and socially responsive solutions. By prioritizing reconciliation and victim recovery over punitive measures, this approach addresses not only the legal but also the emotional and social dimensions of domestic violence. Supported by clear legal frameworks and proactive prosecutorial practices, restorative justice has successfully resolved numerous cases, fostering both accountability and healing. However, challenges persist, including limited regulatory authority, time constraints, and cultural resistance from both law enforcement and the broader community. Addressing these obstacles requires enhanced legal literacy, infrastructural support, and a cultural shift toward valuing restorative outcomes. Ultimately, the Batam City Prosecutor's Office's experience underscores restorative justice as a viable and progressive alternative to conventional prosecution in domestic violence cases.

The effectiveness of implementing restorative justice in resolving domestic violence cases at the Batam District Prosecutor's Office is shaped by a combination of inhibiting and supporting factors. Key challenges include limited legal authority, entrenched punitive mindsets among law enforcement, cultural resistance, and insufficient public understanding of restorative justice principles. However, supporting factors—such as an established legal framework, increasing acceptance among prosecutors, effective coordination with support agencies, and positive community involvement—have facilitated notable successes. Survey data confirms that both complainants and offenders generally perceive the process as fair, safe, and efficient. Moving forward, addressing regulatory gaps, enhancing legal literacy, and promoting a cultural shift toward restorative outcomes are essential for expanding and sustaining the application of restorative justice in domestic violence cases. Optimizing strategies for resolving domestic violence cases through restorative justice at the Batam City Prosecutor's Office requires an integrated, victim-centered approach. Penal mediation has proven effective in promoting dialogue, accountability, and mutually agreed solutions without the burden of formal prosecution. Success depends on coordinated efforts across structural, substantive, and cultural dimensions, supported by clear legal frameworks and institutional commitment. To ensure sustainability, continuous regulatory improvements, professional training, and public education are essential to reinforce restorative justice as a credible and humane alternative in domestic violence cases.

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