

Non-Custodial Sanctions in the Context of Restorative Justice: A Modern Criminal Law Perspective

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ABSTRACT: This article examines the position and implementation of non-custodial sanctions within the restorative justice framework as part of Indonesia's broader transformation of modern criminal law. While regulatory instruments such as Law No. 1 of 2023 on the Penal Code and the Indonesian National Police Regulation No. 8 of 2021 have established a normative basis for applying such sanctions, their implementation remains fragmented. This study employs a normative juridical approach by analyzing national legislation alongside international practices to assess the effectiveness and the challenges of integrating non-custodial measures. The findings reveal three primary barriers to implementation: legal (a lack of implementing regulations), structural (inadequate supporting infrastructure), and cultural (the prevailing dominance of a retributive justice paradigm). The article advocates for a more restorative-oriented penal policy design, including developing technical guidelines, strengthening penal mediation institutions, providing training for legal practitioners, and public education efforts aimed at shifting justice paradigms. With well-calibrated strategies and cross-sectoral support, non-custodial sanctions can become effective, humane, and sustainable instruments of sentencing within the national criminal justice system.

KEYWORDS: Non-Custodial Sanctions, Restorative Justice, Criminal Law, Modern Sentencing, Penal Policy.

I. INTRODUCTION

Criminal law, as an integral part of the legal system, maintains public order and safeguards society by regulating harmful behaviours. Historically, the development of criminal law has been dominated by a retributive paradigm, which emphasizes punishment—particularly imprisonment—as a means of delivering justice to offenders. However, in practice, the effectiveness of incarceration in preventing recidivism, rehabilitating offenders, and delivering justice to victims has been increasingly questioned. The evolution of modern criminal law has led to a paradigm shift in how sentencing objectives are perceived. While retributive justice previously underpinned penal systems by prioritizing the punishment of offenders, such an approach is now widely considered inadequate for addressing the complex nature of crime and the restorative needs of victims (Muladi, 1995). This shift aligns with global criticisms of incarceration's inefficacy, as evidenced by persistently high recidivism rates, overcrowded correctional facilities, and the marginalization of victims' rights to meaningful recovery (Zehr, 2002).

Modern criminal law is no longer seen merely as a retribution tool but as a mechanism to achieve broader social goals—such as victim restoration, offender rehabilitation, and the reparation of social harmony disrupted by criminal acts. Nevertheless, in practice, penal systems in many jurisdictions, including Indonesia, continue to be heavily influenced by a retributive framework, with imprisonment remaining the primary punitive response to crime.

The persistent issues of prison overcrowding, high rates of recidivism, and the lack of effective mechanisms for victim restitution underscore the urgent need for an alternative approach within the criminal justice system. In this context, restorative justice has gained growing recognition as a viable alternative and a complementary model to retributive sentencing.

Empirical evidence suggests that imprisonment alone has not successfully addressed the multifaceted challenges of criminal behaviour. Chronic issues such as correctional overcapacity, recurring reoffending, and insufficient attention to victims' needs reflect the systemic shortcomings of conventional penal practices. According to data from the Directorate General of Corrections (Ditjen PAS), by the end of 2023 (Pemasyarakatan, 2023), the total number of inmates and detainees in Indonesia had exceeded 270,000, while the official capacity of correctional institutions stood at approximately 135,000. This severe overcrowding has led to widespread human rights concerns and significantly undermined the rehabilitative aims of incarceration.

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Within this context, restorative justice has emerged as a new paradigm in criminal law. In contrast to retributive justice—which centres on the offender and the state—restorative justice places victims, offenders, and the community at the heart of the legal process. It seeks to resolve criminal conflicts through dialogue, mediation, and restitution. The core principles of restorative justice include offender accountability, reparation for victims, and restoring social relationships. This approach offers a more humane and transformative dimension in addressing criminal cases.

Aligned with these developments, restorative justice is both an alternative and a complement to conventional criminal justice systems. It emphasizes the restoration of harm to victims, offender accountability, and the active involvement of the community in resolving legal conflicts (Braithwaite, 1989). Its ultimate aim is to achieve a form of substantive justice that is participatory, humanistic, and transformative, thereby restoring social equilibrium disrupted by criminal acts.

Non-custodial sanctions (*maatregelen*) play a critical role within the restorative justice framework. These sanctions are designed to be corrective, educational, and preventive, distinguishing them from imprisonment's often repressive and dehumanizing effects. Measures such as rehabilitation, community service, vocational training, penal mediation, and diversion programs provide constructive avenues for offenders to take responsibility and reintegrate into society. Ashworth and Zedner identify these sanctions as encompassing rehabilitation, community service, skills training, supervision, and penal mediation (Ashworth and Zedner, 2014).

This approach has been successfully implemented in various jurisdictions—such as Canada, Norway, and New Zealand—demonstrating that applying non-custodial measures can reduce recidivism rates and enhance victim satisfaction with the legal process (Johnstone, 2011).

For instance, New Zealand has long implemented the Family Group Conference (FGC) model, which brings together victims, offenders, and community members to collaboratively seek the most appropriate resolution, particularly in juvenile cases. The FGC model for juvenile offenders has effectively reduced recidivism and significantly increased victim satisfaction. Evaluations of the FGC indicate its success in lowering reoffending rates and facilitating the reintegration of offenders into society (Maxwell and Morris, 1993).

Indonesia has begun incorporating restorative justice principles into several legal frameworks, such as the Indonesian National Police Regulation No. 8 of 2021 on the Handling of Criminal Offenses Based on Restorative Justice. In addition, Law No. 1 of 2023 on the Criminal Code (KUHP) has broadened the legal space for alternative sentencing, including non-custodial sanctions. Nonetheless, implementing these principles remains fragmented and has yet to be fully integrated into the national criminal justice system—whether in terms of legal substance, institutional mechanisms, or the legal culture of law enforcement personnel. From a legal standpoint, although regulatory frameworks have begun to accommodate alternatives to custodial sentencing, not all law enforcement actors possess the requisite perspectives or capacities to implement them effectively. Culturally, the public and justice officials still largely perceive imprisonment as the only legitimate form of justice. Structurally, the lack of supporting infrastructure—such as penal mediation institutions and rehabilitation services—continues to hinder the practical application of non-custodial sanctions (L. Sulistyowati, 2020).

The limited application of non-custodial measures in Indonesia can be attributed to several factors, including a lack of awareness and understanding among law enforcement officials regarding restorative justice, insufficient support resources (such as penal mediators, rehabilitation institutions, and community networks), and persistent scepticism about the effectiveness of non-custodial sentencing. Therefore, a comprehensive study is needed on how non-custodial sanctions can be effectively designed, regulated, and implemented within a restorative justice framework—as part of a modern and humanistic reform of national criminal law.

Rahmawati & Prasetyo (Rahmawati and Prasetyo, 2023) conducted a comparative study between the reparative community model in New Zealand and a pilot project in Bandung, highlighting the success of diversifying non-custodial sanctions in accelerating offender reintegration. International research by Li & Zhang (Li and Zhang, 2024) published in the *International Journal of Restorative Practices*, demonstrated that combining penal mediation with victim education programs increased victim satisfaction by 30% and significantly reduced post-incident stress. Lastly, Sari and Nugroho (Sari and Nugroho, 2025) empirically analyzed "community conferencing" practices in Jakarta, particularly in juvenile delinquency cases, revealing a 40% increase in active victim and family participation and positive responses from law enforcement toward restorative-based sanctions. While these findings are promising, most studies remain localized or pilot-based. Cross-regional research and long-term evaluations are needed to generalize the effectiveness of non-custodial sanctions within Indonesia's restorative justice framework.

This research employs the doctrinal or normative legal method—an established approach in legal scholarship that focuses on analysing written legal norms, including legislation, legal doctrines, general principles, and judicial decisions. Doctrinal research is prescriptive and systematic, aiming to identify, clarify, and evaluate legal rules while providing normative solutions to specific legal issues (Hutchinson, 2010). According to Marzuki (Marzuki, 2011), doctrinal methodology treats law as a logically coherent

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normative system and thus requires a structured analysis of both primary and secondary legal materials. This method is particularly suited for research on restorative justice and non-custodial sanctions, as it enables a thorough exploration of the juridical principles underlying criminal justice policy and offers normative arguments for its application. Furthermore, the doctrinal approach facilitates comparative legal analysis to assess the suitability of implementing non-custodial sanctions in modern criminal law (McConville and Chui, 2007).

Based on this background, the study addresses three key research questions: (1) What is the normative status of non-custodial sanctions within the restorative justice framework under current Indonesian criminal law? (2) What are the juridical, structural, and cultural barriers to implementing non-custodial sanctions as a form of restorative justice? (3) What policy design and implementation strategies are necessary to effectively and sustainably integrate non-custodial sanctions into the national penal system?

This study aims to analyze the normative position of non-custodial sanctions within Indonesian criminal law, identify the practical barriers to their effective implementation, and propose a comprehensive policy framework for a restorative, just, and humane penal system. Through a normative legal approach and critical analysis of existing practices, this research seeks to contribute theoretically and practically to the development of modern criminal law in Indonesia.

The significance of this research lies in two key aspects. Theoretically, it advances the discourse on progressive criminal law by emphasizing restoration and social reintegration principles. Practically, its findings are expected to serve as constructive recommendations for policymakers, legal practitioners, and judicial institutions in formulating and applying non-custodial sanctions that align with the values of restorative justice.

II. DISCUSSION

A. *The Legal Standing of Non-Custodial Sanctions within the Restorative Justice Framework in Indonesia*

The evolution of modern criminal law reflects a paradigm shift from retributive justice to a more restorative approach. Under the traditional model, imprisonment is the principal instrument for retribution against offenders. However, this paradigm has revealed several deficiencies, including prison overcapacity, low deterrent effect, and the absence of meaningful restitution for victims. In response to these systemic crises, contemporary penal systems have begun to adopt alternative mechanisms—such as non-custodial sanctions—that promote a more humane, effective, and socially restorative approach to criminal justice.

Non-custodial sanctions prioritize rehabilitation and social reintegration over punitive measures. Within the restorative justice framework, these sanctions function as a bridge connecting the offender, the victim, and the community, with an emphasis on dialogue, accountability, and reparation. Thus, examining the legal status and recognition of such sanctions in the Indonesian criminal justice system is essential.

The legal status of non-custodial sanctions in Indonesia has gained formal recognition through several key legal instruments. Law No. 1 of 2023 on the Criminal Code (KUHP) is a significant milestone which formally incorporates various non-custodial penalties into the national penal system. Several provisions within the new Criminal Code provide non-prison-based punishments such as community service, out-of-institution supervision, and mandatory rehabilitation orders.

In addition to the Criminal Code, restorative justice approaches have been further advanced through sectoral regulations, such as Chief of Police Regulation No. 8 of 2021 on Restorative Justice-Based Handling of Criminal Acts. This regulation is an early instrument promoting penal mediation and constructive dialogue between offenders, victims, and communities as alternatives to formal adjudication. In this context, non-custodial sanctions can arise from mutual agreements favouring constructive resolutions over adversarial proceedings.

However, the practical application of non-custodial sanctions remains limited despite normative recognition. In practice, most law enforcement officers rely on conventional punitive approaches, rendering non-custodial measures more symbolic than functional. A key challenge lies in the lack of coherence and synchronization across legal regulations. While the new KUHP outlines types of non-custodial sanctions, not all procedural laws and sectoral statutes—such as the Criminal Procedure Code (KUHP), the Juvenile Criminal Justice System Law (Law No. 11 of 2012), and various technical guidelines—have aligned their mechanisms to accommodate these restorative principles.

The absence of supporting implementing regulations further weakens the legal standing of non-custodial sanctions. Wahyuni (Wahyuni, 2023) observes that although the concept has been acknowledged at the normative level, its practical application is hampered by procedural ambiguities and the lack of detailed legal instruments. Similarly, Sulistyowati (D. Sulistyowati, 2020) notes that entrenched legal culture among law enforcement, which continues to prioritize conventional punishment, represents a significant barrier to using restorative sanctions.

Muladi (Muladi, 2021), argues that non-custodial sanctions have the potential to serve as an effective vehicle for penal reform, especially in mitigating crime without exacerbating the burden on correctional institutions. However, this potential can only be

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realized if Indonesia's legal system provides a clear legal framework—including substantive rules and institutional support such as rehabilitation centres, penal mediators, and monitoring procedures for enforcement.

Moreover, the divide between the general criminal justice system and the juvenile justice system exacerbates implementation gaps. While juvenile offenders benefit from diversion programs and non-custodial alternatives, similar mechanisms are lacking for adult offenders within the mainstream justice system. This reflects a limited perception of non-custodial sanctions as exceptional or conditional rights rather than universally applicable measures across all offender categories.

From a restorative justice perspective, non-custodial sanctions should serve as primary instruments for resolving criminal cases, focusing on victim interests and social healing. Sanctions such as community service, rehabilitation programs, or mandatory penal mediation arguably provide a more just response than incarceration alone. However, the success of such models hinges on their juridical legitimacy and the justice system's willingness to integrate them comprehensively.

A significant challenge remains the legal vacuum surrounding procedural clarity and implementation. For instance, there is no definitive regulation on who holds the authority to impose non-custodial sanctions, under what circumstances they may be applied, and how their execution is to be monitored. Without such clarity, non-custodial sanctions struggle to attain credibility as viable alternatives within Indonesia's penal system.

The legal standing of non-custodial sanctions under Indonesia's restorative justice framework has made important progress, especially with enacting the new Criminal Code and sectoral regulations such as Police Regulation No. 8 of 2021. However, this normative advancement has not yet translated into full operational capacity due to regulatory inconsistencies, the absence of implementation guidelines, and structural resistance to non-carceral approaches. Thus, further legal reform is urgently needed—spanning normative, institutional, and cultural dimensions—to ensure that non-custodial sanctions can play a meaningful role in transforming Indonesia's penal system toward a more restorative and humane justice model.

B. Barriers to the Implementation of Non-Custodial Sanctions within the Restorative Justice Framework in Indonesia

In the era of modern criminal law reform, Indonesia has begun to embrace restorative justice principles as an alternative approach to resolving criminal cases in a more humane and participatory manner. One concrete embodiment of restorative justice is applying non-custodial sanctions, prioritizing victim restoration, offender reintegration, and social harmony rather than retributive punishment. Although the normative foundation for non-custodial sanctions has been laid—most notably through Chief of Police Regulation No. 8 of 2021 and Law No. 1 of 2023 on the Criminal Code (KUHP)—the practical implementation still faces significant legal, structural, and cultural challenges.

Legal Barriers (Fragmentation and Lack of Legal Harmonization): Legal constraints represent the most fundamental challenge impeding the effective implementation of non-custodial sanctions. First, although the new Criminal Code introduces non-custodial sanctions such as rehabilitation, community-based supervision, and community service, it lacks comprehensive implementing regulations. Consequently, criminal justice actors such as prosecutors and judges do not yet have clear operational guidelines for consistently applying these sanctions (D. Sulistyowati, 2020). Second, there are discrepancies among statutory instruments. For instance, the Criminal Procedure Code (KUHP) has not been updated to incorporate restorative justice mechanisms, such as formalized procedures for penal mediation involving both offender and victim. This legal rigidity entrenches a justice system still dominated by formalistic and legalistic principles. Third, inconsistent approaches among law enforcement institutions exacerbate the problem. The Police Regulation No. 8 of 2021 binds only the police and does not extend to prosecutors or judges. Without an inter-institutional framework, restorative justice tends to stagnate at the investigation stage, failing to progress to prosecution or sentencing (Wahyuni, 2023).

Structural Barriers (Institutional Capacity and Infrastructure Deficiencies): Structural barriers include inadequate institutional capacity and supporting infrastructure necessary to implement non-custodial sanctions. In practice, sanctions such as community service, rehabilitation, and out-of-institution supervision require specific facilities such as rehabilitation centres, open correctional institutions, and penal mediation centres. However, in Indonesia, these facilities are limited in number and unevenly distributed—particularly scarce in remote areas. According to Muladi (Muladi, 2021), the success of non-custodial sanctions hinges on the readiness of implementing agencies and the availability of competent human resources. For example, drug user rehabilitation requires medical professionals, psychologists, and social workers—resources that are not consistently available across all regions. Moreover, many law enforcement personnel lack sufficient understanding of operationalizing non-custodial sanctions. Training curricula within police academies, prosecution offices, and judicial institutions devote minimal attention to restorative justice principles or technical procedures for applying such sanctions. As a result, these measures are often perceived as "unconventional" or "procedurally improper," leading to resistance in practice (Zulfa, 2024).

Cultural Barriers (Dominance of the Retributive Paradigm): Legal culture—both among justice actors and the public—remains deeply rooted in a retributive mindset, emphasizing proportional punishment as the cornerstone of justice. In such an

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environment, imprisonment is viewed as the only legitimate form of punishment, while alternative sanctions such as community service or rehabilitation are often dismissed as ineffective in deterring crime. Law enforcement officers frequently opt for custodial sentences to avoid public backlash and demonstrate firmness in addressing criminal behaviour. This tendency is reinforced by public perceptions that equate justice with physical punishment. A lack of public education on restorative justice principles further exacerbates the situation. Media narratives also tend to sensationalize criminal acts and call for harsh punishments, pressuring legal actors to forgo restorative approaches even when they are legally permissible (Wahyuni, 2023).

These interrelated legal, structural, and cultural barriers collectively render non-custodial sanctions a symbolic norm rather than a functional reality. As a result, restorative justice goals—such as mending the relationship between offender and victim and promoting social reintegration—are not being achieved. In the long term, this undermines the effectiveness of Indonesia's criminal justice system as it seeks to transition toward a more modern and humane framework.

Furthermore, the inability to effectively implement non-custodial sanctions exacerbates prison overcrowding, increases the cost burden of the justice system, and contributes to high recidivism rates. This is particularly concerning given research by Zulfa (Zulfa, 2024), which demonstrates that non-custodial sanctions are more successful in reducing reoffending than imprisonment.

To address these obstacles, several strategic recommendations can be proposed for adoption by the government and relevant stakeholders: 1) Develop comprehensive implementing regulations for the new Criminal Code and derivative rules that facilitate all law enforcement bodies' consistent application of non-custodial sanctions, 2) Pursue structural reform, including establishing permanent penal mediation institutions, expanding rehabilitation capacity, and integrating social services into the justice system, 3) Launch a national campaign for legal culture transformation through mass media, public legal education, and reforms in the training curricula for law enforcement to promote a shift from retributive to restorative paradigms, 4) Facilitate cross-sectoral training for law enforcement personnel—including police, prosecutors, and judges—so they can appropriately mediate restorative processes and impose non-custodial sanctions, 5) Empower civil society and NGOs to support penal mediation and social reintegration, ensuring the community plays an active role in restorative justice, not merely serving as passive legal subjects.

Implementing non-custodial sanctions within Indonesia's restorative justice framework encounters deeply intertwined legal, structural, and cultural barriers. Unless these challenges are resolved, efforts to transform the Indonesian criminal justice system into a more progressive model will remain superficial. Legal reform must extend beyond written statutes to encompass institutional restructuring, capacity development, and cultural transformation at all justice system levels.

C. Policy Design and Implementation Strategy of Action-Based Sanctions in the National Penal System

In modern criminal law development, a more humane and effective approach increasingly demands a shift from a retributive paradigm to restorative justice. One tangible manifestation of this new paradigm is introducing and applying action-based sanctions as an alternative to imprisonment. These sanctions are not merely punitive responses to crime but serve as instruments for social recovery, offender reintegration, and victim empowerment.

Although the normative recognition of action-based sanctions has been accommodated—particularly in Law No. 1 of 2023 on the Criminal Code—their implementation still faces significant challenges. Therefore, an ideal policy design and a systematic, integrative, and sustainable implementation strategy are needed.

The Urgency of a Structured, Restorative Justice-Based Policy Design

Action-based sanctions must be considered an integral part of the national penal system, not a marginal option. Thus, the policy design must refer to the core principles of restorative justice: participation of both offender and victim, reparation, and social reintegration (Marshall, 2021). Indonesia requires a comprehensive policy framework (in the form of substantive, procedural, and institutional regulations) to ensure that the implementation of action-based sanctions is not fragmented. As Santoso (Santoso, 2023), emphasizes, an ideal sentencing policy should integrate restorative justice principles throughout the entire criminal justice process—from pre-adjudication (investigation) and adjudication (trial) to post-adjudication (corrections). In this context, action-based sanctions must be systemically available to law enforcement officials and should not depend on subjective interpretation.

Implementation Strategy (Juridical, Structural, and Socio-Cultural Integration) :

1) Legal Reform and Drafting of Implementing Regulations

The first step is to reformulate legal policies that enable the operational application of action-based sanctions. This includes drafting government regulations, ministerial regulations, and technical guidelines following the new Criminal Code. These regulations must cover 1) Criteria and types of offences eligible for action-based sanctions, 2) Mechanisms for selection and feasibility assessment, and 3) Indicators for success and supervision procedures. As Rahmawati (Rahmawati, 2022), suggests, effective regulations must be cross-sectoral, linking the legal, social, health, and education sectors. Without strong implementing rules, the legal provisions on action-based sanctions will lack operational force.

2) Strengthening, Implementing Institutions and Supporting Infrastructure

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Action-based sanctions require infrastructure for community service, rehabilitation, and non-institutional supervision. This requires: 1) Establishing penal mediation centres at the municipal/regency level involving community leaders, facilitators, and social workers, 2) Developing integrated rehabilitation facilities in coordination with the Ministry of Social Affairs, Ministry of Health, and other relevant agencies, and 3) Integrating information systems among prosecutors, police, courts, and correctional institutions to monitor sanction implementation. Muladi (Muladi, 2021) highlights institutional coordination's importance in preventing offenders from reverting to conventional punishment due to inter-agency failures.

3) Capacity Building for Law Enforcement Officials

No implementation strategy will be effective without increasing the capacity of law enforcement officials, including police, prosecutors, judges, and correctional officers. Training programs must include 1) Principles and philosophy of restorative justice, 2) Dialogue facilitation techniques between offenders and victims, and 3) Technical procedures for implementing action-based sanctions. Putri (Putri, 2023) notes that only 20% of law enforcement personnel fully understand restorative justice and are competent in proportionately imposing such sanctions.

4) Community Participation and Civil Society Engagement

The success of action-based sanctions also relies heavily on the involvement of civil society, including NGOs, religious organizations, and local communities. Braithwaite (Braithwaite, 2022) argues that offender reintegration can only succeed if the social environment is actively involved in the healing process. Therefore, implementation strategies must include 1) Community empowerment in reintegration and supervision programs, 2) Formation of cross-sectoral working groups to bridge the justice system and communities, and 3) Victim participation in designing sanction programs to ensure genuine reparation.

5) Public Education and Legal Socialization Reform

As a long-term strategy, public legal education must shift perceptions that equate justice solely with imprisonment. This includes 1) Media campaigns and public forums promoting restorative justice values, 2) Integration of legal education into school and university curricula, and 3) Producing films, documentaries, and podcasts that showcase the success of action-based sanctions. Wahyuni (Wahyuni, 2023) stresses that public resistance to restorative justice often stems from a lack of understanding, not the policy substance itself.

Principle of Sustainability (Ensuring Policy Consistency and Evaluation) : The policy must be designed with sustainability in mind to ensure that action-based sanctions are not confined to normative discourse or pilot projects. This requires: 1) Periodic evaluations by the Ministry of Law and Human Rights and independent institutions on the effectiveness of action-based sanctions, 2) Development of a national database to document outcomes, challenges, and impacts, and 3) Formulation of key performance indicators (KPIs) and logical frameworks as implementation measurement tools. In this context, Zulfa (Zulfa, 2024) recommends adopting an evidence-based policy approach to ensure that decision-making is grounded in data and empirical analysis rather than political rhetoric.

The design and implementation strategy for action-based sanctions in Indonesia's penal system requires a holistic and collaborative approach. The primary keys are legal reform, institutional and infrastructural reinforcement, human resource development, and cultural paradigm shifts. A sustainable approach with regular evaluation will ensure that action-based sanctions move beyond rhetoric and serve as an effective, humane, and restorative instrument within Indonesia's criminal justice system.

III. CONCLUSIONS

First, based on an analysis of the prevailing legal framework, it can be concluded that the juridical status of action-based sanctions within Indonesia's criminal law system has obtained normative recognition, particularly through Law No. 1 of 2023 on the Criminal Code (KUHP) and National Police Regulation No. 8 of 2021. However, this recognition remains largely formal and has not yet become fully operational. The lack of synchronization between the Criminal Code, its implementing regulations, criminal procedural law, and the absence of precise implementation instruments has resulted in the inconsistent application of action-based sanctions by law enforcement officials. Therefore, there is an urgent need for cross-sectoral regulatory harmonization and the formulation of technical guidelines to strengthen the legitimacy and practical applicability of action-based sanctions as a valid form of restorative punishment.

Second, implementing action-based sanctions in Indonesia faces interrelated structural, juridical, and cultural barriers. Juridical obstacles include the absence of technical regulations and the fragmentation of legal norms across law enforcement institutions. Structural challenges involve limited infrastructure for penal mediation, rehabilitation services, and human resources. Culturally, the deeply entrenched retributive paradigm remains dominant among law enforcement personnel and the public, leading to the perception that action-based sanctions are unfamiliar and lack deterrent effect. Overcoming these obstacles requires a cross-sectoral approach and systemic transformation of the legal paradigm—from policymakers to frontline actors.

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Third, a policy design grounded in restorative justice principles is essential to effectively and sustainably integrate action-based sanctions into the national penal system. The recommended strategies include the development of comprehensive implementing regulations, establishing standardized implementing institutions, intensive training for law enforcement personnel, active involvement of civil society, and reforming public legal education. Regular evaluation and an evidence-based policy approach are key to ensuring long-term effectiveness. With such strategies, action-based sanctions will not merely serve as symbols of reform but can become transformative, equitable, and adaptive tools for addressing the challenges of modern criminal justice.

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