

Reorientation of Criminal Procedure Law as a Tool for Social Control in the Era of Criminal Justice Reform

Ahmad Nur Shadiq¹, Ardina Nur Amalia²

^{1,2} Faculty of Law, University Diponegoro, Jl. dr. Antonius Suroyo, Tembalang, Semarang, Indonesia

ABSTRACT: Historically, criminal procedure law has served as a guideline for resolving cases in order to achieve order and justice. However, law enforcement practices reveal various problems such as abuse of authority, lengthy investigation processes, regulatory fragmentation, and low integrity among officials. This scenario has engendered a disparity between the necessity of crime regulation and the safeguarding of individual rights, as evidenced by the conflict between the Crime Control Model and the Due Process Model. This study employs a normative legal methodology, incorporating juridical and conceptual analysis alongside case studies, to evaluate the efficacy of restorative justice implementation and its significance within the Integrated Criminal Justice System (ICJS). The results of the study show that there are still problems in criminal procedure law, both in terms of rules and how they are put into action, related to the professionalism of law enforcement officials, case handling deadlines, and case resolution methods. The development of humanistic values has encouraged a paradigm shift towards restorative justice is a way of thinking that puts a lot of emphasis on social restoration, dialogue, and a balance of interests among offenders, victims, and the community. Therefore, it is necessary to strengthen the ICJS through the harmonization of regulations between law enforcement agencies, the determination of case handling time limits, the improvement of the professionalism of officials, and the integration of the principle of restorative justice into the RKUHAP and the new Criminal Code. The reorientation of criminal procedure law is expected to make criminal procedure law a more adaptive and humane instrument of social control, as well as to increase public trust through the restoration of social relations and the prevention of recidivism. Thus, the reform of criminal procedure law is a strategic step in strengthening substantive justice in Indonesia.

KEYWORDS: Reorientation; Restorative Justice; Social Control; Criminal Procedure Law.

I. INTRODUCTION

The early history of the formation of Indonesian criminal procedure law was structured as a provision governing the procedures for law enforcement officials in adjudicating criminal cases to attain the objectives of the state. Legal experts explain that criminal procedure law has the function of seeking material truth, which forms the basis for judges in making decisions and carrying out criminal justice processes in an orderly and focused manner. Although there are various opinions regarding the specific functions or objectives of criminal procedure law, the general objective of criminal procedure law is to realize order and justice in society through a law enforcement mechanism that is orderly, measurable, and in compliance with the law (Rasan & Atuwaih, 2025).

The development of criminal procedure law currently faces quite complex dynamics and challenges. The paradigm of law enforcement has experienced a transformation from retributive law enforcement to a more humanistic approach that emphasizes restoration for both victims and perpetrators (restorative). In light of this, the Indonesian criminal justice system has begun to orient itself toward using restorative justice in the adjudication of criminal cases rather than punishing suspects/defendants, so that the reestablishment of social relations and the fulfillment of a sense of equity for all stakeholders can be realized in the resolution of cases outside of court (Amarini et al., 2024).

With this change in orientation, the role of law as a tool for social control can certainly be realized. This role of law has long been advocated by Roscoe Pound through his doctrine of Law as a Tool of Social Engineering. Roscoe Pound stated that law should not be viewed merely as a set of static and normative rules, but rather functionally as an instrument designed to achieve certain social goals desired by society. The law is expected to balance and accommodate various social interests, ranging from individual, group, and state interests, as well as minimize the potential for conflict between all existing interests (Rasji et al., 2025). Therefore,

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law performs its role not only as a tool for enforcing sanctions, but also as a dynamic mechanism for directing social change towards a more orderly, fair, and harmonious direction, taking into account various social interests.

From a legal and sociological perspective, criminal procedure law functions as a social control tool used by the state to regulate the conduct of law enforcement personnel in particular and the behavior of citizens in general in the process of law enforcement. The systematic and proportional enforcement of criminal law can create a new condition in Indonesian criminal procedure law to prevent violations of the law, create a deterrent effect, and reaffirm mutually agreed norms. In addition, consistent and fair provisions and implementation of criminal procedure law are expected to rebuild public trust in the law, law enforcement officials, and judicial institutions. That way, the public will be consciously and motivated to obey the law and not be forced to obey the law because of fear of witnesses.

Currently, the application of criminal procedure law sometimes faces various challenges, such as abuse of authority, abuses of human rights, delays in the judicial process, and the intervention of certain interests that can weaken the efficacy of criminal procedural law as a means of social control (Kaplina et al., 2023; Pinto, 2018; Rouméas, 2022; Sachoulidou, 2023). These conditions can lead to a decline in public confidence in the law and law enforcement officials and can hinder the role of law as a means of achieving justice and order. On the other hand, the development of human rights values and demands for criminal procedure reform encourage the strengthening of the integrity, accountability, and professionalism of law enforcement officials in applying criminal procedure provisions.

Based on the above description, the urgency to reorient criminal procedure law has become very important in the current development and reform of law. Criminal procedure legislation is no longer regarded as a series of rigid procedures in the resolution of criminal cases, but must be seen as a living and dynamic procedure that is capable of controlling and resolving criminal cases in a more substantial manner. This reorientation requires a change in the function of criminal procedure law from one that is only oriented towards legality and formality to a more sociological-preventive function with a focus on rehabilitation, mediation, and reintegration into society. Therefore, this study was conducted to examine how a paradigm shift in criminal procedure law can be effectively realized as an adaptive and fair means of social control amid demands for criminal justice reform in Indonesia.

II. METHODS

The research methodology employed in this study is normative juridical research method that discusses doctrines and the synchronization of positive laws with one another. To analyze these issues, several legal materials or references are needed, including main legal sources, secondary legal sources, and non-legal sources. Main legal sources consist of criminal procedural law, restorative justice, and correctional regulations. Meanwhile, secondary legal sources consist of journals, books, and research results, as well as non-legal materials (Ali, 2009).

This study will use a descriptive-prescriptive approach to describe the current legal situation (*ius constitutum*) and formulate recommendations or legal concepts that should be implemented (*ius constituendum*) regarding the reorientation of criminal procedure law. Data analysis is conducted using three main approaches, namely the juridical approach (analyzing the consistency and synchronization of regulations), the conceptual approach (analyzing legal doctrines and theories such as social control and restorative justice), and the case study approach (analyzing specific cases or policies pertinent to the implementation of the reorientation of criminal procedure law).

III. RESULTS AND DISCUSSION

The criminal justice system in Indonesia currently faces a dualism of philosophical models of law enforcement, namely the Crime Control Model and the Due Process Model. The Crime Control Model emphasizes effectiveness and efficiency in combating crime through strict, swift law enforcement that is oriented toward protecting the public from the threat of crime. In contrast, the Due Process Model emphasizes the importance of protecting individual rights, especially the rights of suspects or defendants, so that the judicial process is fair, transparent, and in accordance with the ideals of human rights (Garrett, 2022). The dualism of these criminal law enforcement models creates a dilemma in the Indonesian criminal justice system, there exists a necessity to reconcile the imperative for order and security with the obligation to uphold justice and safeguard the fundamental rights of every individual. Some argue that Indonesia needs to maintain the crime control model because the community has not yet reached an upper-middle class standard of living, so that justice and protection of rights are not only enjoyed by a handful of people. Meanwhile, others argue that Indonesia currently needs more humane laws that are focused on reinstating the rights of victims and suspects, including social reintegration efforts.

Social control can be exercised by law enforcement officials as mandated by law, or by the community as an inherent right when law enforcement is not in accordance with applicable laws and regulations. This can be seen from several cases and

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applicable provisions, such as the case that occurred in December 2021, which began when a woman was the victim of a robbery and reported the incident to the Pulogadung Police Station. However, the police who received the report instead told the victim to go home, and ultimately the police officer received ethical sanctions, administrative sanctions, and demotion sanctions (Firmansyah, 2021). The woman's actions can be explained by referring to Article 1 point 24 of the Criminal Procedure Code, which states that a report is a notification submitted by a person to an authorized official due to a right or obligation granted by law regarding a criminal incident that has occurred, is occurring, or is suspected to occur. Meanwhile, a complaint (Article 1 point 25 of the Criminal Procedure Code) is a notification accompanied by a request from an interested party to the competent authority to take legal action against a person who has committed a criminal act that has caused them harm. Based on the above description, the fundamental difference between a report and a complaint lies in the element of request in a complaint and in the position of the party entitled to submit it, whereby a complaint can only be made by a party who has been directly harmed by the criminal act. In addition, the actions of police officers in receiving reports or complaints are regulated in Article 12 letter a of Perkapolri Number 7 of 2022, which states that every Polri official in carrying out social ethics is prohibited from rejecting or ignoring requests for assistance, help, reports, or complaints from the community that are still within the scope of their duties, functions, and authority. National Police Regulation No. 7 of 2022 emphasizes that police officers have the duty and authority to provide non-discriminatory services to members of the public who need protection or assistance from acts that violate the provisions of laws and regulations. In the context of the case of the rejection of a robbery victim's report in Pulogadung, the actions of law enforcement officials clearly do not comply with the ethics and responsibilities stipulated in the regulation.

Social control by the community over the above case was evident when it went viral on social media. This situation has also created a new phenomenon in law enforcement in Indonesia, namely "No Viral No Justice". The role of social media as a tool of social control for law enforcement officials shows that the need for a reorientation of Indonesian law enforcement towards greater transparency, accountability, professionalism, and humanism is key to legal reform in Indonesia (Wahid et al., 2025).

The investigation process continues when investigators receive reports or complaints from the public. Investigators are then obliged to immediately take the necessary actions to follow up on these reports. Once initial actions have been taken and a suspected crime has been identified, the process must proceed to the investigation stage (Pangaribuan et al., 2017). Another problem arises when the investigation stage takes a long time, resulting in cases dragging on for months or even years. This situation occurs because there is no time limit for the resolution of cases once they have been received by law enforcement officials. Previously, there was a provision regarding the time limit for resolving cases based on the level of difficulty of the case as stipulated in Article 31 of Perkalpori Number 12 of 2009. However, this provision has been revoked and replaced with Perkapolri Number 6 of 2019 concerning Criminal Investigation Management, which does not regulate the time limit for resolving cases. This situation could raise concerns about legal certainty and clarity in the law enforcement process for those seeking justice. Several cases, such as criminal defamation through social media, require time for the investigation process to obtain information and examine evidence (Ayudia et al., 2023). The lack of clarity regarding the time limit may ultimately hinder efforts to seek justice for victims and reduce public trust in law enforcement agencies. Therefore, a legal concept is needed that provides a faster, simpler, and easier resolution of cases while still considering justice, benefit, and legal certainty for all parties.

Change is a certainty. Criminal law enforcement has undergone a shift in its approach to handling criminal cases. This approach has shifted from one focused on retribution against criminals to a more humane and just approach through the use of restorative justice. The restorative justice approach directs law enforcement officials in resolving criminal cases through channels outside of court and promotes a resolution mechanism through dialogue, mediation, and the creation of case settlement agreements between perpetrators and victims. Before this approach was widely applied to general and specific criminal offenses that meet the requirements, the concept of restorative justice had already been applied in the juvenile justice system as a form of protection for the best interests of children in conflict with the law. Upon further examination, the concept of restorative case resolution is actually not new in the context of Indonesian law. In unwritten legal practices that have developed in various regions, case/problem resolution has long been carried out in a familial manner with an emphasis on restoring social relations and balance in the community, as practiced by the Gampong Community in Aceh (Marlina & Mulyadi, 2024). Thus, the application of restorative justice in modern criminal procedure law can be seen as an effort to revitalize customary law values and local wisdom that are in line with the principles of humanity and social justice.

The concept of restorative justice represents a shift towards a more humane approach to law enforcement that applies not only to juvenile cases but can also be applied to general and specific criminal cases that meet certain criteria. The legal paradigm, which was previously oriented towards a retributive approach that focused on punishing perpetrators of criminal acts, has changed to a more constructive paradigm that focuses on restoring the rights of victims and social reintegration for perpetrators (Capera, 2021). With this concept of restorative justice, the resolution of criminal cases is not only the responsibility of the state through law enforcement agencies, but also requires the support of all elements of society and victims.

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Conceptually, restorative justice acts as a bridge between formalistic criminal procedure law and more sociological social control objectives. The out-of-court settlement mechanism offered by restorative justice is considered to yield more positive results in restoring relationships between perpetrators and victims as well as the community, and in framing crime as a social problem that needs to be resolved through dialogue, restoration, and shared responsibility (Aprilia, 2024). Thus, the application of restorative justice is an important part of the transformation of criminal procedure law toward a more humane, participatory, and socially just law enforcement system.

On the other hand, there is an important aspect that is overlooked when discussing the settlement of criminal cases through the RJ approach, namely the psychological recovery of victims. In certain cases, recovery to the original state of the victim can take the form of compensation or actions such as returning property and so on. However, for some criminal acts that indirectly cause psychological distress to victims, law enforcement officials and witness and victim protection agencies need to pay attention to this issue (Azisa et al., 2025). Therefore, reorientation and reform of criminal procedure law and the involvement of various parties are urgently needed in the current law enforcement system.

The demand for reorientation of criminal procedure law as an effective social control tool requires the establishment of an Integrated Criminal Justice System (ICJS). This system aims to synergize the functions and roles of all subsystems of the judiciary, namely the police, the prosecutor's office, the courts, and correctional institutions, so that they do not work separately but in an integrated and mutually supportive manner (Fuller et al., 2014). In the context of social control, the implementation of ICJS ensures that every stage in the criminal justice process, from investigation, prosecution, trial, to the execution of punishment, runs harmoniously towards one main goal, namely restoring social balance and preventing the recurrence of crime (recidivism). Therefore, the synchronization of regulations between law enforcement agencies is very important. This effort is needed to unify the standards for implementing restorative justice across all subsystems, eliminate existing inconsistencies in norms, and formulate more coherent and integrated policies.

Regulations regarding restorative justice are currently still regulated separately by each law enforcement agency. Each institution has its own legal basis for implementing a restorative justice approach in accordance with its scope of authority. The Attorney General's Office of the Republic of Indonesia first issued Attorney General Regulation Number 15 of 2020, which gives prosecutors the authority to discontinue prosecution based on restorative justice. Subsequently, the Indonesian National Police issued National Police Regulation No. 8 of 2021, which serves as a guideline for investigators in resolving criminal cases based on restorative justice (Awaluddin, 2024). Finally, the Supreme Court also issued PerMA Number 1 of 2024, which provides guidance for judges in deciding criminal cases by considering aspects of rehabilitation and reconciliation. Thus, although these three institutions have their own regulations, this fragmentation of regulations indicates the need for harmonization and alignment between institutions so that the application of restorative justice can be more consistent, effective, and fair.

Law No. 1 of 2023 (New Criminal Code) does not explicitly limit the types of criminal offenses that can be resolved through a restorative justice approach. The New Criminal Code provides a broader basis for sentencing through substantive legal principles and considerations. This can be seen in Article 54 paragraph (1) of the New Criminal Code, which explains that in sentencing, several things must be considered, such as the nature of the offender's fault, the motive and purpose of the crime, the offender's inner attitude, whether the crime was planned or unplanned by the offender, the manner in which the offender committed the crime, and the offender's actions and attitude after the act was committed. In addition, the perpetrator's background, social and economic conditions, the impact of the punishment on the perpetrator's future, and the impact of the criminal act on the victim and their family must also be taken into account. Another important element closely related to restorative justice is the forgiveness of the victim or the victim's family, as well as the legal values and sense of justice that exist in society. Furthermore, Article 54 paragraph (2) of the New Criminal Code also emphasizes that there are certain circumstances that need to be considered in terms of justice and humanity in order to determine whether or not to impose a criminal penalty or action, taking into account the severity of the act, the personal circumstances of the perpetrator, and the situation at the time of and after the crime was committed. Thus, the New Criminal Code provides room for the application of restorative justice in a more flexible and contextual manner, so that law enforcement can be carried out in a more humane manner and oriented towards social recovery (Singla, 2024).

The March 2025 version of the Draft Criminal Procedure Code (RKUHAP) contains new provisions on restorative justice mechanisms that provide space for the settlement of criminal cases outside of court or through a peace process. This mechanism for resolving cases outside of court can be implemented at various stages of investigation, examination, and prosecution. Meanwhile, the reconciliation process is carried out at the trial stage, so that judges have a legal basis for considering peace agreements as part of their verdicts.

The latest version of the RKUHAP also confirms a number of exceptions to the application of out-of-court settlements, which include terrorism, corruption, crimes without victims, crimes punishable by five years or more imprisonment (except for

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negligence), crimes against life, crimes with a specific minimum penalty, and narcotics crimes except for users. These exceptions indicate an effort to limit the application of restorative justice to cases that are relatively minor and where social rehabilitation is still possible. However, the exceptions in the RKUHAP differ in several respects from the provisions previously stipulated in the internal regulations of each law enforcement agency. This situation shows that harmonization between regulations is needed so that the implementation of restorative justice in the future can be consistent, integrated, and in line with the spirit of reforming criminal procedure law in Indonesia.

The reorientation of criminal procedure law prior to the enactment of the new Criminal Code and Criminal Procedure Code is an important moment in the reform of the criminal justice system in Indonesia. This change marks the beginning of a paradigm shift in law enforcement, which previously focused solely on retribution or punishment, towards a more sociological and preventive approach. This new approach emphasizes the importance of rehabilitation, mediation, and social reintegration as part of efforts to achieve a more humane and sustainable justice system (Rochaeti et al., 2023).

The investigation and prosecution stages are the main entry points into the criminal justice system. Law enforcement officials are expected to be more selective in determining whether a case should proceed to court or can be resolved through peaceful means outside of the court system. This is important in order to avoid excessive criminalization of minor cases that can actually be resolved amicably through restorative justice mechanisms.

The application of restorative justice at this early stage is highly dependent on the discretion of investigators and prosecutors. Therefore, both need to be philosophically reoriented so that in carrying out their duties, they do not solely rely on formal legality, but also consider sociological dimensions, social benefits, and the balance between the interests of perpetrators, victims, and society. In this way, criminal procedure law can function not only as a tool for enforcing norms, but also as a means of social reconciliation that supports the creation of substantive justice.

The reorientation of criminal procedure law also applies to the examination stage in court, where the role of judges is no longer limited to merely enforcing the law, seeking material truth, and imposing criminal sanctions. In this new paradigm, judges are expected to play a more active role as mediators of justice who seek legal solutions that not only fulfill the aspect of legality but also take into account human values, social justice, and the restoration of relations between the parties. Thus, judges have a moral and professional responsibility to interpret the law contextually in accordance with the social objectives to be achieved by the criminal justice system. In addition, in handing down a verdict, judges are required to consider various factors as stipulated in Article 54 of the New Criminal Code, such as the motive and purpose of the perpetrator, the consequences for the victim, forgiveness from the victim or the victim's family, and the values of justice that exist in society. This approach is expected to make the criminal justice process more oriented towards substantive justice rather than merely the formalistic application of the law.

The stage of implementing the judge's verdict or criminal execution is the culmination of the entire process in the criminal justice system. At this stage, the effectiveness and success of the criminal justice system as a means of social control will truly be seen, because the implementation of the verdict reflects the extent to which the objectives of the law can be achieved, both in terms of justice, humanity, and social order. With the enactment of Law Number 22 of 2022 concerning Corrections, the paradigm of punishment in Indonesia has undergone a fundamental change, from one that previously emphasized retribution to one that emphasizes social reintegration and guidance. This new paradigm is oriented towards returning prisoners to society as productive, responsible individuals who are able to contribute positively after serving their sentences.

The implementation of this reorientation requires support and cooperation from various parties. Correctional institutions no longer function solely as places of detention, but also as centers for guidance and empowerment. In addition, community groups, job training institutions, educational institutions, and social organizations need to play an active role in the reintegration process by providing space and opportunities for former prisoners to re-adapt socially and economically (Trivedi & Ray, 2024). This cross-institutional and community collaboration is key to the success of building a more humane, just, and crime prevention-oriented correctional system through social rehabilitation, rather than mere punishment.

IV. CONCLUSIONS

The Indonesian criminal justice system is undergoing a period of reform marked by a shift in paradigm from retributive law enforcement to a more humanistic approach based on restorative justice. However, there are still challenges in this transition, particularly in striking a balance between effective law enforcement and the protection of individual rights. Various technical issues in the field and the fragmentation of restorative justice regulations indicate the continuing weakness of integrity, professionalism, and coordination between institutions. The reorientation of criminal procedure certainly requires regulatory harmonization and the strengthening of the implementation of the Integrated Criminal Justice System (ICJS), which is a strategic step towards making the law a means of social recovery, preventing recidivism, and increasing public trust.

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To strengthen the reorientation of criminal procedure law, technical regulations, training, and massive socialization to law enforcement officials and the public are needed so that these changes can have a real impact on society. In addition, the government and the public need to collaborate in supporting the social reintegration of prisoners through guidance programs, job training, and community empowerment. With these steps, the criminal justice system in Indonesia is expected to run more effectively, humanely, and responsively to the community's need for justice.

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