



The Transformation of the Restorative Justice Concept in the Indonesian Judicial System in Technology-Based Cases

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ABSTRACT

The development of digital technology has led to the emergence of various technology-based crimes that challenge conventional criminal justice mechanisms. Restorative justice has emerged as an alternative approach that emphasizes dialogue, accountability, and the restoration of harm. This study aims to examine the transformation of the restorative justice concept in the Indonesian judicial system in handling technology-based cases. The research uses a normative juridical method with statutory and conceptual approaches. The findings show that restorative justice has begun to be integrated into the resolution of certain technology-related cases through legal policies and institutional initiatives. However, its implementation still faces challenges related to regulatory consistency and the adaptation of restorative mechanisms to cyber-related offenses. Strengthening the legal framework and institutional coordination is therefore necessary.

INTRODUCTION

The rapid development of digital technology has significantly transformed social interaction, communication, and economic activities in modern society. Alongside these developments, new forms of crime have emerged in cyberspace, including online fraud, cyberbullying, identity theft, and digital defamation. These technology-based crimes present complex legal challenges because they often involve cross-jurisdictional issues, digital evidence, and rapid information dissemination that may cause broader social harm (Fernando & Widyawati, 2025). Consequently, conventional criminal justice mechanisms that primarily emphasize punitive sanctions are increasingly considered insufficient to address the multidimensional impacts of cybercrime.

In recent years, the concept of restorative justice has gained increasing attention as an alternative approach within criminal justice systems. Restorative justice emphasizes dialogue, reconciliation, and the restoration of harm experienced by victims, offenders, and communities rather than focusing solely on punishment (Hariati & Kholiq, 2024). This approach aims to achieve a more balanced form of justice by encouraging accountability from offenders while simultaneously providing opportunities for victims to obtain recovery and restitution. Within the broader framework of criminal law reform, restorative justice has been recognized as a mechanism capable of resolving certain criminal cases more effectively and humanely.

In the Indonesian context, the restorative justice approach has gradually been integrated into the criminal justice system through various legal policies and institutional regulations. Several law enforcement agencies, including the Indonesian National Police and the Prosecutor's Office, have introduced regulatory frameworks that allow the settlement of certain criminal cases through restorative mechanisms (Putri et al., 2024). These developments reflect a paradigm shift from a purely retributive justice model toward a more restorative and community-oriented approach to law enforcement. The implementation of restorative justice is also considered an important strategy for reducing case backlogs and promoting more efficient dispute resolution within the judicial system.

However, the application of restorative justice in technology-based cases remains a subject of ongoing debate. Cybercrime cases often involve intangible harm, digital evidence, and broader public impacts that make the restorative process more complex than conventional criminal cases (Emaliawati, 2024). Moreover, the absence of comprehensive legal guidelines regarding the scope and limitations of restorative justice in cyber-related offenses may lead to inconsistencies in law enforcement practices. Several studies also indicate that the integration of restorative justice within digital crime cases requires adjustments in legal procedures, institutional coordination, and technological understanding among law enforcement authorities (Raranta, 2024).

Despite the increasing discussion of restorative justice within Indonesian criminal law, studies that specifically examine the transformation of restorative justice in technology-based cases within the Indonesian judicial system remain relatively limited. Most existing research focuses either on general restorative justice policies or on specific cybercrime regulations without exploring the intersection between the two frameworks. This gap highlights the need for a deeper analysis of how restorative justice principles are being adapted and implemented in handling technology-related criminal cases.

Therefore, this study aims to analyze the transformation of the restorative justice concept within the Indonesian judicial system in addressing technology-based cases. By examining relevant legal regulations, policies, and scholarly perspectives, this research seeks to provide a better understanding of the evolving role of restorative justice in responding to contemporary challenges in cybercrime law enforcement in Indonesia.

THEORETICAL REVIEW

Restorative Justice Theory

Restorative justice is a theoretical approach within criminal law that focuses on repairing the harm caused by criminal acts through dialogue, reconciliation, and accountability among victims, offenders, and the community. Unlike the conventional retributive justice model, which prioritizes punishment, restorative justice seeks to restore social relationships and address the needs of victims while encouraging offenders to take responsibility for their actions (Khan & Ahmed, 2025). This approach is increasingly recognized as a more balanced form of justice because it emphasizes victim participation, community involvement, and the restoration of social harmony.

In the context of contemporary criminal law reform, restorative justice has developed into an important framework for resolving certain criminal cases more effectively and humanely. The theory highlights that criminal justice should not only focus on legal sanctions but also consider the broader social impact of crime and the need for reconciliation between parties involved (Berebon, 2024). Through mechanisms such as mediation, victim-offender dialogue, and community-based settlement, restorative justice aims to create a fair resolution that benefits all stakeholders within the justice system.

Furthermore, restorative justice theory also emphasizes the principles of voluntariness, participation, and proportionality in the dispute resolution process. These principles ensure that restorative mechanisms are implemented in a fair and transparent manner while protecting the rights of both victims and offenders. As a result, restorative justice has increasingly been adopted in various legal systems as an alternative dispute resolution mechanism in criminal cases, particularly those that involve limited social harm or that require reconciliation between parties (Mulyana & Ma'mun, 2025).

Restorative Justice in the Context of Cybercrime

The emergence of cybercrime has created new challenges for criminal law enforcement due to the unique characteristics of digital offenses, such as anonymity, cross-border jurisdiction, and the rapid dissemination of harmful content. These characteristics often complicate conventional legal procedures and require new approaches to achieve justice for victims and society. In this regard, several scholars argue that restorative justice can provide an alternative framework for resolving certain cyber-related offenses by focusing on repairing harm rather than solely imposing punitive sanctions (Robalo & Abdul Rahim, 2023).

Cybercrime often produces psychological, reputational, and economic harm that may not always be adequately addressed through traditional criminal punishment. Restorative justice mechanisms such as mediation or victim-offender panels can provide victims with opportunities to express their experiences, receive acknowledgment of harm, and obtain restitution or compensation from offenders (Dimbap & Tharshini, 2021). In addition, restorative processes may encourage offenders to understand the consequences of their actions and promote behavioral change, thereby contributing to crime prevention in the long term.

The application of restorative justice in cybercrime cases also requires adjustments to accommodate the digital nature of these offenses. Recent studies highlight the emergence of digital restorative justice, which integrates online mediation platforms and technology-based dispute resolution mechanisms to facilitate restorative processes in cyberspace (Romero-Seseña, 2025). This approach reflects the evolving nature of criminal justice in the digital era and demonstrates how restorative justice principles can be adapted to address contemporary forms of crime.

Restorative Justice within the Modern Criminal Justice System

Within modern criminal justice systems, restorative justice is increasingly viewed as a complementary mechanism that can coexist with traditional legal procedures. The integration of restorative justice into formal legal institutions aims to enhance the effectiveness of law enforcement while ensuring that justice outcomes remain fair and balanced for all parties involved (Judijanto, 2025). In many jurisdictions, restorative justice is implemented through mediation, diversion programs, or community-based settlement mechanisms that operate alongside formal criminal proceedings.

Theoretical discussions on restorative justice also emphasize the importance of institutional support and legal frameworks to ensure the consistent implementation of restorative mechanisms. Without clear legal guidelines and procedural standards, the application of restorative justice may lead to inconsistent practices among law enforcement agencies and judicial institutions (Do & Selvadurai, 2025). Therefore, the transformation of restorative justice within contemporary criminal justice systems requires not only conceptual development but also institutional adaptation.

In the context of technology-based crimes, the integration of restorative justice into judicial processes represents an important step toward developing a more responsive and adaptive criminal justice system. By combining restorative principles with modern legal frameworks, criminal justice institutions can create more flexible mechanisms for resolving disputes that arise in the rapidly evolving digital environment.

METHODOLOGY

Research Design

This study employs a normative juridical research method to analyze the transformation of the restorative justice concept within the Indonesian judicial system in technology-based cases. Normative legal research focuses on examining legal norms, legal principles, and statutory regulations as the primary sources of analysis in order to understand the development of legal concepts and their application in practice (Rohman & Mu'minin, 2024). Through this approach, the study evaluates how restorative justice principles are interpreted and integrated within the existing legal framework governing cyber-related offenses.

Normative juridical research is widely used in legal scholarship because it allows researchers to systematically analyze legal doctrines, statutory provisions, and judicial reasoning to identify legal gaps and propose improvements to the legal system (Omar et al., 2025). In this context, the research examines the relationship between restorative justice principles and the legal framework regulating technology-based crimes in Indonesia.

Research Approaches

This study applies several approaches commonly used in normative legal research, namely the statutory approach, the conceptual approach, and the case approach. The statutory approach is used to analyze relevant laws and regulations that govern restorative justice and cybercrime within the Indonesian legal system. This includes examining statutory provisions, legal policies, and regulatory instruments that influence the implementation of restorative justice mechanisms (Samad et al., 2025).

The conceptual approach is used to analyze theoretical perspectives and legal doctrines related to restorative justice, criminal law reform, and cybercrime regulation. This approach helps explain the conceptual development of restorative justice within modern criminal justice systems and its relevance in addressing technology-based crimes (Wardiono et al., 2024).

In addition, the case approach is utilized to examine judicial decisions and law enforcement practices related to technology-based offenses that involve restorative justice mechanisms. Through this approach, the study analyzes how legal norms are interpreted and applied by courts and law enforcement institutions in practice (Irwan et al., 2025).

Types and Sources of Legal Materials

The research uses secondary data in the form of legal materials, which are categorized into three types: primary, secondary, and tertiary legal materials.

Primary legal materials consist of statutory regulations and official legal documents related to restorative justice and cybercrime regulation in Indonesia. These include national legislation, governmental regulations, and official legal policies that regulate criminal law enforcement.

Secondary legal materials include academic literature such as scholarly articles, books, and legal commentaries that discuss restorative justice, cybercrime, and criminal justice reform. These sources are used to provide theoretical perspectives and scholarly interpretations of the legal issues examined in this study.

Tertiary legal materials consist of supporting references such as legal dictionaries, encyclopedias, and other reference materials that assist in clarifying legal terminology and concepts used in the research (Huz et al., 2024).

Data Collection and Analysis

The data collection technique used in this study is documentary research, which involves collecting and reviewing legal documents, statutes, scholarly publications, and relevant legal literature related to restorative justice and technology-based crimes. This method allows the researcher to systematically identify legal norms and policy developments relevant to the research topic.

The collected legal materials are analyzed using qualitative legal analysis, which involves interpreting legal provisions, comparing legal concepts, and examining the coherence between legal norms and their practical implementation. The analysis is conducted through methods of legal interpretation and systematic analysis to identify legal gaps and evaluate the transformation of restorative justice within the Indonesian judicial system (Masnun & Prasetio, 2025).

Through this methodological approach, the study aims to provide a comprehensive understanding of how restorative justice principles are evolving in response to the challenges posed by technology-based crimes and how these principles can contribute to the development of a more adaptive and responsive criminal justice system.

RESEARCH RESULTS

The Transformation of Restorative Justice in the Indonesian Judicial System

The findings of this study indicate that the concept of restorative justice in Indonesia has undergone a significant transformation within the criminal justice system. Traditionally, the Indonesian legal system was dominated by a retributive justice approach, which emphasized punishment as the primary response to criminal acts. However, recent legal developments demonstrate a gradual shift toward incorporating restorative justice principles into the formal justice system. This transformation reflects a broader movement in criminal law reform that seeks to balance legal certainty with substantive justice.

The integration of restorative justice within the Indonesian judicial framework can be observed through several institutional policies and regulatory instruments issued by law enforcement agencies. These policies allow certain criminal cases to be resolved through dialogue, mediation, and reconciliation between the offender and the victim. As a result, restorative justice has increasingly been recognized as an alternative mechanism that complements conventional criminal procedures. The research finds that this transformation is driven by three key factors: the need for more humane law enforcement, the increasing complexity of modern crimes, and the necessity to reduce case congestion within the judicial system.

Furthermore, restorative justice has gradually evolved from being an informal dispute resolution practice to becoming a formalized legal mechanism supported by institutional regulations. This institutionalization reflects the growing recognition that restorative justice can contribute to achieving more balanced justice outcomes by addressing both the legal and social consequences of criminal acts.

Table 1. Regulatory Framework of Restorative Justice in Indonesia Relevant to Technology-Based Cases

Legal Instrument	Institution	Key Provision on Restorative Justice	Relevance to Technology-Based Cases
Police Regulation No. 8/2021	Indonesian National Police	Allows restorative justice in certain criminal cases	Applicable in minor cyber offenses
Prosecutor Regulation No. 15/2020	Attorney General's Office	Case termination based on restorative justice	Can be applied to online defamation
Criminal Code Reform (KUHP 2023)	Government	Recognizes restorative principles in criminal justice	Provides legal basis for alternative settlement

The Application of Restorative Justice in Technology-Based Cases

The study also finds that the application of restorative justice in technology-based crimes presents both opportunities and challenges within the Indonesian judicial system. Technology-based offenses, such as cyber defamation, online fraud, and digital harassment, often involve non-physical harm, including reputational damage, psychological distress, and economic loss. In many cases, these harms may be more effectively addressed through restorative mechanisms that prioritize dialogue and compensation rather than purely punitive sanctions.

In practice, restorative justice has been applied in certain technology-related cases, particularly those involving relatively minor offenses where the parties are willing to participate in mediation. Through restorative processes, victims are given the opportunity to express the impact of the offense, while offenders are encouraged to acknowledge their actions and provide restitution or apology. This process may facilitate a more constructive resolution that restores relationships and prevents further conflict.

However, the findings also indicate that the implementation of restorative justice in cyber-related cases remains inconsistent. One major challenge is the lack of comprehensive legal guidelines specifically regulating restorative justice in digital crime cases. As a result, the decision to apply restorative mechanisms often depends on the discretion of law enforcement authorities, which may lead to differences in interpretation and practice across institutions.

Additionally, technology-based crimes frequently involve complex elements such as digital evidence, anonymous perpetrators, and cross-border jurisdiction. These factors may limit the applicability of restorative justice in certain situations, particularly when the offense involves large-scale public harm or organized cybercrime activities.

Legal and Institutional Challenges in Implementing Restorative Justice

Another significant finding of this study relates to the institutional and legal challenges that affect the implementation of restorative justice in technology-based cases. Although restorative justice has gained increasing recognition within Indonesian criminal justice policy, its application still faces several structural limitations.

First, there remains a lack of harmonization between restorative justice policies and existing criminal law provisions. While restorative mechanisms are encouraged in certain cases, many statutory regulations still emphasize punitive sanctions as the primary legal response to criminal acts. This situation creates uncertainty regarding the scope and limitations of restorative justice within the legal system.

Second, institutional coordination among law enforcement agencies remains limited. The implementation of restorative justice often involves multiple actors, including police officers, prosecutors, judges, and community representatives. Without clear procedural guidelines and institutional coordination mechanisms, the restorative process may not be implemented consistently.

Third, the rapid development of digital technology continues to produce new forms of cybercrime that may not yet be fully regulated by existing legal frameworks. This situation requires the legal system to continuously adapt in order to address emerging challenges related to technology-based offenses.

Table 2. Key Challenges in the Implementation of Restorative Justice in Technology-Based Cases

Key Issue	Legal Condition	Identified Gap	Implication
Application of RJ in cybercrime	Partial regulation	No specific guideline for digital cases	Legal uncertainty
Institutional coordination	Different policies across institutions	Lack of harmonization	Inconsistent implementation
Digital crime characteristics	Non-physical harm	RJ mechanism not adapted	Need digital RJ framework

Implications for the Development of Criminal Justice Policy

Based on the findings of this study, it can be observed that restorative justice has the potential to play a significant role in improving the effectiveness of the Indonesian judicial system, particularly in handling technology-based cases. However, its successful implementation requires stronger legal and institutional support.

The transformation of restorative justice should therefore be accompanied by the development of clearer regulatory frameworks, including specific guidelines for the application of restorative justice in cybercrime cases. In addition, strengthening institutional coordination among law enforcement agencies is necessary to ensure that restorative mechanisms are applied consistently and fairly.

Moreover, the integration of digital technologies into restorative justice processes may provide new opportunities for resolving disputes in cyberspace. Online mediation platforms and digital dispute resolution mechanisms could enable restorative justice processes to be conducted more efficiently, particularly in cases involving parties located in different regions.

Overall, the research findings highlight that the transformation of restorative justice within the Indonesian judicial system represents an important step toward developing a more adaptive, responsive, and socially oriented criminal justice framework capable of addressing the challenges posed by technology-based crimes.

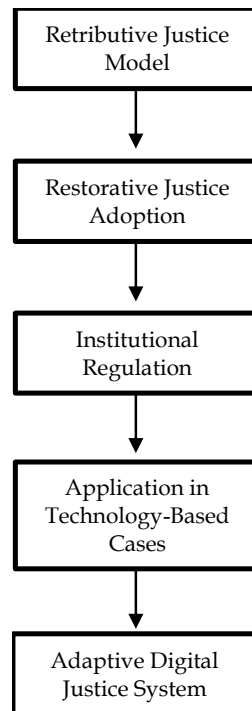


Figure 1. Transformation of Restorative Justice in the Indonesian Judicial System

DISCUSSION

The findings of this study indicate that the Indonesian judicial system is experiencing a gradual transformation in its approach to criminal justice, particularly in the handling of technology-based crimes. Traditionally, criminal justice systems have relied heavily on a retributive justice paradigm, which prioritizes punishment as the main response to criminal acts. However, recent developments demonstrate an increasing shift toward restorative justice mechanisms that emphasize repairing harm, accountability, and reconciliation between offenders and victims. This transformation reflects broader global trends in criminal justice reform that advocate for more balanced approaches to justice that incorporate both punitive and restorative elements (Braithwaite & Roche, 2022).

The results of this research support the theoretical perspective that restorative justice can function as an effective complementary mechanism within modern criminal justice systems. Restorative justice theory suggests that criminal acts should be understood not only as violations of legal norms but also as disruptions of social relationships that require restoration. Through restorative processes such as mediation, dialogue, and restitution, victims are provided with opportunities to express the impact of the offense while offenders are encouraged to acknowledge responsibility and repair the harm caused (Bolívar, 2023). The integration of restorative justice policies within Indonesian law enforcement institutions demonstrates that these theoretical principles are increasingly being recognized within national criminal justice practices.

Furthermore, the application of restorative justice in technology-based cases highlights the relevance of restorative principles in addressing emerging forms of crime in the digital era. Cyber-related offenses often involve intangible harm such as reputational damage, psychological distress, and economic losses that may not always be effectively addressed through conventional punishment alone. Restorative justice mechanisms allow victims to participate actively in the resolution process while encouraging offenders to recognize the consequences of their actions. Such approaches are consistent with contemporary legal scholarship that emphasizes the need for more victim-centered justice systems, particularly in cases involving non-physical harm (Pali & Madsen, 2021).

However, the findings of this study also reveal significant challenges in the practical implementation of restorative justice in technology-based crimes. One major issue concerns the absence of comprehensive legal frameworks that specifically regulate the use of restorative justice mechanisms in cyber-related cases. Although restorative justice policies have been introduced by several law enforcement institutions, their application remains fragmented and often depends on institutional discretion. This situation reflects a broader challenge identified in legal research, where restorative justice policies may develop more rapidly than the statutory frameworks required to support their consistent implementation (Daly, 2022).

Another important aspect highlighted in the findings is the need for stronger institutional coordination within the criminal justice system. Restorative justice processes typically involve multiple actors, including police authorities, prosecutors, judicial institutions, and community representatives. Effective implementation therefore requires clear procedural guidelines and coordinated institutional frameworks. Without such coordination, restorative justice practices may be applied inconsistently, potentially undermining legal certainty and fairness within the justice system (Van Ness & Strong, 2022).

The study also highlights the growing importance of adapting restorative justice mechanisms to the technological context of modern crimes. Cybercrime often involves characteristics such as anonymity, digital evidence, and cross-border interactions, which can complicate conventional dispute resolution mechanisms. Recent scholarship suggests that integrating digital technologies into restorative processes such as online mediation platforms or digital dispute resolution systems may offer innovative pathways for implementing restorative justice in cyber-related cases (Bossler & Holt, 2024). These developments illustrate how restorative justice theory can evolve to remain relevant in responding to new forms of criminal behavior within technologically advanced societies.

Overall, the discussion indicates that the transformation of restorative justice within the Indonesian judicial system represents a significant step toward developing a more adaptive and responsive criminal justice framework. While restorative justice has demonstrated potential as an alternative mechanism for resolving certain technology-based cases, its effective implementation requires stronger regulatory frameworks, improved institutional coordination, and the development of restorative mechanisms that are capable of addressing the unique characteristics of cyber-related offenses. By aligning restorative justice practices with contemporary technological realities, the Indonesian judicial system can contribute to the development of a more balanced and socially responsive model of criminal justice.

CONCLUSIONS AND RECOMMENDATIONS

This study concludes that the concept of restorative justice within the Indonesian judicial system has gradually evolved from a retributive justice approach toward a more restorative-oriented framework. This transformation is reflected in the increasing recognition of restorative justice mechanisms in law enforcement policies and criminal justice practices. The findings also indicate that restorative justice has the potential to be applied in resolving certain technology-based cases, particularly those involving non-physical harm such as reputational damage and psychological impacts. However, its implementation in cyber-related offenses remains limited due to the absence of comprehensive legal frameworks, insufficient institutional coordination, and challenges related to the specific characteristics of digital crimes. Therefore, it is recommended that the government and law enforcement institutions strengthen the regulatory framework governing restorative justice in technology-based cases, improve coordination among criminal justice institutions, and develop technology-based restorative mechanisms such as digital mediation or online dispute resolution systems to ensure more effective and adaptive justice in the digital era.

ADVANCED RESEARCH

Future research should further explore the practical implementation of restorative justice in technology-based crimes through empirical or socio-legal approaches. Such studies could examine how restorative justice mechanisms are applied by law enforcement institutions and assess their effectiveness in resolving cyber-related disputes. In addition, further research may investigate the development of digital restorative justice models, including the use of online mediation platforms and technology-based dispute resolution systems. Comparative studies between Indonesia and other jurisdictions may also provide broader insights into best practices for integrating restorative justice within the legal framework for cybercrime in the digital era.

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