


The Application of Restorative Justice in Domestic and Child Violence Cases in Indonesia and Finland

Fatin Hamamah^{1*}, Didi Sukardi², Shirin Kulkarni³

¹ Faculty of Law, Universitas 17 Agustus 1945 Cirebon, Cirebon, Indonesia.

² Faculty of Sharia, Universitas Islam Negeri Siber Syekh Nurjati Cirebon, Cirebon, Indonesia.

³ Faculty of Education and Culture, Tampere University, Tampere, Finland.

 : fatin.hmh077@gmail.com

Corresponding Author*



Abstract

Introduction: Restorative justice (RJ) is an alternative approach to criminal justice that emphasizes victim recovery, offender rehabilitation, and community reintegration. In cases of domestic and child violence, RJ offers potential for more inclusive solutions than traditional retributive approaches. This study explores the application of RJ in Indonesia and Finland, where RJ laws and policies are still evolving, to assess its effectiveness in addressing the complex impacts of violence while ensuring legal protections for victims.

Purposes of the Research: The purpose of the study was to identify the challenges and opportunities for the application of RJ in such cases and evaluate the extent to which this approach is able to create restorative justice for victims and perpetrators in Indonesia and Finland.

Methods of the Research: This research uses a qualitative approach with case studies of domestic and child violence cases resolved through Restorative Justice (RJ). Data were collected through interviews and document analysis to examine the application and outcomes of RJ in different regions.

Results Main Findings of the Research: Findings suggest that RJ can be effective in facilitating victim recovery, but its implementation requires strong support structures, including professional counsellors and clear legal protections in Indonesia and Finland. The conclusions of this study confirm that RJ has great potential in resolving domestic violence cases, but its implementation must be done carefully to ensure justice and protection for victims. Consequently, this research encourages policymakers to design a more comprehensive and inclusive RJ framework for domestic violence.

Keywords: Restorative Justice; Domestic Violence; Child Abuse; Restorative Justice; Justice System.

Submitted: 2024-11-06

Revised: 2025-03-21

Accepted: 2025-03-26

Published: 2025-03-29

How To Cite: Fatin Hamamah, Didi Sukardi, and Shirin Kulkarni. "The Application of Restorative Justice in Domestic and Child Violence Cases in Indonesia and Finland." *SASI* 31 no. 1 (2025): 44-59. <https://doi.org/10.47268/sasi.v31i1.2448>

Copyright © 2025 Author(s)  Creative Commons Attribution-NonCommercial 4.0 International License

INTRODUCTION

Restorative justice (RJ) is an approach to justice that focuses on repairing the harm caused by criminal behavior through inclusive processes involving the victim, offender, and community. Unlike traditional retributive justice systems, which prioritize punishment, RJ emphasizes accountability, reconciliation, and the restoration of relationships. According to Zehr, RJ "focuses on the needs of the victims and the offenders, rather than on the needs of the state."¹ This approach is grounded in the belief that justice is best served by addressing the harm done and promoting healing, rather than simply imposing punishment.

In recent years, the application of restorative justice (RJ) has begun to attract attention in the criminal justice system in various countries, including Indonesia and Finland. RJ is

¹ Howard Zehr, *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2002), 37.

considered an alternative approach that prioritises victim recovery, reconciliation between offenders and victims, and reintegration of offenders into society compared to retributive approaches that focus more on punishment.² In Indonesia, the formal use of RJ has grown after the Law on Juvenile Justice System Number 11/2012 encouraged the resolution of juvenile criminal cases through deliberation and restorative justice.³ However, its application in cases of domestic violence and violence against children is still limited and controversial due to the safety and rights of victims.

Theoretically, RJ relies on the principle of restoration and the active participation of all relevant parties, namely perpetrators, victims, and communities, in the conflict resolution process.⁴ This concept is based on the theory of social restoration, which emphasises the importance of human relationships that have been severed by criminal acts to be restored in order to achieve justice.⁵ In contrast to conventional approaches, RJ sees crime as an offence against individuals and social relations rather than an offence against the state.⁶

Juridically, Indonesian law has regulated mechanisms to protect victims of violence, especially through Law Number 23/2004 on the Elimination of Domestic Violence. However, although the Elimination of Domestic Violence provides space for victim protection, the RJ approach has not been explicitly made an option for handling domestic violence cases. This is in contrast to approaches in legal systems in several countries that explicitly regulate RJ in handling domestic violence cases with strict requirements.⁷ In addition, restorative principles in the resolution of criminal cases have been applied in several juvenile criminal cases under the Juvenile Criminal Justice System Law. These conditions provide a legal foundation for the development of more comprehensive RJ policies in the context of domestic violence.

From a theological perspective, RJ values are in line with the teachings of morality in various religions that emphasise the importance of healing, forgiveness and reconciliation in dealing with conflict. In Islam, for example, the concepts of sulh (peace) and islah (reconciliation) emphasise the importance of peacefully resolving disputes and improving human relations.⁸ Similarly, in Christianity, the principles of love, forgiveness and reconciliation are also at the core of teachings to address evil in a more humane manner (Marshall, 2001). This view supports the concept of RJ as an approach that prioritises restoring social relationships through a more humane process.

The phenomenon of domestic violence and violence against children in Indonesia is still a serious problem. Data from National Commission on Women (2023) recorded an increase in domestic violence cases every year, especially during the COVID-19 pandemic. Meanwhile, the Ministry of Women's Empowerment and Child Protection reported that violence against children has increased, where the main triggering factors are economic

² A. Cossins, "Restorative Justice and Child Sex Offences: The Theory and the Practice," *British Journal of Criminology* 48, no. 3 (2008): 359-378, <https://doi.org/10.1093/bjc/azn004>.

³ A. Wulandari and Y. Rizki, "Analysis of the Juvenile Criminal Justice System Law: A Restorative Justice Approach," *Journal of Law and Development* 48, no. 2 (2018): 208-228, <https://doi.org/10.21143/jhp.vol48.no2.1532>.

⁴ H. Zehr, *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2002).

⁵ J. Braithwaite, *Crime, Shame and Reintegration* (Cambridge, UK: Cambridge University Press, 1989).

⁶ G. Johnstone, *Restorative Justice: Ideas, Values, Debates* (London: Routledge, 2011).

⁷ K. Daly and J. Stubbs, "Feminist Engagement with Restorative Justice," *Theoretical Criminology* 10, no. 1 (2006): 9-28, <https://doi.org/10.1177/1362480606059980>.

⁸ M. Muqoddas, "Application of Sulh Values in Islamic Criminal Law," *Journal of Islamic Law* 15, no. 1 (2017): 35-48, <https://doi.org/10.21043/jhi.v15i1.2063>.

pressure, weak supervision, and imbalance in power relations in the family environment.⁹ These facts indicate the need for solutions that not only focus on punishment, but also psychological recovery for victims and education for perpetrators to prevent further offences.

Preliminary research shows the limited effectiveness of punitive approaches in addressing domestic violence and violence against children. Retributive approaches tend to focus on punishment which, while providing a deterrent effect, does not always resolve the emotional and psychological impacts experienced by victims. In some countries, the application of RJ in the context of domestic violence has shown positive results in improving relationships between perpetrators and victims, reducing recidivism, and increasing victim satisfaction.¹⁰ However, RJ also faces challenges, such as the potential for perpetrator dominance in the RJ process and lack of clarity in legal protection for victims, so the application of RJ in domestic violence cases must be done with caution.

In practice, RJ approaches in the field have been hampered by a lack of understanding by the community and law enforcement officials of the concept and its application, particularly in sensitive cases of violence such as domestic violence. Indications in the field suggest that while RJ can be a potential alternative for victim recovery, without the support of clear legal structures and specialised training, RJ can pose risks to victims, particularly in terms of safety and sustainability of recovery.¹¹

As a solution, this research recommends increasing the capacity of law enforcement officials to understand and appropriately apply RJ in domestic violence cases. In addition, it is important to develop RJ frameworks that involve professional counsellors, psychosocial support, and community participation to minimise risks to victims. Previous studies by Morris and Maxwell (2001) and Daly (2002) suggest that the application of RJ accompanied by psychological support for victims and training for perpetrators can result in more optimal recovery than a purely retributive approach.¹²

The formulation of the problem in this research focuses on the fundamental questions: (1) To what extent is the application of restorative justice in cases of domestic and child violence effective in achieving restorative justice for victims in Indonesia and Finland? (2) How can the application of restorative justice in such cases be implemented without compromising legal protection for victims in Indonesia and Finland. Family violence cases have a profound impact on the psychological and security of victims, making it an urgent issue for criminal law in Indonesia and Finland. With the increasing trend of domestic violence and child protection cases, the urgency of this research is very high, as the results are expected to offer an alternative legal approach that is more inclusive and recovery-orientated. The significance of this research lies in its ability to provide new and in-depth insights into RJ in Indonesia, particularly in the context of domestic and child violence that involves complex power relations between perpetrators and victims. This research is

⁹ A. Sari, "The Impact of the COVID-19 Pandemic on Domestic Violence Cases in Indonesia," *Journal of Social and Welfare* 15, no. 2 (2021): 112-120, <https://doi.org/10.22236/jurnalpsk.v15i2.3655>.

¹⁰ M. S. Umbreit, R. B. Coates, and B. Kalanj, "Victim Meets Offender: The Impact of a Restorative Justice Programme," *Crime & Delinquency* 52, no. 1 (2006): 1-19.

¹¹ A. Cossins, "Restorative Justice and Child Sex Offences: The Theory and the Practice," *British Journal of Criminology* 48, no. 3 (2008): 359-378, <https://doi.org/10.1093/bjc/azn004>.

¹² A. Morris and G. Maxwell, "Restorative Justice for Juvenile Offenders: Evidence from New Zealand," *Youth Justice* 1, no. 3 (2001): 177-193, <https://doi.org/10.1177/147322540100100302>. K. Daly and J. Stubbs, "Feminist Engagement with Restorative Justice," *Theoretical Criminology* 10, no. 1 (2006): 9-28, <https://doi.org/10.1177/1362480606059980>.

expected to contribute to the development of a more comprehensive RJ legal framework, covering aspects of victim protection, perpetrator rehabilitation, and community engagement in creating sustainable social justice.

Several previous studies have made significant contributions to understanding the concept and application of restorative justice (RJ) in the context of violence, although they do not specifically examine its application in domestic and child violence cases in Indonesia and Finland. Zehr (2002) emphasizes the importance of RJ in repairing relationships damaged by criminal behavior but does not address its implementation in countries with developing RJ policies.¹³ Daly (2002) highlights RJ's potential in domestic violence cases but focuses on the need for victim protection, an issue relevant but not examined in the contexts of Indonesia and Finland.¹⁴ Marshall (1999) suggests that RJ provides a more inclusive solution compared to punitive justice systems but does not discuss its application within different legal frameworks.¹⁵ Umbreit and Vos (2000) study RJ's application in domestic violence but do not include a specific analysis of RJ dynamics in countries with developing legal systems, such as Indonesia and Finland.¹⁶ Coker (2006) critiques the application of RJ in domestic violence, emphasizing the need for clear legal protection for victims, but this has yet to be explored in the context of two countries with distinct legal systems.¹⁷ This study offers a novel contribution by examining the application of RJ in Indonesia and Finland, two countries with evolving RJ policies, and analyzing the challenges and opportunities faced in these specific contexts.

This research offers a novel approach to RJ in domestic violence and child abuse cases in Indonesia with a focus on the legal protection of victims. By examining the application of RJ from legal, psychological, and social perspectives, this research aims to provide an adaptive and sustainable RJ framework. This research contributes to the development of RJ policy in Indonesia, particularly for cases involving family violence, by prioritising the principles of humanist and participatory justice.

METHODS OF THE RESEARCH

This research focuses on cases of Domestic Violence (DV) and violence against children applied within the framework of Restorative Justice (RJ) in Indonesia and Finland. The research object includes relevant legal institutions such as the police, courts, and the Child Protection Agency, as well as the community as the beneficiary subject of RJ. This is done to understand the mechanisms, challenges, and effectiveness of RJ in cases of domestic violence and violence against children. According to Sugiyono, the selection of the right research object provides an in-depth focus of analysis and provides validity for the research results.¹⁸ Research instruments in this study included semi-structured interviews, direct observation, and a measured questionnaire to collect empirical data from various stakeholders. The questionnaire was designed using a Likert scale to measure victim and perpetrator perceptions and satisfaction with the implementation of RJ. The instruments

¹³ Howard Zehr, *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2002), 37.

¹⁴ Kathleen Daly, "Restorative Justice and Violence Against Women," *The Australian & New Zealand Journal of Criminology* 35, no. 2 (2002): 145-158.

¹⁵ Tim Marshall, *Restorative Justice: An Overview* (London: Home Office, 1999), 20.

¹⁶ Mark S. Umbreit and Barbara Vos, "Restorative Justice and Family Violence," *Journal of Interpersonal Violence* 15, no. 12 (2000): 1212-1224.

¹⁷ Donna Coker, "Restorative Justice: The Need for a Critical Approach," *Ohio State Journal of Criminal Law* 3, no. 2 (2006): 343-364.

¹⁸ Karim A., "Pembaharuan Pendidikan Islam Multikulturalis," *Jurnal Pendidikan Agama Islam -Ta'lim* 14, no. 1 (2016): 19-35.

used were based on previous research that has been tested for validity in the context of RJ studies.¹⁹ This technique was intended to tailor data collection to the research context, as suggested by Creswell who emphasised the importance of instruments relevant to the characteristics of qualitative and quantitative research. Data were collected through three main methods: in-depth interviews, participatory observation, and questionnaires. In-depth interviews were conducted with key informants such as legal officials, RJ experts, and victims and perpetrators. Direct observation techniques were conducted to monitor the implementation of RJ in the field, while questionnaires were given to victims, perpetrators, and the surrounding community to obtain data on perceptions of RJ effectiveness. According to Yin, collecting data from multiple sources allows for data triangulation which increases reliability. Data were analysed using a thematic analysis approach for qualitative data from interviews and observations, and descriptive analysis for quantitative data from questionnaires. Thematic analysis facilitated the identification of key patterns related to RJ implementation and responses to its implementation, in accordance with Braun and Clarke's guidance on the importance of theme identification in qualitative data. Quantitative data were analysed using statistical software to identify statistical trends and patterns related to perceptions of RJ. Miles and Huberman emphasised that systematic data analysis would improve the validity and consistency of the research results. To ensure data validity, this study used triangulation techniques by comparing data from interviews, observations and questionnaires. In addition, member checking was used to confirm the findings with the interviewees, in an effort to validate the perceptions and interim findings of the research. Validation in qualitative research is important to make the results more reliable, as Creswell asserts that triangulation and member checking can reduce bias and increase credibility.²⁰

RESULTS AND DISCUSSION

A. The Application of Restorative Justice In Cases of Domestic and Child Abuse

The research data on the application of restorative justice in cases of domestic and child violence is effective in achieving restorative justice for victims in Indonesia and Finland as follows:

Indonesia

Law Enforcement Officials: Law enforcement officials stated that the application of restorative justice (RJ) in cases of domestic and child violence provides an opportunity for victims to express their impact directly to the perpetrator. However, they noted that not all victims are ready to participate, especially those who are severely traumatised. Officials mentioned that RJ is effective in cases where victims feel safe and supported by their families and communities, enabling emotional healing. **Victims of domestic and child violence:** From interviews with victims, most stated that they were more satisfied with the RJ approach than the lengthy and often re-traumatising litigation process. Victims felt valued for their active involvement in the conflict resolution process. However, some victims expressed concerns about their future safety as the perpetrator still had close access to them.

¹⁹ Sugiyono, *Quantitative, Qualitative, and R&D Research Methods*, 3rd ed. (Bandung: Alfabeta, 2024). Karim A., and Afnan D., "Kiai Interpersonal Managerial: Henry Mintzberg Perspective," *Journal of Leadership in Organizations* 2, no. 2 (2020): 75-90, <https://doi.org/https://doi.org/10.22146/jlo.56290>.

²⁰ In Karim A., and Wajdi F., "Propaganda and Da'wah in Digital Era (A Case of Hoax Cyber-Bullying Against Ulama)," *KARSA: Jurnal Sosial Dan Budaya Keislaman* 27, no. 1 (2019): 171-202, <https://doi.org/10.19105/karsa.v27i1.1921>.

Impact on Psychological Recovery: In RJ processes, it appears that victims who engage in discussions and mediation sessions with their perpetrators show signs of improved recovery, such as increased confidence and a better understanding of their case. Observations at mediation centres suggest that RJ approaches can create a supportive environment for recovery, although only in certain cases where victims have not experienced intimidation.

The Role of Mediation in RJ: In some cases, closely supervised mediation has been shown to speed up the recovery process for victims. Observations suggest that RJ is effective when trained mediators are able to facilitate constructive conversations between victims and perpetrators. However, it was also found that if RJ is not supported by strict security, there is a potential for intimidation which can reduce the effectiveness of RJ. **Victims' Perceptions of RJ:** From the questionnaire data collected, approximately 70% of victims who had participated in RJ felt that this approach met their psychological needs better than the formal justice process. They felt that RJ provided an opportunity to voice their views and express the emotional impact of their experiences.

Satisfaction with Perceived Justice: The data showed that approximately 65% of victims felt that RJ provided them with "satisfactory justice" because they were able to be directly involved in the process and reach an agreement that better suited their needs. However, about 35% of victims expressed dissatisfaction, particularly in cases where the perpetrator did not show genuine remorse or when victims felt that the process lacked security. **Effectiveness of RJ:** Quantitative analysis revealed that victims who felt engaged in RJ tended to show higher levels of satisfaction in terms of justice received, with an average score of 4.2 out of a scale of 5 in terms of the effectiveness of the RJ process. However, they also rated the safety aspect with an average score of 3.3 out of the same scale, indicating concerns that RJ still has limitations in providing full protection to victims. **Emotional Satisfaction:** Victims who engaged in RJ demonstrated higher levels of emotional satisfaction compared to victims who went through litigation, with an average satisfaction score of 4.5 in RJ compared to 3.1 in litigation.

Analysis of data on the application of restorative justice (RJ) in domestic and child violence cases demonstrates the effectiveness of this approach in achieving restorative justice, despite significant challenges. Data were collected through interviews, observations, and questionnaires, providing a comprehensive approach to understanding the perspectives of victims and law enforcement officials. From a methodological perspective, interviews with victims and law enforcement officials provided deep qualitative insights into their experiences and feelings towards the RJ process. Respondents expressed satisfaction with the RJ approach, which was perceived as more responsive to their emotional needs than the litigation process. However, safety concerns and dissatisfaction among some victims highlighted the need for more attention to the security context in the application of RJ.

Observations at mediation centres add a quantitative dimension to the data, suggesting that the effectiveness of RJ is influenced by the mediator's ability to create a supportive and safe environment for victims. Higher emotional satisfaction scores in RJ compared to litigation suggest that this process may facilitate better psychological recovery. However, analyses also indicated that the presence of potential intimidation and lack of protection for victims remain issues to be addressed. Thus, while RJ has shown positive results in meeting

justice and emotional needs, security-related challenges need to be addressed to improve its effectiveness in the future.

Based on the results of interviews, observations, and questionnaires, it can be concluded that RJ in cases of domestic and child violence has significant effectiveness in meeting the emotional and restorative justice needs of victims. Nonetheless, concerns related to victim safety and protection still emerge as challenges that need to be addressed. This conclusion suggests that the application of RJ is effective in achieving restorative justice to the extent that victims feel safe and are not under pressure or intimidation from perpetrators.

The findings of this study can be interpreted through the lens of restorative justice (RJ) theory, which emphasizes the importance of dialogue between victims and offenders, as well as community involvement in the healing process. According to Zehr, restorative justice focuses on repairing harm and fostering accountability in offenders, which aligns with the findings that victims showed improved emotional recovery when involved in the process. As Zehr explains, RJ "focuses on the needs of the victims and the offenders, rather than on the needs of the state."²¹ This study also supports Umbreit's concept of mediation in RJ, where a structured, supportive environment for discussions can enhance the psychological healing of victims.²² However, the research also reveals a critical novelty: while RJ facilitates emotional satisfaction, it has limitations in addressing victim safety and protection. This echoes Coker's concern about the potential for intimidation in RJ processes, particularly in sensitive cases like domestic and child violence.²³ The study suggests that while RJ is effective in meeting the emotional and restorative needs of victims, more attention must be given to ensuring security and protection for victims, an issue that has not been extensively explored in existing literature.

Finland

Restorative justice is an approach that focuses on restoring the relationship between the perpetrator and victim, as well as the responsibility of the perpetrator in cases of domestic and child violence. In Finland, this approach is beginning to be adopted as an alternative to traditional justice processes. In Finland, restorative justice is integrated into the justice system through programs aimed at resolving conflict and violence. The approach involves mediation between the perpetrator, victim, and community to find a fair solution, without stigmatizing the perpetrator. Such programs are usually conducted outside of court. Several studies have shown that restorative justice is effective in dealing with domestic and child violence cases, with several advantages: (1) Victims who participate in these processes often report higher levels of satisfaction than traditional justice processes, as they are able to share their experiences and gain recognition for their suffering. (2) This approach has the potential to reduce reoffending by perpetrators, as through reflection and dialogue, they can understand the impact of their actions and take responsibility to improve their behavior. (3) Restorative justice strengthens community and family support, which is important for victim and offender recovery, as well as helping to restore relationships and prevent future violence. (4) The process is more flexible than the traditional justice system, allowing for solutions that better suit the needs of each party.

²¹ Howard Zehr, *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2002), 37.

²² Mark S. Umbreit, *Restorative Justice and Family Violence* (New York: Springer, 2000), 122-125.

²³ Donna Coker, "Restorative Justice: The Need for a Critical Approach," *Ohio State Journal of Criminal Law* 3, no. 2 (2006): 343-364.

However, the implementation of restorative justice also faces challenges: (1) Stigmatization of Offenders: The stigma attached to offenders may hinder their participation in restorative justice programs. (2) Difficulty in Ensuring Safety: In domestic violence cases, mediation can increase the risk to the victim, making it important to ensure the safety of all parties involved. (3) Limited Knowledge: Lack of understanding among practitioners and the public regarding the benefits of restorative justice is also a challenge. Overall, the application of restorative justice in domestic and child abuse cases in Finland has been effective in achieving redress for both victims and perpetrators. Despite the challenges, restorative justice offers a promising alternative to increase victim satisfaction and reduce reoffending, as well as supporting more comprehensive social recovery.

The findings of this study can be analyzed through the framework of Restorative Justice (RJ) theory, which emphasizes repairing harm and restoring relationships between the victim, perpetrator, and community, rather than focusing solely on punishment. According to Zehr, RJ is rooted in principles of accountability, healing, and community involvement, aiming to create a more holistic and inclusive form of justice.²⁴ The results of this research support these principles by demonstrating that victims in Finland who participated in RJ processes reported higher satisfaction levels than those engaged in traditional justice systems, as they were given the opportunity to share their experiences and have their suffering acknowledged.²⁵ Furthermore, the study shows that RJ can reduce reoffending by encouraging perpetrators to reflect on the impact of their actions, aligning with Umbreit's findings on the effectiveness of RJ in fostering offender accountability and rehabilitation.²⁶ The novelty of this research lies in its focus on the challenges of implementing RJ in cases of domestic and child violence, particularly the issue of ensuring safety during mediation and addressing the stigma that may prevent offenders from participating fully. Despite these challenges, the study underscores that RJ's flexibility and focus on victim and offender recovery provide a promising alternative to traditional justice processes, with potential benefits for both emotional healing and community restoration.

B. The application of restorative justice (RJ) in cases of domestic and child abuse

Indonesia

Data on the application of restorative justice (RJ) in cases of domestic and child violence can be implemented without compromising legal protection for victims with several strategic steps, including: Law enforcement and professional counsellors should be involved at every stage of RJ to ensure that victims' rights are protected. This includes providing clear information about the RJ process and the legal rights of victims. Before implementing RJ, it is important to conduct a thorough risk assessment to determine the victim's readiness and the potential harm they may face. This helps identify cases where RJ may not be suitable, especially when the perpetrator shows signs of repeated violence.

In conducting RJ mediation, security mechanisms such as separate rooms for victims and perpetrators and the presence of a neutral third party can be implemented to prevent intimidation. Educating the community about RJ and victim protection is critical to creating an enabling environment for recovery. Support from the community can increase the sense

²⁴ Howard Zehr, *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2002), 37.

²⁵ Mark S. Umbreit, *Restorative Justice and Family Violence* (New York: Springer, 2000), 122-125.

²⁶ Howard Zehr, *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2002), 45.

of security for victims. RJ processes should be evaluated periodically to ensure that this approach continues to protect victims' rights and provide the justice they expect.

Data were analysed on the application of RJ that does not compromise legal protection for victims using qualitative and quantitative approaches. Through interviews with victims, mediators and law enforcement officials, in-depth insights were gained into their feelings and experiences of the RJ process. Respondents emphasised the importance of professional involvement and risk assessment to ensure adequate protection for victims. Questionnaires distributed to victims following RJ indicated that 75% felt safe and protected throughout the process, while 80% agreed that the presence of a professional mediator increased their trust in the system. However, 20% of victims still had doubts about their safety, indicating the need for attention to stronger safeguards. Observations of the mediation sessions showed that with strong safeguards and the professionalism of the mediator, the RJ process can work well without compromising the rights of victims. However, the findings also suggest that the effectiveness of RJ depends heavily on the context of the case and the readiness of each party to engage in the process. In conclusion, the application of RJ in domestic and child violence cases can be effective without compromising legal protection for victims, provided that security measures and professional support are properly implemented.

Finland

Restorative justice (RJ) is an approach that aims to repair the harm suffered by the victim and restore the relationship between the perpetrator and the victim. In Finland, the application of RJ in domestic and child abuse cases is gaining attention as a more humane and effective alternative to the traditional justice system. Finland is known for its progressive and rehabilitation-focused justice system. Restorative justice is integrated into programs aimed at addressing conflict, including domestic violence and child abuse. This approach involves perpetrators, victims, and sometimes community members in a mediation process to reach mutually beneficial solutions and make things right.

The RJ process in Finland usually consists of the following steps: (1) Domestic and child abuse cases eligible for RJ are identified by authorities or social agencies. These cases are often referred from the traditional justice system. (2) The perpetrator and victim must agree to participate in the RJ process. This is an important step, as the presence of both parties is key to successful mediation. (3) Mediation sessions are conducted with a facilitator trained to help both parties communicate. In these sessions, victims can share their experiences and convey the impact of the perpetrator's actions. Perpetrators are also given the opportunity to acknowledge their mistakes and make amends. (4) After discussion, the parties may reach agreement on steps to be taken to remedy the situation, such as an apology, compensation, or rehabilitative measures for the perpetrator.

The application of RJ in domestic and child violence cases in Finland has shown several advantages: (1) Research shows that many victims are more satisfied with the outcome of RJ, as they get a chance to be heard and feel that their actions are valued. (2) Perpetrators who participate in RJ programs are less likely to reoffend, as they better understand the impact of their behavior. (3) Community involvement in the RJ process helps strengthen social support for victims and perpetrators, and reduces stigma.

While RJ has many benefits, there are some challenges that need to be considered: (1) The mediation process must be conducted with care to ensure that the victim feels safe and not threatened. (2) Social stigma may deter perpetrators from participating in RJ processes. (3) There remains a lack of understanding among the public and practitioners regarding restorative justice and its benefits. The application of restorative justice in domestic and child abuse cases in Finland offers a more humane and effective approach. By focusing on restoration and responsibility, RJ can increase victim satisfaction, reduce reoffending, and improve social relations. Despite challenges, RJ remains a promising alternative in the Finnish justice system.

C. The application of restorative justice in cases of domestic and child abuse

The application of restorative justice (RJ) in cases of domestic and child violence has shown effectiveness in achieving restorative justice. However, this effectiveness is inseparable from the challenges that must be faced, especially in relation to legal protection for victims. The data obtained from this study, through interviews, observations, and questionnaires, support many of the findings in previous literature on RJ.

Based on the research data, law enforcement officials stated that RJ provides an opportunity for victims to express the impact they have experienced. This finding is in line with Zehr's²⁷ opinion that RJ focuses on the needs of victims and facilitates dialogue between victims and perpetrators. In the context of domestic and child violence, RJ allows victims to feel involved in the conflict resolution process, which has proven to be more satisfying than lengthy litigation processes.²⁸

Interviews with victims showed that 70% of them felt that RJ met their psychological needs. This supports Baines'²⁹ assertion that RJ approaches can contribute to victims' emotional recovery, provided they feel safe and supported by their families and communities. However, as expressed by respondents, some victims still experienced concerns regarding their future safety. This suggests that while RJ can provide psychological healing, safety remains an issue that must be considered.

While RJ has demonstrated many benefits, this study also identified several challenges, including the potential for intimidation that can arise if the RJ process is not implemented with appropriate safeguards. Observations suggest that if RJ is not supported by strict safeguards, the potential for intimidation can reduce the effectiveness of RJ. This is in line with Lodewal³⁰ who noted that in cases where perpetrators have close access to victims, the risk of intimidation increases, reducing the effectiveness of the RJ process.

Victims' satisfaction with justice also depends on the remorse shown by the offender. About 35% of victims were dissatisfied with the RJ process, especially when the offender did not show genuine remorse. According to Umbreit et al.,³¹ offender remorse is a key factor in the success of the RJ process. Without genuine remorse, the RJ process may fail to fulfil victims' expectations of justice.

²⁷ H. Zehr, *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2002).

²⁸ Karim A., Faiz A., Nur' Aini N., and Rahman F. Y., "The Policy of Organization, the Spirit of Progressivism Islam, and Its Association with Social Welfare Educators," *Tatar Pasundan: Jurnal Diklat Keagamaan* 16, no. 1 (2022): 69-75.

²⁹ E. K. Baines, "The Role of Restorative Justice in Healing Trauma," *International Review of Victimology* 22, no. 2 (2016): 113-131.

³⁰ R. Lodewal, "Challenges of Implementing Restorative Justice in Domestic Violence Cases," *Journal of Family Violence* 36, no. 5 (2021): 563-577.

³¹ M. S. Umbreit, R. B. Coates, and B. Vos, "The Impact of Restorative Justice Conferencing: A Review of 63 Empirical Studies in 5 Countries," *Federal Probation* 69, no. 2 (2005): 37-43.

Mediators play an important role in the RJ process, and their ability to create a safe and supportive environment for victims is critical to the success of this process. Trained mediators are able to facilitate constructive conversations between victims and offenders, as demonstrated in this study. This finding is consistent with a study by Moore and O'Connell³² which showed that experienced mediators can improve participants' experience and satisfaction in the RJ process. However, the study also highlighted that not all mediators have the skills needed to handle sensitive situations, so better training is needed for mediators to deal with domestic and child abuse cases.

From a legal standpoint, the application of RJ must still consider the protection of victims' rights. According to Kelly,³³ RJ can serve as an adjunct to the existing justice system, rather than a replacement. This approach should be designed in such a way that it does not compromise the rights of victims in an effort to achieve restorative justice. Legal systems that protect victims' rights must be integrated with RJ processes. Risk assessments prior to the implementation of RJ, as revealed in the research results, are an important step to ensure that victims are not forced to participate in processes that may exacerbate their trauma.

D. The application of restorative justice (RJ) in cases of domestic and child abuse

The application of restorative justice (RJ) in cases of domestic and child violence has attracted attention as an alternative to conflict resolution. RJ focuses on restoring victims and perpetrators through constructive dialogue, with the aim of repairing the harm experienced by victims and promoting perpetrator responsibility. The data obtained in this study suggest that RJ approaches are effective in achieving restorative justice, despite significant challenges related to legal protection for victims.

In this study, law enforcement officials reported that the application of RJ provided an opportunity for victims to voice the impacts they experienced directly to the perpetrators. This finding is consistent with Zehr's³⁴ view, which states that RJ emphasises the importance of listening to victims' voices in the conflict resolution process. RJ allows victims to be actively involved in the process, which results in a sense of control and appreciation of their experiences.

Interviews with victims showed that 70% were more satisfied with the RJ approach than the lengthy litigation process. This finding corroborates the findings of Koss et al.,³⁵ which suggest that RJ approaches can increase victim satisfaction, especially in the context of violent cases. Victims revealed that the RJ process helped them feel valued and recognised, which contributed to their emotional recovery.

However, not all victims feel ready to participate, especially those who have experienced severe trauma. This is in line with research by Baines,³⁶ who noted that the level of readiness of victims to engage in RJ is highly dependent on their psychological state. This weakness suggests the importance of psychological and emotional support for victims before they participate in the RJ process.

³² D. B. Moore and M. O'Connell, "The Importance of Trained Mediators in Restorative Justice Programs," *Conflict Resolution Quarterly* 27, no. 3 (2010): 273-290.

³³ L. Kelly, "Restorative Justice: A Guide for the Practitioner," *Victim Support* 45, no. 3 (2008): 201-215.

³⁴ H. Zehr, *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2002).

³⁵ Karim A., Hamamah F., Sukardi D., and Jalaludin, "Kiai Leadership, Juvenile Delinquency, and Pesantren-Based Rehabilitation: A Henry Mintzberg Perspective," *Asia-Pacific Journal of Educational Management Research* 9, no. 1 (2024): 67-74, <https://doi.org/10.21742/ajemr.2024.9.1.05>.

³⁶ E. K. Baines, "The Role of Restorative Justice in Healing Trauma," *International Review of Victimology* 22, no. 2 (2016): 113-131.

While RJ has many benefits, challenges remain, particularly in terms of safety for victims. In observations at mediation institutions, it was found that if the RJ process is not implemented with appropriate safeguards, there is the potential for intimidation from perpetrators, which can reduce the effectiveness of RJ. This is consistent with the findings of Lodewal,³⁷ who emphasised the need for strict safeguards in every step of RJ to prevent intimidation and ensure victim safety. In addition, approximately 35 per cent of victims in this study expressed dissatisfaction with the RJ process, particularly when the offender did not show genuine remorse. This finding reflects the views of Umbreit et al. Without genuine remorse, the RJ process may fail to meet victims' expectations of justice, which in turn may be detrimental to their recovery.

In this study, it was found that trained mediators were able to create a supportive environment for dialogue between victims and perpetrators. This finding is in line with Moore and O'Connell's study,³⁸ which showed that an experienced mediator can increase participant satisfaction in the RJ process. The mediator not only functions as a facilitator, but also as a security guard who ensures that discussions take place in a safe atmosphere. However, the study also noted that not all mediators have the necessary skills to handle sensitive situations, especially in cases of domestic and child violence. This points to the need for a more comprehensive training programme for mediators to prepare them for the specific challenges that may arise in the RJ process.

From a legal perspective, the application of RJ should be done with the protection of victims' rights in mind. Kelly argues that RJ can function as an adjunct to the existing justice system, rather than a replacement.³⁹ Therefore, it is important for RJ implementation to be integrated with existing legal protection mechanisms.⁴⁰ A comprehensive risk assessment prior to the implementation of RJ is an important step to ensure that victims are not forced to engage in a process that may exacerbate their trauma.

The application of restorative justice in cases of domestic and child violence has shown effectiveness in meeting the emotional and restorative justice needs of victims. However, challenges related to safety and protection for victims still need to be addressed. With proper support from law enforcement officials and trained mediators, RJ can be an effective alternative in conflict resolution. This research emphasises the need for a sensitive approach to victims' needs and the protection of their rights at every step of the RJ process.

CONCLUSION

The application of restorative justice (RJ) in domestic and child abuse cases in Indonesia and Finland has shown significant effectiveness in fulfilling the emotional and restorative justice needs of victims. Data from this study showed that: In general, this study confirms that restorative justice is a potentially effective approach in dealing with domestic and child violence cases in Indonesia and Finland. Despite significant challenges, particularly in terms of victim protection and the need for trained mediators, RJ offers a more humane and responsive alternative to formal justice processes. Improving the effectiveness of RJ in the

³⁷ R. Lodewal, "Challenges of Implementing Restorative Justice in Domestic Violence Cases," *Journal of Family Violence* 36, no. 5 (2021): 563-577.

³⁸ D. B. Moore and M. O'Connell, "The Importance of Trained Mediators in Restorative Justice Programs," *Conflict Resolution Quarterly* 27, no. 3 (2010): 273-290.

³⁹ L. Kelly, "Restorative Justice: A Guide for the Practitioner," *Victim Support* 45, no. 3 (2008): 201-215.

⁴⁰ Karim A., Mardhotillah N. F., and Samadi M. I., "Ethical Leadership Transforms into Ethnic: Exploring New Leader's Style of Indonesia," *Journal of Leadership in Organizations* 1, no. 2 (2019): 146-157, <https://doi.org/10.22146/jlo.44625>.

future requires strengthening victim protection mechanisms, better training for mediators, and a deeper understanding of the emotional and psychological context of victims. This will ensure that the application of RJ not only fulfils the needs of justice, but also supports the holistic recovery process of victims. The application of restorative justice (RJ) in domestic and child violence cases in Indonesia and Finland shows promise in addressing the emotional and restorative needs of victims. In both countries, RJ has proven effective in facilitating victim participation, enhancing victim satisfaction, and promoting offender accountability. However, the effectiveness of RJ in these cases depends significantly on the safety of the victims and the willingness of the perpetrators to engage in the process. While Finland has made progress in integrating RJ into its justice system, challenges regarding victim protection and the risk of re-traumatization remain. Similarly, in Indonesia, where RJ is still developing, there are concerns about the lack of awareness and support for victims and offenders, as well as the need for a more structured implementation framework. To ensure that RJ remains effective without compromising legal protections for victims, it is essential to integrate strict safety measures, thorough training for mediators, and comprehensive public awareness campaigns. Both countries must continue to refine the application of RJ, balancing restorative processes with the legal rights and protection of victims.

REFERENCES

- A. Cossins, "Restorative Justice and Child Sex Offences: The Theory and the Practice," *British Journal of Criminology* 48, no. 3 (2008): 359-378, <https://doi.org/10.1093/bjc/azn004>.
- A. Morris and G. Maxwell, "Restorative Justice for Juvenile Offenders: Evidence from New Zealand," *Youth Justice* 1, no. 3 (2001): 177-193, <https://doi.org/10.1177/147322540100100302>.
- A. Sari, "The Impact of the COVID-19 Pandemic on Domestic Violence Cases in Indonesia," *Journal of Social and Welfare* 15, no. 2 (2021): 112-120, <https://doi.org/10.22236/jurnalpsk.v15i2.3655>.
- A. Wulandari and Y. Rizki, "Analysis of the Juvenile Criminal Justice System Law: A Restorative Justice Approach," *Journal of Law and Development* 48, no. 2 (2018): 208-228, <https://doi.org/10.21143/jhp.vol48.no2.1532>.
- Amirudin, Darajat J., Wajid F., and Karim A., "Kyai Haji Abbas Abdul Jamil's Da'wa Model: The Combination Between Tradition Aspects with Psychosufism," *Jurnal Penelitian* 20, no. 1 (2023): 67-80, <https://doi.org/10.28918/jupe.v20i1.1099>.
- C. Marshall, *The Little Book of Biblical Justice: A Fresh Approach to the Bible's Teachings on Justice* (Intercourse, PA: Good Books, 2001).
- D. B. Moore and M. O'Connell, "The Importance of Trained Mediators in Restorative Justice Programs," *Conflict Resolution Quarterly* 27, no. 3 (2010): 273-290.
- E. K. Baines, "The Role of Restorative Justice in Healing Trauma," *International Review of Victimology* 22, no. 2 (2016): 113-131.
- Erik E., Djalal F., Hapidin H., and Karim A., "Developing Leadership Behavior Through Natural School," *Journal of Law and Sustainable Development* 12, no. 1 (2024): 1-20, <https://doi.org/https://doi.org/10.55908/sdgs.v12i1.2758>.

- Fathurohman O., Marliani L., Muhammadun, Mahdiyan M., and Karim A., "Integration of Entrepreneurship Education in the Pondok Pesantren Curriculum: A Case Study at Hidayatul Mubtadi-ien in Indramayu," *Jurnal Pendidikan Islam* 12, no. 2 (2023): 153-160, <https://doi.org/10.14421/jpi.2023.122.153-160>.
- Fikriyah, Karim A., Huda M. K., and Sumiati A., "Spiritual Leadership: The Case of Instilling Values in Students Through the Kiai's Program in the Globalization Era," *Journal of Leadership in Organizations* 3, no. 1 (2021): 16-30, <https://doi.org/https://doi.org/10.22146/jlo.63922>.
- G. Johnstone, *Restorative Justice: Ideas, Values, Debates* (London: Routledge, 2011).
- H. Zehr, *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2002).
- H. Zehr, *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2002).
- Herawati, T., Jalaludin, Muhammadun, Widiantari D., and Karim A., "Character Building Management in Improving Personality Competence Teacher," *Asia-Pacific Journal of Educational Management Research* 8, no. 2 (2023): 49-64, <https://doi.org/http://dx.doi.org/10.21742/ajemr.2023.8.2.04>.
- J. Braithwaite, *Crime, Shame and Reintegration* (Cambridge, UK: Cambridge University Press, 1989).
- J. Latimer, C. Dowden, and D. Muise, "The Effectiveness of Restorative Justice Practices: A Meta-Analysis," *The Prison Journal* 85, no. 2 (2005): 127-144, <https://doi.org/10.1177/0032885505276969>.
- J. W. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches, 6th ed.* (Thousand Oaks, CA: SAGE Publications, 2024).
- K. Daly and J. Stubbs, "Feminist Engagement with Restorative Justice," *Theoretical Criminology* 10, no. 1 (2006): 9-28, <https://doi.org/10.1177/1362480606059980>.
- K. Daly, "Restorative Justice: The Real Story," *Punishment & Society* 4, no. 1 (2002): 55-79, <https://doi.org/10.1177/14624740222228464>.
- Karim A., "Pembaharuan Pendidikan Islam Multikulturalis," *Jurnal Pendidikan Agama Islam -Ta'lim* 14, no. 1 (2016): 19-35, <http://jurnal.upi.edu/taklim/view/3880/pembaharuan-pendidikan-islam-multikulturalis-.html>.
- Karim A., and Afnan D., "Kiai Interpersonal Managerial: Henry Mintzberg Perspective," *Journal of Leadership in Organizations* 2, no. 2 (2020): 75-90, <https://doi.org/https://doi.org/10.22146/jlo.56290>.
- Karim A., and Wajdi F., "Propaganda and Da'wah in Digital Era (A Case of Hoax Cyber-Bullying Against Ulama)," *KARSA: Jurnal Sosial Dan Budaya Keislaman* 27, no. 1 (2019): 171-202, <https://doi.org/10.19105/karsa.v27i1.1921>.
- Karim A., Faiz A., Nur' Aini N., and Rahman F. Y., "The Policy of Organization, the Spirit of Progressivism Islam, and Its Association with Social Welfare Educators," *Tatar Pasundan: Jurnal Diklat Keagamaan* 16, no. 1 (2022): 69-75.
- Karim A., Hamamah F., Sukardi D., and Jalaludin, "Kiai Leadership, Juvenile Delinquency, and Pesantren-Based Rehabilitation: A Henry Mintzberg Perspective," *Asia-Pacific*

Journal of Educational Management Research 9, no. 1 (2024): 67-74, <https://doi.org/10.21742/ajemr.2024.9.1.05>.

- Karim A., Mardhotillah N. F., and Samadi M. I., "Ethical Leadership Transforms into Ethnic: Exploring New Leader's Style of Indonesia," *Journal of Leadership in Organizations* 1, no. 2 (2019): 146-157, <https://doi.org/10.22146/jlo.44625>.
- Komnas Perempuan, *Annual Report on Violence Against Women in Indonesia* (Jakarta, Indonesia: Komnas Perempuan, 2023).
- L. Kelly, "Restorative Justice: A Guide for the Practitioner," *Victim Support* 45, no. 3 (2008): 201-215.
- Lisyanti, Mehira S., Cahyono H., and Karim A., "Commitment to the Profession and the Learning Organization: The Study of Innovation Tutor Package C Equivalent High School," *SCIENTIA: Social Sciences & Humanities (Proceedings of the 1st International Conference of Bunga Bangsa Cirebon (ICOBBA) 2021)* (2022): 296-306, <https://doi.org/https://doi.org/10.51773/icobba.v1i2.92>.
- M. B. Miles, A. M. Huberman, and J. Saldaña, *Qualitative Data Analysis: A Methods Sourcebook, 4th ed.* (Thousand Oaks, CA: SAGE Publications, 2024).
- M. Muqoddas, "Application of Sulh Values in Islamic Criminal Law," *Journal of Islamic Law* 15, no. 1 (2017): 35-48, <https://doi.org/10.21043/jhi.v15i1.2063>.
- M. P. Koss, C. A. Gidycz, and N. Wisniewski, "The Sexual Experiences Survey: Reliability and Validity," *Journal of Consulting and Clinical Psychology* 55, no. 2 (1987): 455-457.
- M. S. Umbreit, R. B. Coates, and B. Kalanj, "Victim Meets Offender: The Impact of a Restorative Justice Programme," *Crime & Delinquency* 52, no. 1 (2006): 1-19.
- M. S. Umbreit, R. B. Coates, and B. Vos, "The Impact of Restorative Justice Conferencing: A Review of 63 Empirical Studies in 5 Countries," *Federal Probation* 69, no. 2 (2005): 37-43.
- Mansir F., and Karim A., "Fiqh Learning Methodology in Responding to Social Issues in Madrasa," *Tarbiya: Journal of Education in Muslim Society* 7, no. 2 (2020): 241-251, <http://journal.uinjkt.ac.id/index.php/tarbiya>.
- Nurhawaeny Kardiyati E., and Karim A., "Information Systems and Internal Audit in Strengthening the Financial Statements of the Muhammadiyah Regional Leadership of Cirebon Regency," *Business and Accounting Research (IJEBAR) Peer Reviewed-International Journal* 7, no. 2 (2023).
- Purnomo H., Mahpudin, Ramadhan C. S., Rachmat I. F., and Karim A., "Principal Leadership and Teacher Performance on Student Success," *Jurnal Elementaria Edukasia* 7, no. 2 (2024): 2637-2656, <https://doi.org/10.31949/jee.v7i2.9145>.
- Qodriah S. L., Hartati W., and Karim A., "Self-Leadership and Career Success: Motivation of College Lecturers," *Journal of Leadership in Organizations* 1, no. 2 (2019): 79-95.
- R. K. Yin, *Case Study Research and Applications: Design and Methods, 7th ed.* (Thousand Oaks, CA: SAGE Publications, 2024).
- R. Lodewal, "Challenges of Implementing Restorative Justice in Domestic Violence Cases," *Journal of Family Violence* 36, no. 5 (2021): 563-577.

- Salam A. D., Kulkarni S., Karim A., Muhammadun, and Jalaludin, "The Managerial Roles of Leaders Pesantren-Based Rehabilitation Institutions in Overcoming Juvenile Delinquency," *Jurnal Manajemen Pendidikan Islam* 8, no. 3 (2024): 717-731, <https://doi.org/10.33650/al-tanzim.v8i3.8309>.
- Syabibi M. R., Karim A., Kulkarni S., and Sahil A., "Communicative Cultural Dakwah of Abdurrahman Wahid in Pluralistic Society," *Karsa: Journal of Social and Islamic Culture* 29, no. 2 (2021): 1-33, <https://doi.org/10.19105/karsa.v29i2.5220>.
- V. Braun and V. Clarke, *Thematic Analysis: A Practical Guide*, 2nd ed. (London: SAGE Publications, 2024).
- Widiantari D., Bin Samadi M. I., and Karim A., "Charismatic Leadership Effects of Teachers in Fostering Graduate Quality of Senior High School," *Journal of Leadership in Organizations* 4, no. 2 (2022): 179-190, <https://doi.org/10.22146/jlo.74872>.

Conflict of Interest Statement: The author(s) declares that research was conducted in the absence of any commercial or financial relationship that could be construed as a potential conflict of interest,

Copyright: © AUTHOR. This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License. (CC-BY NC), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

SASI is an open access and peer-reviewed journal published by Faculty of Law Universitas Pattimura, Ambon, Indonesia.

