

Legal Protection for Victims of Theft through a Restorative Justice Approach

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Article info	Abstract
Received: 16 Nov 2025	The protection of theft victims in Indonesia remains vulnerable when criminal procedure is oriented mainly toward punishment and case termination. Previous studies have generally examined restorative justice as institutional policy or as ordinary case settlement, but they have not yet formulated operational victim-protection safeguards for theft cases across the police, prosecution, and court stages; this gap constitutes the novelty of this study. This article examines how restorative justice can be constructed as a victim-oriented mechanism for theft cases without reducing criminal accountability to mere private settlement. Using normative legal research, this study applies statutory, conceptual, and prescriptive approaches to Indonesian criminal law, victim protection law, police restorative justice rules, prosecutorial and judicial restorative justice policies, and contemporary literature on restorative justice. The research finds that restorative justice in theft cases is legally acceptable only when it satisfies material and formal safeguards, especially voluntary peace, fulfillment of victims' rights, return of property, compensation, repair of damage, and verified offender responsibility. However, victim protection is weakened when restorative justice is treated as an administrative tool for case disposal rather than a structured process of recovery. The article proposes a four-layer victim protection model consisting of preventive screening, restorative recovery, corrective procedural safeguards, and post-agreement supervision. This model recognizes victims as rights holders while ensuring restorative justice in theft cases aligns with legal certainty, proportionality, and substantive justice.
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1. Introduction

The crime of theft is one of the offences against property most closely connected with the daily experience of society. The harm caused by theft does not stop at the loss of

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an object; it also affects the victim's sense of security, social trust, recovery costs, and, in many cases, psychological well-being. In a conventional criminal justice framework, the state tends to take over the conflict between offender and victim through investigation, prosecution, and punishment, so the victim's position is often reduced to that of a source of evidence rather than a principal rights holder whose recovery needs must be fulfilled. This tendency is problematic because the success of criminal justice should not be measured only by the existence of punishment, but also by the ability of law to restore the victim's condition in a fair and dignified manner.²

The urgency of this topic becomes stronger when connected with national crime data. The 2024 Criminal Statistics publication of Statistics Indonesia explains that Indonesian crime statistics are constructed from three dimensions: police registration data, victimization data from Susenas, and territorial aspects through Podes. This approach shows that crime is not only an issue of offenders, but also an issue of victims and social environments. Earlier BPS publications also indicate that theft has been among the most frequently occurring types of crime in several territorial observation periods. Therefore, discussion on the protection of theft victims has empirical relevance because theft is recurrent, close to communities, and creates recovery needs that are often more concrete than the mere punishment of offenders.³

In practice, theft victims face several legal obstacles. First, a lengthy criminal process may prevent victims from immediately obtaining the return of their property, the value of their loss, or costs incurred because of the offence. Second, the evidentiary orientation of criminal procedure is often centred more on proving the offender's guilt than on designing victim recovery. Third, peace between victims and offenders is often treated pragmatically as a basis for terminating a case, even though peace without fulfilment of victims' rights may produce new injustice. Fourth, victims in socially or economically weak positions may be pressured to accept settlement because of fear of legal process, costs, power relations, or community stigma.

Restorative justice offers a correction to that retributive orientation. Conceptually, restorative justice views crime as harm suffered by victims, offenders, and communities, so the legal response should prioritise acknowledgment of wrongdoing, safe dialogue, restoration of harm, and social reintegration. Zehr places the central restorative justice question not on 'what law was broken and what punishment is deserved', but on 'who was harmed, what are their needs, and who has the obligation to meet those needs'. This perspective is important for theft cases because the victim's loss can generally be identified in relatively concrete terms through lost property, economic value, replacement costs, damage, and accompanying social consequences.⁴

Within the Indonesian legal system, restorative justice has obtained a basis through various internal policies of law enforcement institutions and criminal law reform. At the

² Braithwaite, *Restorative Justice & Responsive Regulation*; Zehr, *Changing Lenses: Restorative Justice for Our Times*.

³ Badan Pusat Statistik, *Statistik Kriminal 2024/2025*; Badan Pusat Statistik, *Statistik Kriminal 2024*.

⁴ Zehr, *The Little Book of Restorative Justice*.

police level, the handling of criminal acts based on restorative justice is directed toward restoring the original condition and balancing the interests of victims and offenders. At the prosecution level, termination of prosecution based on restorative justice provides room for the settlement of certain cases under limited requirements and mechanisms.⁵ At the judicial level, guidelines for adjudicating criminal cases based on restorative justice affirm the objectives of victim recovery, restoration of social relations, offender accountability, and avoidance of unnecessary deprivation of liberty. This shift shows that restorative justice is no longer merely an alternative idea, but has become part of Indonesia's criminal law policy.

Nevertheless, the use of restorative justice in theft cases requires strict normative boundaries. Theft is not always identical with minor crime; there are ordinary theft, petty theft, aggravated theft, violent theft, and other forms with different degrees of danger. Restorative justice applied loosely to all forms of theft may reduce legal certainty, weaken public protection, and open space for impunity. Conversely, a total rejection of restorative justice in theft cases would ignore the possibility of faster, more proportional, and more meaningful recovery for victims, especially where loss can be restored and the victim freely chooses a restorative settlement.

Previous studies have generally discussed restorative justice in broad terms, its effectiveness within the criminal justice system, or its implementation at the police, prosecution, and court stages. Some studies have highlighted the importance of victim recovery, but there remains room for a more specific analysis of how theft victims should be protected normatively when cases are resolved through restorative justice. This gap lies in the need to formulate victim protection criteria that do not stop at a peace statement, but include validation of loss, fulfilment of victims' rights, free consent, supervision of agreement implementation, and corrective mechanisms when offenders default.⁶

To clarify the research gap, prior Indonesian literature may be grouped into three tendencies. First, it analyses restorative justice as a broad criminal policy or institutional discretion. Second, it discusses settlement of theft cases, especially petty theft or child theft, from the standpoint of eligibility and case termination. Third, it examines victim recovery, restitution, and victim-centred justice without connecting those protections specifically to theft-case workflows. This article differs from those studies by integrating the three strands into a victim-oriented normative model that contains screening, measurable restoration, procedural correction, and post-agreement supervision.

Based on the background, this study aims to analyse the construction of legal protection for victims of theft in case settlement through a restorative justice approach and to formulate a normative model that ensures restorative justice in theft cases functions not merely as a case termination mechanism but as an instrument of victim recovery.

⁵ Mardiansyah, Harmaini, and Sasmita, "Lahirnya Mediasi Penal Dilihat Dari KUHP Lama Dan KUHP Baru."

⁶ Zulfa, "Implementation of Restorative Justice Principles in Indonesia: A Review"; Putri, "Legal Policy on the Implementation of Restorative Justice Principles in the Criminal Justice System Based on Supreme Court Regulation Number 1 of 2024."

Furthermore, this study examines the normative basis of victim protection, analyses the limitations of restorative justice in theft offences, and proposes a prescriptive victim protection model that can serve as a guideline for law enforcement officials.

1.1 Concept and Theory

The theoretical framework of this study rests on three main concepts: legal protection, victimology, and restorative justice. Legal protection is understood as the state's effort to guarantee the rights of legal subjects through norms, procedures, institutions, and effective recovery mechanisms. In the context of theft victims, legal protection has preventive and repressive dimensions. The preventive dimension includes case screening, guarantees of voluntary consent, provision of information, and protection from intimidation. The repressive dimension includes return of property, compensation, reimbursement of costs, enforcement of agreements, and the reopening of criminal proceedings if restorative settlement fails to be implemented.

Victimology provides the basis for seeing victims as more than passive objects in criminal procedure. Victims have interests in safety, truth, acknowledgment of suffering, participation, restitution, and restoration of dignity. Contemporary victim studies show that restorative mechanisms can support recovery when victims have an opportunity to express the impact of crime, understand the offender's responsibility, and receive an appropriate form of restoration. However, restorative justice may also endanger victims if the process is conducted without risk assessment, without competent facilitators, or in a situation of power imbalance that prevents truly free consent.⁷

Restorative justice in this study is not understood as a total substitute for the criminal justice system, but as an approach that may operate within the criminal system under legal limits and supervision. The United Nations Office on Drugs and Crime emphasises that restorative justice programmes in criminal matters must observe voluntariness, safety, confidentiality, equality, accountability, and compliance with human rights. These principles are relevant for Indonesia because the settlement of theft cases through restorative justice must remain within the framework of legality, proportionality, legal certainty, and victim protection.⁸

In the Indonesian context, restorative justice must also be read together with deliberative values, living law in society, and the need for proportional decarceration. However, the communal character of Indonesian society must not be used to force victims to reconcile for the sake of artificial social harmony. Valid peace must arise from a victim's conscious, free, and informed choice. Therefore, the restorative justice theory used in this article is victim-oriented: victim recovery becomes the substantive requirement, while case termination is only a procedural consequence when that

⁷ Daly, "What Is Restorative Justice? Fresh Answers to a Vexed Question."

⁸ United Nations Economic and Social Council (ECOSOC), "Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters"; United Nations Office on Drugs and Crime, *Handbook on Restorative Justice Programmes*.

requirement is fulfilled.⁹

The relationship between the three theories and the four-layer model can be visualised as a sequential conceptual framework. Legal protection supplies the normative safeguards, victimology identifies the victim's needs and participatory position, while restorative justice converts both into offender accountability and measurable recovery.

Table 1. Conceptual Framework of the Victim-Oriented Restorative Justice Model

Conceptual source	Core function	Operational translation	Model layer
Legal protection	Guarantees legality, information, safety, and enforceable recovery	Eligibility test, rights notification, and protection from coercion	Preventive screening and corrective safeguards
Victimology	Places the victim as a rights holder with material and non-material losses	Victim impact assessment, loss verification, and participation	Restorative recovery
Restorative justice	Requires voluntary dialogue, offender responsibility, reparation, and reintegration	Peace agreement, measurable obligation, and fulfilment monitoring	Post-agreement supervision
Integrated outcome	Balances victim recovery, offender accountability, and public interest	Institutional decision at police, prosecution, and court stages	Four-layer victim protection model

Source: Author's normative construction, 2026.

2. Method and Legal Material

This research uses normative legal research with a prescriptive-analytical character. Normative legal research was selected because the focus of the study lies in legal norms, legal principles, the concept of victim protection, and the coherence of restorative justice policy in resolving theft offences. This study does not conduct interviews or field measurements, but uses crime statistics and prior studies as empirical context to explain the urgency of the problem. Thus, the empirical element in this article is positioned as the basis of legal need, while the main analysis remains at the level of norms, principles, and legal construction.¹⁰

The approaches used include statutory, conceptual, and prescriptive approaches. The statutory approach is used to read the relationship between substantive criminal law, criminal procedure, witness and victim protection, and internal law enforcement policies on restorative justice. The conceptual approach is used to clarify the meaning of victim protection, recovery, restitution, voluntariness, and offender accountability. The prescriptive approach is used to formulate a model of protection for theft victims that can

⁹ Walgrave, *Restorative Justice, Self-Interest and Responsible Citizenship*; The Asia Foundation, "Study on Public Attitude towards Restorative Justice Implementation in Indonesia."

¹⁰ Marzuki, *Penelitian Hukum*.

be operationalised at the stages of inquiry, investigation, prosecution, and trial.

The primary legal materials in this study consist of the Indonesian Criminal Code, the Indonesian Criminal Procedure Code, the Witness and Victim Protection Law and its amendments, Law Number 1 of 2023 on the Criminal Code, Indonesian National Police Regulation Number 8 of 2021, Prosecutor Regulation Number 15 of 2020, Supreme Court Regulation Number 1 of 2024, and regulations concerning restitution and assistance to victims. In accordance with the focus of the study, these primary legal materials are not placed merely as footnote quotations, but as normative foundations analysed systematically.

Secondary legal materials include books, journal articles, policy reports, statistical publications, and scientific studies on restorative justice, victimology, victim protection, penal mediation, and Indonesian criminal law reform. The analysis is conducted through inventorying norms, systematising legal materials, grammatical and teleological interpretation, and evaluating coherence between formal requirements, material requirements, and the objective of victim recovery. The conclusion is formulated deductively and prescriptively, from general principles of victim protection toward an operational model in theft cases.

3. Results and Discussion

3.1 Reconstruction of Protection for Theft Victims in Restorative Justice

The construction of protection for theft victims through restorative justice begins from the premise that theft is an attack on ownership, security, and social order. Therefore, victim recovery cannot be interpreted merely as the existence of a peace agreement; it must include measurable restoration of loss, acknowledgment of wrongdoing, guarantees of non-repetition, and respect for the victim's will. In this perspective, the victim occupies the central position as a rights holder, not merely as a party asked to forgive the offender's conduct.

Police regulations concerning the handling of criminal acts based on restorative justice place restoration to the original condition as the main orientation. For theft cases, this orientation can be translated into the return of stolen goods, replacement of the value of goods when they cannot be returned, compensation for damage, reimbursement of costs incurred by the victim, and an apology that is not merely symbolic. This norm shows that restorative justice in theft cases has a strong remedial dimension. In other words, victim recovery is the substantive requirement, while peace is the procedural form that must prove that recovery has truly been agreed and implemented.

Material requirements in restorative settlement also function as instruments of victim and community protection. A case must not create public unrest or rejection, must not produce social conflict, must not have the potential to divide the nation, must not be related to radicalism or separatism, must not be committed by a repeat offender based on a court decision, and must not fall within excluded crimes such as terrorism, crimes against state security, corruption, or crimes against life. In the context of theft, these requirements must be read carefully. Theft involving violence, syndicates, repetition, or

broad social impact should not be simplified into a private matter between victim and offender.

Formal requirements have a more direct meaning for victims. Peace must come from both parties, while fulfilment of victims' rights and offender responsibility must be proven. The forms of fulfilment of victims' rights in theft cases primarily include return of goods, compensation for loss, reimbursement of costs caused by the offence, and compensation for damage. This formulation is important because it prevents restorative justice from becoming a mechanism of apology without recovery. If the goods have not been returned, the value of compensation has not been agreed, or the victim's costs have not been calculated, the restorative requirement has not been substantively fulfilled.

Victim protection must also be seen in relation to restorative justice and the right to restitution. Restitution in victim protection law essentially aims to restore losses suffered by victims because of a criminal offence. In theft cases, restitution is easier to concretise because the principal loss is material. However, the relative ease of identifying the value of loss must not erase non-material harm, such as fear, loss of work access because an important item was stolen, or additional security costs. Therefore, law enforcement officials must ensure that restorative dialogue gives victims room to explain the full impact of the crime, not only the price of the stolen goods.¹¹

This construction demands a change in success indicators. The success of restorative justice must not be measured solely by the number of cases terminated, but by the quality of victim recovery. More appropriate indicators include whether the victim receives adequate information, whether consent is given without pressure, whether loss is calculated transparently, whether the offender fulfils the obligation, whether the agreement is supervised, and whether the victim has access to return to the criminal process if the offender fails to implement the agreement. With these indicators, restorative justice becomes a means of protection, not a statistical instrument of case disposal.¹²

3.2 Limits on the Application of Restorative Justice to Theft Offences

The limits on the application of restorative justice to theft must be determined through a combination of offence classification, value of loss, method of commission, offender characteristics, victim condition, and social impact. Petty theft or ordinary theft with limited loss and without violence is more open to a restorative approach than theft committed repeatedly, in an organised manner, with violence, or with broad public unrest. The principle of proportionality becomes the basis of selection: the higher the danger of the act, the stronger the need for formal criminal process.

The classification of the offence is important because criminal law distinguishes degrees of theft. Ordinary theft focuses on taking another person's property with the

¹¹ Azisa et al., "Psychological Recovery of Crime Victims within Contemporary Restorative Justice: An Islamic Legal Perspective"; Purwanto et al., "Restorative Justice in the Criminal Justice System: An Alternative Approach to Offenders' Rehabilitation and Victims' Recovery."

¹² Strang et al., "Restorative Justice Conferencing (RJC) Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction."

intention of unlawful appropriation. Petty theft relates to a certain value of loss that, as a matter of criminal policy, is considered more appropriate for simplified resolution. Aggravated or violent theft has a different quality of danger because it may involve certain methods of entry, particular times, cooperation among several persons, or violence against victims. In the latter category, the victim's right to recovery remains important, but restorative justice must not close the need for public protection and prevention of serious crime.

The value of loss is an important indicator, but it is not the only indicator. A loss that is small in nominal terms may have serious consequences for a particular victim, for example the loss of a mobile phone used for work, the loss of documents, or the loss of goods with emotional value. Therefore, assessment for restorative justice must consider the concrete impact on the victim, not only the monetary amount. Law enforcement officials need to prepare minutes or a victim impact form containing the value of the goods, the function of the goods, replacement costs, transportation or administrative costs, and social-psychological impacts expressed by the victim.

The offender's character is also an important limit. Restorative justice requires offender responsibility. An offender who denies the act, shows no good faith, manipulates the victim, or is a recidivist does not meet the moral basis of restorative justice. Recovery is meaningful only when the offender acknowledges the harm caused and is willing to repair it. At this point, restorative justice differs from an ordinary compensation transaction; it demands accountability, not merely payment to stop a case.¹³

The victim's condition must become the primary filter. Restorative justice is inappropriate when the victim is under pressure, economic dependence, a power relationship, threats, or fear that prevents free consent. In theft cases involving employment relations, family relations, boarding-house environments, schools, or small communities, the risk of social pressure is substantial. Officials must separate the victim's clarification space from the offender when necessary, provide time to think, explain legal consequences, and open access to assistance. Without these requirements, a peace statement may become formal evidence that covers substantive injustice.¹⁴

Social impact must also be considered. Theft that triggers public unrest, is committed in groups, forms part of a repeated crime pattern in a certain area, or creates a risk of vigilantism requires more careful handling. In such situations, restorative justice must consider community interests without sacrificing the victim. The involvement of community leaders can be useful for social reintegration, but it must not replace the victim's voice or pressure the victim to accept peace solely for social stability.

These limits operate differently at each procedural stage. Investigators act at the earliest point, so their discretion is strongest in screening suitability, confirming victim consent, securing evidence of loss, and deciding whether the case may proceed

¹³ O'Mahony and Doak, *Reimagining Restorative Justice: Agency and Accountability in the Criminal Process*.

¹⁴ Young, "Protecting Restorative Justice Participants: The Implications of Implementing Restorative Justice Practices Without Proper Safeguards for Participants."

restoratively before the file moves forward. Prosecutors examine whether formal and material conditions for termination of prosecution are met, which makes their role more evaluative and legality-based. Judges, in contrast, apply restorative values within adjudication by assessing whether recovery, apology, or reconciliation should influence procedural handling and sentencing without eliminating public accountability. The same theft case may therefore produce different legal consequences depending on whether restoration occurs before completion of investigation, before prosecution, or during trial.

3.3 Victim Protection Mechanisms at the Inquiry and Investigation Stages

At the police stage, victim protection mechanisms begin with receiving the report and conducting an initial assessment of the case. Officers need to evaluate whether the case fulfils the material and formal requirements for restorative justice, whether the victim desires restorative settlement, and whether there is a risk of intimidation or repetition. This initial assessment must be documented so that the decision to use restorative justice can be tested administratively and substantively. Documentation is not merely a formality; it is a guarantee that the victim does not lose rights because the case is directed too quickly toward peace.

The next stage is clarification of loss. In theft cases, clarification must include the identity of the goods, proof of ownership, economic value, the condition of goods if recovered, costs already incurred by the victim, and other relevant impacts. If the goods are returned in damaged condition, recovery must include repair or replacement costs. If the goods are not found, the value of compensation must be agreed rationally and must not be forced lower because the victim has a weak bargaining position. The facilitator must be able to distinguish reasonable negotiation from pressure that harms the victim.

Deliberation or mediation must be organised with the principles of safety and voluntariness. Victims need to be informed that they have the right to reject restorative justice, request assistance, explain the impact of the crime, propose forms of recovery, and stop the process if they feel pressured. Offenders need to be informed that willingness to reconcile does not automatically erase responsibility before the requirements are fulfilled. In this way, restorative dialogue becomes a space of accountability, not a bargaining space to avoid punishment.¹⁵

The peace agreement must be drafted specifically. A proper agreement is not enough if it only states that the parties have forgiven one another. It must contain the type of goods or value of loss, the form of recovery, the amount of compensation, the implementation deadline, the method of payment or return, the consequence of offender default, and a statement that the victim agrees to the process without coercion. If recovery is performed in stages, case termination should not be carried out before substantial fulfilment is achieved or, at least, before adequate guarantees exist.

A special case review and internal supervision function as corrective mechanisms. This forum must assess not only document completeness, but also the quality of victim

¹⁵ Van Ness and Strong, *Restoring Justice: An Introduction to Restorative Justice*.

recovery. The key questions are whether the loss has been calculated, whether the victim understands the legal consequences, whether the offender has fulfilled the obligation, whether the case belongs to a category suitable for restoration, and whether case termination would disturb the community's sense of justice. Thus, a special case review becomes an instrument of legal certainty as well as victim protection.

After an agreement is reached, victim protection is not finished. Officials need to ensure implementation through proof of property return, payment receipts, victim statements, or other lawful documentation. If the offender does not implement the agreement, the criminal process must be able to continue in accordance with law. Without a post-agreement mechanism, victims may be placed in a worse position: the case is terminated, but the loss is not restored. Therefore, restorative justice requires a monitoring stage, not only a mediation stage.¹⁶

The legal bases referred to in the following framework are used as functional anchors rather than exhaustive quotations, because each institution regulates restorative justice at a different procedural stage.

Table 2. Victim-Oriented Normative Framework for Restorative Justice in Theft Cases

Stage	Victim protection focus	Operational requirement	Legal basis/ institutional anchor	Legal consequence
Preventive screening	Safety, voluntariness, eligibility	Assess type of theft, recidivism, violence, social impact, and victim vulnerability	Perpol No. 8/2021; KUHP; PERMA No. 1/2024	Restorative justice is rejected when the case is unsuitable or victim consent is unsafe
Restorative recovery	Return of property and compensation	Calculate loss, return goods, repair damage, replace costs, record apology and responsibility	UU LPSK; PP No. 7/2018 as amended; Perpol No. 8/2021; Perja No. 15/2020	The case may proceed restoratively only after measurable recovery is agreed
Corrective safeguards	Due process and equality of parties	Separate clarification where needed, informed consent, access to assistance, neutral facilitation, and special case review	KUHAP; Perpol No. 8/2021; Perja No. 15/2020; PERMA No. 1/2024	The agreement is invalid when coercion, manipulation, or incomplete recovery is found
Post-agreement supervision	Implementation and enforceability	Verify payment, return of goods, victim statement, and follow-up	Perpol No. 8/2021; Perja No. 15/2020; court supervision	Criminal process may continue when the offender fails to fulfil the

¹⁶ Wicaksono, "The Application of Restorative Justice-Based Penal Mediation at the Batu District Attorney's Office."

		obligations	principles	agreement
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Source: Author's normative construction, 2026.

3.4 Victim-Oriented Legal Protection Model

Based on the analysis above, this article formulates a four-layer model of protection for theft victims in restorative justice. The first layer is preventive screening. At this layer, officials assess the suitability of the case based on normative requirements, level of danger, offender status, impact on society, and victim condition. The objective of this first layer is to prevent the use of restorative justice in unsuitable cases, especially cases involving violence, recidivism, syndicates, or pressure on victims.

The second layer is restorative recovery. At this layer, the process is directed toward identifying and fulfilling the victim's rights. It includes return of goods, compensation, repair of damage, reimbursement of costs, apology, and guarantees of non-repetition. Restorative recovery demands concrete measures. If goods worth IDR 3,000,000 are lost and not returned, an agreement that contains only an apology cannot be called restorative. Conversely, if the goods are returned, damage is repaired, the victim is given space to express the impact, and the offender assumes responsibility, the objective of recovery is more likely to be achieved.

The third layer is corrective procedural safeguards. This layer ensures that the restorative process does not violate the rights of victims, the rights of offenders, and the interests of society. Safeguards include free consent, sufficient information, assistance, examination of pressure risk, complete documentation, neutral facilitation, and supervision through a special case review. This principle is consistent with restorative justice literature, which emphasises that success is determined not only by the outcome, but also by the quality of the process.¹⁷

The fourth layer is post-agreement supervision. At this layer, officials assess the implementation of the agreement after peace is signed. Supervision includes proof of payment, return of goods, victim recovery statements, and follow-up obligations if the offender fails to comply. This layer is important because many restorative justice problems arise after the peace document is made. Without supervision, restorative justice easily becomes an 'administrative closure' that benefits the offender while leaving the victim's loss unresolved.

This four-layer model places victims at the centre of legal protection. Victims are not only given room to accept or refuse, but also rights to know, state their loss, demand recovery, obtain assistance, and request continuation of the criminal process when recovery fails. The model also protects offender interests because restorative settlement still requires acknowledgment of responsibility and offers a chance for reintegration. At the same time, it protects the public interest because cases with broad impact or high danger remain directed to formal process.

In its application, this model can be developed through more detailed operational

¹⁷ United Nations Office on Drugs and Crime, *Handbook on Restorative Justice Programmes*; Johnstone and Ness, *Handbook of Restorative Justice*.

standards. First, officials need to use a restorative justice eligibility assessment form containing indicators on victims, offenders, losses, social impact, and pressure risk. Second, there should be a victim impact form that helps victims explain material and non-material losses. Third, a peace agreement must be accompanied by a measurable recovery plan. Fourth, case termination should be linked to proof of fulfilment of victims' rights, not merely to the offender's good intention. Fifth, restorative settlement data should be recorded in a register that enables evaluation of recovery quality, not only the number of completed cases.

3.5 Normative Challenges and Recommendations for Strengthening

The first challenge is the risk of reducing restorative justice to a case termination mechanism. This risk appears when officials measure success from the number of completed cases, the reduction of case burden, or the speed of investigation administration. Proper restorative justice actually requires time to hear the victim, clarify losses, ensure voluntariness, and supervise recovery implementation. Excessive simplification can cause victims to lose the right to full recovery.¹⁸

The second challenge is imbalance between the positions of victim and offender. In some theft cases, the offender may have social closeness with the victim, come from the same environment, or be supported by family members and community leaders. Community support can assist reintegration, but it can also become pressure. Therefore, facilitators must have competence to identify hidden pressure. Victims must be able to speak without the offender's presence when necessary, and officials must open the possibility of legal or psychosocial assistance.

The third challenge is the absence of uniform standards for valuing loss. The value of stolen goods may be disputed, especially if the goods are used, damaged, or have sentimental value. Without standards, mediation may become an imbalanced negotiation. The recommendation is that officials use a reasonable replacement value, proof of purchase, market price, or a simple valuation agreed by the parties. If the value cannot be agreed, restorative justice must not be forced merely to close the case.

The fourth challenge is coordination among law enforcement institutions. Restorative justice at the police, prosecution, and court levels has different regulatory bases and procedural stages. Without coordination, there is a risk of disparity: a case terminated at one stage may be treated differently at another. Harmonisation of minimum principles is needed, especially concerning victim recovery, prohibition of coercion, requirement that the offender not be a recidivist, exclusion of serious cases, and supervision mechanisms. Studies on penal mediation in Indonesia show that weak coordination and procedures can obstruct the quality of restorative settlement.¹⁹

¹⁸ Irwanto et al., "The Effectiveness of the Implementation of Restorative Justice in the Criminal Justice System in Indonesia."

¹⁹ Kristanto, "Kajian Peraturan Jaksa Agung Nomor 15 Tahun 2020 Tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif"; Pane, Meiser, and Pudjiastuti, "Comparison of Penal Mediation Regulations in the Criminal Justice System of Indonesia and Other Countries."

The fifth challenge is limited public understanding of the meaning of restorative justice. Some communities see it as ‘peace and then the case is over’, while others regard it as a form of impunity. Both views are incorrect. Restorative justice is not merely private reconciliation and is not the elimination of criminal responsibility without conditions. It is a process requiring accountability, recovery, and supervision. Public outreach needs to emphasise that victims have the right to refuse, offenders are obliged to restore, and officials must ensure substantive justice.²⁰

Recent Indonesian theft-case studies show that restorative justice tends to be effective when the process is supported by clear police discretion, community participation, and concrete return or compensation, but it becomes fragile when the parties do not cooperate or when the settlement is understood merely as peace without enforceable recovery. This finding is consistent with comparative restorative justice literature that links victim satisfaction to safe participation, offender accountability, and verified reparation. Therefore, the proposed model adopts empirical lessons without treating them as a substitute for statutory safeguards.

Normatively, strengthening can be carried out through several agendas. First, technical guidelines for theft cases need to include minimum standards of victim recovery, including return of goods, compensation, additional costs, and implementation guarantees. Second, a victim consent checklist is needed to ensure that victims understand their legal options. Third, the role of LPSK or victim services should be strengthened for cases that, although minor in offence classification, have serious effects on particular victims. Fourth, periodic evaluation of restorative settlement should be based on the level of fulfilment of victims’ rights. Fifth, facilitator training is needed for investigators or officers who conduct mediation.

These recommendations are consistent with the direction of Indonesian criminal law reform, which increasingly positions punishment as a proportional instrument rather than the sole objective. The national Criminal Code strengthens considerations of forgiveness, recovery, and concrete case circumstances in sentencing. However, the restorative approach must not obscure the principles of legality and legal certainty. In theft cases, the point of balance is to provide room for restorative settlement in suitable cases while closing the door to cases that are dangerous, repetitive, or do not produce victim recovery.²¹

Thus, legal protection for theft victims through restorative justice must be understood as layered protection. At the normative layer, law provides requirements and limits. At the procedural layer, officials ensure consent and fulfilment of rights. At the substantive layer, victims receive real recovery. At the supervision layer, the state ensures that agreements do not become empty documents. Only with these four layers can restorative

²⁰ Rahmathon, “Perbedaan Makna Restorative Justice Pasca Perma No.1 Tahun 2024 pada Sistem Hukum Pidana di Indonesia”; Lubis, Zahara, and Hamidah, “Implementation of Restorative Justice, The Intent of Punishment, and Legal Clarity In Indonesia.”

²¹ Riyadi, “Restorative Justice Reconstruction with The Indonesian Criminal System After Law No. 1 of 2023.”

justice fulfil its basic promise: restoring victims to a safer position, requiring offenders to take responsibility, and maintaining justice for society.²²

4. Conclusion

Legal protection for victims of theft through a restorative justice approach must be built on the principle that the victim is a rights holder whose loss must be restored. Restorative justice must not be reduced to a peace statement or an administrative reason to terminate a case. In theft cases, recovery must be concrete, particularly through return of property, compensation, reimbursement of costs incurred, repair of damage, acknowledgment of wrongdoing, and guarantees of non-repetition. Peace has restorative legal value only when it arises from the victim's free consent and is accompanied by fulfilment of the offender's responsibility.

The limits on the application of restorative justice to theft must consider offence classification, value and impact of loss, method of commission, offender status, victim condition, and social impact. Petty theft or ordinary theft without violence, without repetition, and with recoverable loss is more suitable for restorative settlement. Conversely, theft involving violence, serious aggravation, syndicates, recidivism, or public unrest is not suitable to be treated as a private conflict that can be sufficiently resolved through peace.

This article offers a four-layer model of victim protection: preventive screening, restorative recovery, corrective procedural safeguards, and post-agreement supervision. This model ensures that restorative justice in theft cases remains consistent with legality, proportionality, legal certainty, and substantive justice. The contribution of this study lies in formulating a normative framework that places victim recovery as the main requirement, not as a side effect of case termination. The limitation of this research is its normative nature, so it has not measured victims' direct experiences. Future research should test this model through empirical studies at the police, prosecution, court, and victim service levels so the quality of victim protection can be evaluated more measurably.

At the level of national policymaking, this model implies that Indonesia needs harmonised restorative justice standards across police, prosecution, and court regulations. The standards should not only regulate eligibility for case termination, but also require victim impact assessment, written informed consent, minimum recovery content, proof of implementation, and a mechanism to continue the criminal process when the offender defaults. Such harmonisation would reduce disparities among institutions and ensure that restorative justice reform remains victim-oriented rather than merely oriented toward reducing case backlogs.

²² Prasetyo, Ismed, and Fitriani, "Penerapan Keadilan Restoratif Sebagai Alternatif Penyelesaian pada Tindak Pidana Pencurian"; Pratiwi, Handayani, and Yasin, "Penyelesaian Tindak Pidana Pencurian Melalui Pendekatan Restorative Justice (Studi Kasus Putusan Pengadilan Negeri Bojonegoro No.148/Pid.C/2025/Pn Bjn)."

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Conflict of interest

The authors declare no conflict of interest related to this research.

Authors' contribution

Ririnda Agustina contributed to the conceptualization of the study, methodology development, formal analysis, drafting of the original manuscript, and review and editing of the manuscript. Gio Griptoni contributed to data curation, resource acquisition, validation, and review and editing of the manuscript.

Statement of the use of AI

The authors declare that generative AI-assisted technology was used solely to improve the grammar, readability, structure, and formatting of the manuscript. All legal arguments, references, research findings, and conclusions were critically reviewed and verified by the authors prior to submission to the journal. The authors assume full responsibility for the accuracy, integrity, and content of the manuscript.

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