

Safeguarding Educators: The Role of Restorative Justice in Teacher Professional Protection

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Article History	Submitted	Revised	Accepted
	2025-03-31	2025-05-09 & 2025-08-26	2025-09-10

Abstract

This study uses a normative juridical approach that focuses on Law Number 14 of 2005 concerning Teachers and Lecturers to look at legal protection for teachers from potential criminalization. The results show a disharmony in regulations, especially between Law No. 23 of 2002 concerning Child Protection and Law No. 14 of 2005 concerning Teachers and Lecturers. This often creates legal uncertainty and allows for criminalizing pedagogical actions that should be protected. Because the restorative justice approach considers the purpose of the action, the social impact, and the relationship between the perpetrator, the victim, and the educational environment, it is considered more appropriate and equitable in these situations. According to the analysis, some of the policy recommendations are as follows: changes in regulations governing the roles and responsibilities of teachers; the application of the principle of restorative justice in the legal education curriculum; the establishment of educational mediation institutions at the local level; implementation of legal campaigns based on empathy and education; legal preventive protection for educators; and regular evaluation of its implementation.

Keywords: Criminalization of teachers, legal protection, restorative justice.



INTRODUCTION

The Law is like dry leaves that fall when justice does not become the lungs of those who enforce it. The fact that teachers are criminalized in Indonesia shows the structural fact that legal instruments are often used repressively against weakly positioned social groups, especially professional workers such as educators, while at the same time tending to provide protection or leniency to groups with economic and political power. This condition shows an inequality in law enforcement influenced by power relations, political interests, and the dominant capitalistic ideology. This distances the practice of Law from the principle of substantive justice, especially when it comes to the protection of vulnerable groups.

Educators contribute significantly to developing high-quality future generations, both academically and socially.¹ Because national education aims to shape students to become people who think and fear God Almighty, have noble character, are knowledgeable, intelligent, creative, autonomous, and become responsible and democratic citizens, teachers bear heavy burdens as required by Article 3 of Law No. 20 of 2003 concerning the National Education System.² As a result, the responsibilities carried out by educators are very challenging. Disciplinary measures used by educators, which were previously seen as commonplace, are now considered human rights violations. Because of this, educators seem to be in a difficult situation where they have to maintain discipline and stability in the classroom while also fearing criminal prosecution from parents or child advocacy organizations for alleged child abuse.³

The most prominent example is the widespread practice of criminalizing educators. For example, Supriyani, a 37-year-old honors teacher from South Konawe, Southeast Sulawesi, was arrested after being identified as a suspect in connection with alleged student harassment. According to the respected instructor at SDN 4 South Konawe, he had been asked for Rp 50 million to make amends with the parents of the children arrested by the police.⁴ Akbar Sorasa, a teacher at SMKN 1 Taliwang, West Sumbawa Regency, West Nusa Tenggara (NTB), was sentenced to three months in prison and compensated Rp two million.⁵ A 33-year-old honorary teacher named Apinsa was sentenced to 10 months in prison for using rattan to beat her children at an elementary school in North Musi Rawas, South Sumatra. Apinsa's lawyer, Abdul Aziz, said

¹ Nadhira Diva Saraswati and Pan Lindawaty Suherman Sewu, "Directions for Legal Regulation on the Prevention and Handling of Sexual Violence on Campus According to the Regulation of the Minister of Education, Culture, Research, and Technology Number 30 of 2021 concerning the Prevention and Handling of Sexual Violence in the Higher Education Environment," *Mimbar Justitia Law Journal* 8, no. 1 (2022): 115, <https://doi.org/10.35194/jhmj.v8i1.2464>.

² Maryanto Maryanto, Nor Khoiriyah, and Supriyono Purwosaputro, "Legal Politics in the Formation of the Indonesian Teacher Code of Ethics as a Means of Improving Teacher Professionalism in Semarang City," *Journal of Meta-Juridis* 5, no. 1 (2022): 1–19, <https://doi.org/10.26877/m-y.v5i1.11191>.

³ Faisal Faisal and Nursariani Simatupang, "Kebijakan Nonpenal Dalam Rangka Upaya Preventif Anak Sebagai Korban Kekerasan Fisik Dan Psikis Di Sekolah," *Jurnal Ilmiah Kebijakan Hukum* 15, no. 2 (2021): 287, <https://doi.org/10.30641/kebijakan.2021.v15.287-304>.

⁴ Kompas.com, "Honorary Teacher in Konawe Detained, Accused of Beating Police Child, Asked for Rp 50 Million to Make Peace," Kompas.com, 2024, <https://www.kompas.com/tren/read/2024/10/22/141000365/guru-honorer-dikonawe-ditahan-dituduh-pukuli-anak-polisi-dimintai-rp-50.0A0A>. (Accessed 10-30-2023)

⁵ Kompas.com, "Religious Teacher Who Beat Students in West Sumbawa Sentenced to Three Months in Prison," Kompas.com, 2023, <https://regional.kompas.com/read/2023/10/25/153747078/guru-agama-yang-pukul-siswa-disumbawa-barat-dituntut-tiga-bulan-penjara>. {accessed-22-21-2023}

the prosecutor's request for a 10-month prison sentence was disproportionate. The Lubuklinggau district magistrate's judge has reportedly sentenced the defendant to six months in prison.⁶

Many circumstances, including educators and students, are involved in this case of teacher violence. These issues include teaching practices that continue to rely on a one-way teaching system that emphasizes teacher authority, the tension of teachers' duties, and the circumstances of teachers' families. Other contributing variables include the need for more communication about student behavior or activities during the learning process between parents and instructors. Nonetheless, this behavior is closely related to the student's disposition and caliber. In this country, morale and etiquette have declined, which may result in impulsive behavior that educators see as aggressive.

The number of violations and examples listed above are a small part of the Indonesian iceberg phenomenon regarding the problem of teacher crime. Gibran Rakabuming Raka, vice president of the Republic of Indonesia, conveyed this to the country's head of education in a conference call with them at the Sheraton Hotel Jakarta on Monday, November 11, 2024. It specifically mentioned the criminalization of teachers in its briefing. Gibran argued against teachers' income as criminals under the Child Protection Law (UU). He underlined that instructors and students must feel safe and comfortable in school. He wants to see an end to incidents involving the harassment, assault, and criminalization of educators.⁷ Since Indonesia is a legal country, the 1945 Constitution of the Democratic Republic of Indonesia (hereinafter referred to as the 1945 Constitution) contains protection regulations. The fourth line reads: "Protect the entire Indonesian nation and all Indonesian bloodshed, encourage the welfare of the community, teach the life of the country and participate in carrying out world order."⁸

Protection of fundamental rights, efficient justice, and assurance that the rules protect its citizens are all necessary for the authority of the Law to succeed.⁹ Legal remedies include defending against unfair treatment, discrimination, threats, intimidation, and assault from groups, educational institutions, governments, or other parties. Professional protections include the defense against dismissal that violates legal requirements, unfair compensation, restrictions on voice opinions, intimidation against trade, and other restrictions or prohibitions that may prevent educators from doing their jobs or pursuing additional education. Professional safety and health prevention protects against natural disasters, workplace accidents, work safety disturbances, fires during working hours, occupational environmental health, and other hazards.¹⁰

⁶ Medan.Kompas.com, "8 Years as an Honorary, Apinsa Teacher Sentenced to 10 Months in Prison for Hitting Students with Canes," Kompas.com, 2023, <https://medan.kompas.com/read/2023/12/22/095500278/8-tahun-jadi-honorer-guru-apinsa-dituntut-10-bulan-penjara-karena-pukul-siswa?page=all>.{access-12-30-2023}

⁷ News.detik.com, "Vice President Gibran: Child Protection Law Don't Be a Weapon to Attack Teachers," detiknews, 2024, <https://news.detik.com/berita/d-7632368/wapres-gibran-uu-perlindungan-anak-jangan-jadi-senjata-menyerang-guru>.{access-24-12-2024}

⁸ Betha Rahmasari, "Paradigma Pembangunan Desa Dalam Pengelolaan Keuangan Desa Berdasarkan Undang-Undang Nomor 6 Tahun 2014 Tentang Desa," *Volkgeist: Jurnal Ilmu Hukum Dan Konstitusi* 3, no. 2 (2020): 117–32, <https://doi.org/10.24090/volkgeist.v3i2.4001>.

⁹ Farid Iskandar, "The Implementation of Criminal Responsibility of Traffickers to Victims of Narcotics Abuse," *Journal of Law Enforcement and Justice* 2, no. 2 (November 25, 2021): 96–116, <https://doi.org/10.18196/jphk.v2i2.9989>.

¹⁰ Endang Komara, "Protection of the Teacher Profession in Indonesia," *Mimbar Pendidikan* 1, no. 2 (2016): 151, <https://doi.org/10.17509/mimbardik.v1i2.3938>.

The increasing number of criminalization cases against teachers reflects an urgent need for a legal framework that is not only punitive but also restorative. This urgency arises because the current legal mechanism tends to ignore the pedagogical context of teacher actions, creating a chilling effect that threatens the quality of education and discourages teachers from maintaining discipline. Without proper legal protection, the profession faces systemic vulnerability that can ultimately harm students' learning environment. The number of cases that befall teachers while they work shows that legislative protection for the educator profession in Indonesia is lacking. This condition shows that strengthening the regulations stipulated in Law Number 14 of 2005 concerning Teachers and Lecturers uses a restorative justice approach as an alternative to case settlement.¹¹ Restorative justice, which has been widely accepted in many countries, is an approach that focuses on redressing harms caused by violations, emphasizing that perpetrators, victims, and communities must be actively involved in achieving civilized and just solutions.¹² Restorative justice focuses on restoring social relationships, preventing re-offending, and bringing the parties together. This distinguishes it from the retributive legal system that focuses on punishment. This method can transform how teachers handle events involving repressive actions into constructive and educational remedial actions.¹³

This study fills a significant gap in the existing literature by offering a comprehensive analysis of the effectiveness of restorative justice in protecting the teaching profession within Indonesia's positive legal framework. While previous studies have largely focused on either child protection or teacher disciplinary actions separately, this research provides a novel integration of both perspectives, aiming to propose a more balanced and context-sensitive legal solution. This study examines the following issues: how is Legal Protection against the criminalization of Teachers in a Positive Legal Perspective? Second, what are the obstacles and solutions to implementing restorative justice in the case of the criminalization of teachers in Indonesia?

The main objective of this study is to evaluate how effective legal protection for the teaching profession is in a positive legal context. In addition, this study will also assess the relevance and effectiveness of restorative justice as a method of settlement that ensures substantive justice and the protection of the dignity of the educator profession. The expected benefits of this research are twofold. Academically, it contributes to the development of legal studies by enriching the discourse on restorative justice as an alternative mechanism within the Indonesian legal system, particularly in cases involving professional accountability of educators. Practically, this study provides recommendations for policymakers, law enforcers, and educational stakeholders to establish a more equitable legal protection model that prevents the misuse of criminal law against teachers while maintaining students' rights and well-being.

METHOD

The juridical normative legal research method is used in this study to investigate the rules of written Law as the main object of research. Data is collected through literature studies and other

¹¹ Ali Masyhar, *Standing Point of Criminal Law in Teacher Protection in Indonesia* (Semarang: Faculty of Law UNNES, 2016), p.12

¹² I Made Tambir, "Restorative Justice Approach in Criminal Settlement at the Investigation Level," *Udayana Master Law Journal* 8, no. 4 (December 31, 2019): 549, <https://doi.org/10.24843/JMHU.2019.v08.i04.p09>.

¹³ Yeni Widowaty, Laras Astuti, dan Maisarah Mitra Adrian, "Menuju Sistem Keadilan Restoratif untuk Pencemaran Limbah Lingkungan di Indonesia," *Jurnal Teknik dan Manajemen Lingkungan* 21, no. 11 (2023): 1877–87, <https://doi.org/10.30638/eemj.2022.166>.

relevant legal sources, such as laws and regulations, official documents, and scientific literature. Two approaches are used: the legislative approach (to look at the Law) and the conceptual approach (to look at the philosophy of Law). The legislative approach is used to look at the applicable positive legal norms. In contrast, the conceptual approach explores the theoretical framework and philosophy of Law, which is the basis for understanding and interpreting the legal issues studied. The type of data used in this study is secondary data. Secondary data types consist of: (1) primary legal materials, i.e., strong legal sources, such as laws, government regulations, and international legal instruments; (2) secondary legal materials, namely expert opinions, scientific journal articles, reference books, and previous research results; and (3) tertiary legal materials, namely legal dictionaries, encyclopedias, and other sources related to Law.

RESULT AND DISCUSSION

Legal Protection of Teachers in a Positive Legal Perspective

Advances in education have a significant impact on social and economic growth. It is also said that Ho Chi Minh, the Father of the Vietnamese Nation, who said that "no teachers no education, no education no economic and social development," implied that existence cannot be one of these things without instructors.¹⁴ As the perspective of society changes and the fields of teaching, education, lectures, and other related fields face more challenging issues, the concept of legal safeguards for children, especially students, is directly impacted. However, it is equally important to consider the legal protections afforded to educators. Effective rules cannot legally control some forms of teacher safety, such as legal protection. As a result, instructors' positions often need to be upgraded when they face legal issues. In addition to being accused of acts of violence against children, instructors are sometimes subjected to violence from both students and their guardians.

Protecting school teachers based on the Law is of legal significance for Indonesia. Constructive criminal punishment can be applied to educators' behavior or laws, essentially a mirror of how discipline is enforced in the classroom. Nonetheless, they must legally meet the requirements for criminal conduct. The fourteenth article of the 14th Law of 2005 concerning lecturers and educators contains this information. Educators have the following rights when carrying out their professional obligations, according to Article 1:

- 1) make more money than social welfare guarantees and the minimum amount needed to live;
- 2) obtain promotions and awards by job duties and achievements;
- 3) obtain protection when performing your obligations and exercising your intellectual property rights;
- 4) seizing opportunities to become more competent;
- 5) acquire and use educational resources and infrastructure to facilitate the efficient implementation of work-related activities;

¹⁴ Mohammad Surya, *Teacher Psychology Concept and Application of Teachers for Teachers* (Bandung: Alfabeta, 2013).

- 6) have the freedom to administer tests and take part in deciding on students' graduation, prizes, and/or penalties by laws and regulations, regulations, and the teacher's code of ethics;
- 7) become more confident and secure while performing your duties;
- 8) have the flexibility to join professional groups;
- 9) have the freedom to join associations for professionals;
- 10) have the opportunity to participate in the formulation of education policies;
- 11) Obtain opportunities to enhance and refine academic credentials and abilities;
- 12) Acquire education and advance their careers in their sector.

Article 39 of Government Regulation No. 74 of 2008 further emphasizes that:

- 1) Instructors are free to discipline students who do not adhere to the moral, religious, or polite standards as well as the written or unwritten rules they set, regulations at the educational unit level, or regulations relating to the course of study that fall within their scope;
- 2) Sanctions, as referred to in paragraph 1, can be in the form of written and verbal warnings and reprimands, as well as educational punishments that follow legal requirements, teacher code of ethics, and instructional methodology;
- 3) Teachers report student violations of the rules of the educational unit to the head of the unit, but they do not have the jurisdiction to impose penalties for such violations;
- 4) Teachers report violations of student rules and regulations to the supervisor of the education unit for further action by legal restrictions.

According to government regulation No. 74 of 2008, Article 41, paragraph 1, "Teachers have the right to legal protection from acts of violence, threats, discriminatory treatment, intimidation, or unfair treatment from students, students' parents, society, bureaucracy, or other parties." The profession of full-time teachers in schools needs to be clearly defined by State Regulation No. 74 of 2008 in terms of legal defense of matters that hinder students' teaching and education process as intended by the national education objectives.

Regulation of the Minister of Education and Culture No. 10 of 2017 concerning the safety of teachers and other education personnel. The following is a detailed explanation of the protection for educators and education personnel listed in Article 2, paragraphs 1 to 6:

1. protection is an effort to protect educators and other education personnel who face challenges in carrying out their responsibilities;
2. As referred to in paragraph 1, protection includes a. legal protection; b. professional protection; c. occupational safety and health protection; and d. protection of intellectual property rights;
3. legal protection mentioned in paragraph 2, letter A, including the defense against a. acts of violence; b. threats; c. discriminatory treatment; d. intimidation; and e. unfair treatment by

students, parents, neighbors, bureaucracy, and other parties related to the implementation of their duties as educators and learners;

4. According to paragraph 2 letter b, professional protection includes the defense against a. termination of employment that violates legal and regulatory requirements; b. unfair compensation; c. restrictions on expressing opinions; d. professional harassment; and e. restrictions or other restrictions that may make it difficult for educators and teachers to do their jobs;
5. according to paragraph 2 letter c, Occupational safety and health protection consists of defense against the following risks: a. occupational safety disturbances; b. work accidents; c. fire during working hours; d. natural disasters; e. workplace conditions; and f. additional hazards;
6. Protect creative property rights, as referred to in paragraph 2 letter d, by protecting intellectual property rights or copyrights.

Article 39 of Law Number 14 of 2005 concerning Instructors and Lecturers states that safety and security of health in the workplace, professional protection, and legal protection are part of the protection that instructors get while carrying out their work. Governments, local authorities, communities, professional organizations, or educational institutions must provide this protection. Law Number 14 of 2005 concerning Teachers and Lecturers describes a protection framework for educators, but the idea needs to be more comprehensive, fully practical, and relevant. The concept of teacher protection in question only sees teachers as objects. The Law on Instructors and Instructors' Article 39, paragraphs 2 and 3, offers no protection for instructors who commit crimes. Therefore, articles two and three normatively do not protect instructors who commit crimes.

Article 1 of Regulation No. 10 of 2017 by the Minister of Culture and Education states, "Protection is an effort to protect Educators and Education Personnel who face problems related to the implementation of their duties." Article 3 also states, "Legal protection as referred to in paragraph (2) and includes protection of a. Acts of violence; b. Threats; c. Discriminatory treatment; d. Intimidation; and e. Unfair treatment from students, students' parents, the community, the bureaucracy, and other parties related to the implementation of their duties as educators and education personnel."

Law No. 14 of 2005, which covers teachers and lecturers, requires further special rules to be implemented. Legal clarification is needed to resolve some situations regarding the protection of teachers in their field of work. This Law must be described in detail, including how cases are handled. This is especially important, considering instructors are also involved in criminal law issues, such as disciplining children. Sometimes, teachers are subjected to violence from students and their parents, in addition to being accused of acts of violence against children. Although laws exist to improve the welfare of educators, professional protection must be considered. In line with State Regulation Number 19 of 2017 concerning Amendments to Government Regulation Number 74 of 2008 concerning Teachers, the teaching profession is protected by Government Regulation 74 of 2008. Teachers in PP are professional educators in charge of teaching, guiding,

leading, training, assessing, and assessing students in primary, secondary, and early elementary education.

Fitz argued that in cross-interest, protecting one interest should be achieved by limiting another, which is how he described Salmond's idea of legal defense. Protecting human rights and interests is the purpose of the Act, which gives it supreme power to decide which human interests should be governed and protected. These measures must be taken into account by legal protection. Legal protection is provided by social rules and norms, which are essentially agreements made by society to control the behavior of interactions between individuals in society and between society and the State, representing the best interests of society. Some ¹⁵ Parents do not agree with how their instructors teach their children. For this reason, many parents do not approve of the instructor's harsh techniques for reprimanding their children, such as hitting, spanking, shaving, and jewelry. These people think they should be criminalized because the instructor engages in this behavior.

A teacher may not always be disciplined because he engages in disciplinary activities within certain boundaries and achieves educational goals. This still happens even if the instructor has officially committed a crime. This is because he has a reason for his behavior that removes his illegality. In this context, it is called the principle of "violation of material law" (in its negative role). According to Barda Nawawi Arief, violating the Law of matter is the same as opposing or contradicting the Law of life or unwritten. The Unwritten Law, also known as the Law of Life, opposes society's social norms and principles of conformity, including morality and traditional Law.¹⁶ As a result, "recht" rather than "wet" is the material definition of the Law. Therefore, "*onrechtmatige daad*," distinguished by its function, is the same as material regarding its illegal nature. 1) Because of its negative purpose, the source of the material of the Law, i.e., goods, norms, or norms that the Law does not regulate, can be used as a justification to trivialize or eliminate the illegality of an act. As a result, a lack of illegality can be an excuse; 2) its beneficial role: Even if an act is not legally classified as criminal, it can be viewed as such. This can be achieved using tangible legal resources, such as objects, standards, rules, or criteria.¹⁷

Teachers' actions during the performance of their duties or professions that are formally contrary to the regulations, such as issuing heavy warnings, assigning assignments, and suspending students, will be separated from their actions because they are carried out in order to teach to achieve educational goals due to the concept of illegality of subject matter and its negative function. As the Criminal Law evolves, certain actions are no longer illegal for reasons not covered by the written laws in force today. The evaluation of the unlawful removal of material from criminal acts committed by teachers is based on the Law and the unwritten values accepted in the teaching profession, which, in theory, is referred to as the "tuchtrecht" of the right of

¹⁵ Eryn Rigley et al., "Anthropocentrism and Environmental Wellbeing in AI Ethical Standards: A Review and Scope Discussion," *AI* 4, no. 4 (October 8, 2023): 844–74, <https://doi.org/10.3390/ai4040043>.

¹⁶ Ari Wibowo, "The Contribution of Human Rights Thought to the Reform of the Criminal Procedure Code (Kuhap)," *Journal of Legal Media* 23, no. 2 (2017): 128–36, <https://doi.org/10.18196/jmh.2016.0074.128-136>.

¹⁷ Budi Suhariyanto, "Eksistensi Pembentukan Hukum Oleh Hakim Dalam Dinamika Politik Legislasi Di Indonesia," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 4, no. 3 (2015): 413, <https://doi.org/10.33331/rechtsvinding.v4i3.14>.

guardians, educators, and parents to supervise and instruct their children and students within certain limits. This teacher's actions permitted under the *tuchtrecht* not only deny children and students freedom but also punish them in a limited way and do the least damage.

Barda Nawawi Arief emphasized that when an act that is part of the composition of subtlety, seen from the perspective of the legal system, produces an actual profit that is not enough to compensate for the losses caused by the illegal Act, then a justification that denies the substance of the illegality of the Act is accepted.¹⁸ From the above opinion, the focus of disciplinary punishment is its benefits. Thus, if the benefits obtained from an action that satisfies the formula of delicacy outweigh the harm it causes, it can eliminate the mistake. According to the above view, benefits are the main emphasis of administrative penalties.¹⁹

Many teachers are ambiguous about their legal positions, professional growth, wellbeing, and employment status. In order for them to be able to seek support from their parents' organizations or legal counsel when they face difficulties, educators should also be encouraged to pursue careers in education. A key component of measures to uphold educators' freedom is providing them with legal protection, as mandated by Article 14 of the Law on Teachers and Lecturers. Teachers are the main means of achieving the goals of educational growth, and their significant contribution to the country's progress in education deserves due recognition. The government also aims to protect educators and education personnel while working through the Regulation of the Minister of Culture and Education Number 10 of 2017 concerning the Protection of Educators and School Personnel.

If the punishment is not too cruel and has a good purpose to teach, parents do not need to worry about it. Unless the child is mistreated for no reason or punishment, it has the potential to cause great harm. One can classify this kind of behavior as child abuse. Similar to Legal Defense, C.S.T. Chancellor asserts that law enforcement personnel must use a variety of lawful measures to ensure that people feel safe and protected from harassment and threats from any source. Many methods are available outside of court, by criminal Law, and outside the legal system.²⁰

Critical Analysis of Cultural-Institutional Barriers to the Application of Restorative Justice in the Case of Teacher Criminalization

The main principle of imposing sanctions in the modern criminal law system must reflect the principles of justice and human values. According to Herbert L. Paker, the purpose of the criminal justice system is "to bring peace in society, restore balance, and resolve conflicts caused by criminal acts."²¹ By the principles of *actus reus* and *mens rea*, the person who commits the offense

¹⁸ Ferry Fathurokhan, "Parliamentary Hypocrisy in the Formulation of Money Politics in Regional Head Elections," *Veritas et Justitia* 8, no. 1 (2022): 25–48, <https://doi.org/10.25123/vej.v8i1.4408>.

¹⁹ Muhammad Fatahillah Akbar, "Pembaharuan Keadilan Restoratif Dalam Sistem Peradilan Pidana Indonesia," *Masalah-Masalah Hukum* 51, no. 2 (April 28, 2022): 199–208, <https://doi.org/10.14710/mmh.51.2.2022.199-208>.

²⁰ Zahermann Armandz Muabezi, "Negara Berdasarkan Hukum (Rechtsstaats) Bukan Kekuasaan (Machtsstaat)," *Jurnal Hukum Dan Peradilan* 6, no. 3 (2017): 421, <https://doi.org/10.25216/jhp.6.3.2017.421-446>.

²¹ Noveria Devy Irmawanti and Barda Nawawi Arief, "The Urgency of Criminal Goals and Guidelines in the Context of Reforming the Criminal Law Criminal System," *Journal of Indonesian Legal Development* 3, no. 2 (2021): 217–27, <https://doi.org/10.14710/jphi.v3i2.217-227>.

must be held accountable for his actions.²² Criminal Law defines Criminal acts as acts prohibited and threatened with punishment due to intentional acts or negligence. However, problems arise in education when teachers engage in actions that can legally be considered violations during their duties as educators. Although this profession is expressly protected by law number 14 of 2005, which regulates teachers and instructors, how does the Law benefit teachers' careers as educators?²³

The process of criminalizing the educator profession has been triggered by a strict legal-formal approach to cases of alleged teacher violence against students, especially in terms of discipline. Article 80 (1) of Law No. 23 of 2002 concerning Child Protection stipulates criminal threats against acts of violence against children. Although these provisions are intended to protect children, they do not always consider the complex dynamics of educational interactions, which often lie between the boundaries of actual disciplinary and violent education. However, Law No. 14 of 2005 concerning Teachers and Lecturers requires teachers to educate, guide, assess, and provide educational sanctions. Unfortunately, the overlapping rules between child protection and the protection of the teaching profession still exist. As a result, teachers do not have adequate legal protections and can be criminalized even when they work within the limits of their professional responsibilities.²⁴

Restorative justice systems,²⁵ Based on scientific analysis and comparative models have been applied to resolve the limitations of repressive methods in various countries. Policies in the Netherlands, France, Germany, and Japan allow for the resolution of criminal disputes through mediation, compensation, and discussion between perpetrators and victims. Moving from punishment to social recovery, this model allows for flexibility.²⁶ The National Police Chief's Regulation No. 8 of 2021 and the Prosecutor's Law No. 15 of 2020 in Indonesia include elements of restorative justice. However, no systemic policies protect certain professions, such as teachers, and are still limited to mild cases. One of the main obstacles' institutional institutions face is the strict legal bureaucracy, the resistance of educational institutions, and a lack of restorative justice training for educators and law enforcers.²⁷

Based on Lawrence M. Friedman's theory of the legal system, which consists of three main components: the substance of the Law, the legal structure, and the legal culture, it can be

²² Arfan Kaimuddin, "Legal Protection of Victims of Petty Theft in the Diversion Process at the Investigation Level," *Legal Arena* 8, no. 2 (2015): 258–79, <https://doi.org/10.21776/ub.arenahukum.2015.00802.7>.

²³ T S Lubis, "Reformulasi Hukum Penanganan Tindak Pidana Kekerasan Di Lingkungan Pendidikan Dalam Upaya Perlindungan Profesi Guru," *De Lega Lata: Jurnal Ilmu Hukum* 6 (2021): 191–207, <https://jurnal.umsu.ac.id/index.php/delegalata/article/view/4660%0Ahttps://jurnal.umsu.ac.id/index.php/delegalata/article/download/4660/4981>.

²⁴ Derita Prapti Rahayu, "Criminal Objectives of the Mineral Law in the Perspective of the Criminalization Policy," *Bina Hukum Lingkungan* 5 (2021), <https://doi.org/http://dx.doi.org/10.24970/bhl.v5i2.189>.

²⁵ Margarita Zernova, *The Ideals and Reality of Restorative Justice* (English: Limited, 2007).p.24

²⁶ Rizal Faharuddin and Jefferson Hakim, "Restorative Justice for Corruption Cases the Settlement of Corruption Cases: Is It Possible?," *Yuridika* 38, no. 1 (January 1, 2023): 73–94, <https://doi.org/10.20473/ydk.v38i1.42511>.

²⁷ Elfina Lebrine Sahetapy, "Peranan Social Report Pada Sistem Peradilan Pidana Anak," *Masalah-Masalah Hukum* 49, no. 3 (2020): 324–32, <https://doi.org/10.14710/mmh.49.3.2020.324-332>.

concluded that in Indonesian criminal Law, there is no balance between the three components.²⁸ The current legal substance, especially in education, has not fully adapted to the dynamics and complexity of modern educational practices. This is shown by the fact that no regulations specifically protect teachers' pedagogical actions during student development. In addition, Indonesian law enforcement agencies are more likely to use a repressive rather than restorative approach in handling teachers' cases. According to Barda Nawawi Arief, law enforcement must consider substantive justice and social protection rather than legal formalities. On the contrary, Satjipto Rahardjo stated that the legal culture of the community is still legalistic and tends to criminalize problems that should be solved through a non-litigation process. The possibility of criminalizing teacher work is increasing because society considers all teachers' mistakes criminal acts.

Legal Cultural Barriers: Retributive Subcultures and Community Perspectives The retributive paradigm, which centers on punishment as a form of retaliation for unlawful acts, has historically influenced Indonesian legal culture. It is an inherent belief in society that any violation, including teacher violation, should be brought to justice regardless of the context of the perpetrator's role and intentions. This is reinforced by public opinion and media practices that often corner teachers in disciplinary cases against students. This encourages law enforcement to take repressive legal action. Lawrence M. Friedman said that legal culture, or legal culture, is essential to the success of legal policy. If society and law enforcement agencies adhere to the paradigm of retaliation, restorative justice will be difficult to implement because it is not in harmony with the principles of society.²⁹

Structural Barriers, Fragmentation of Authority and Regulatory Inconsistency. Although regulations such as Police Regulation No. 8 of 2021 and Prosecutor's Law No. 15 of 2020 have been regulated, implementing rehabilitation laws is often inconsistent. This happens due to a lack of coordination across institutions, such as between the police, prosecutor's office, and courts. Assuming that teachers are subjects that can be criminalized, there is legal uncertainty. This is due to differences of opinion regarding the authority and standards for applying restorative justice. In addition, the general rules (*lex generalis*) on child protection do not always consider the characteristics of the teacher's profession. The absence of standards that distinguish between violence and academic discipline allows criminalization without legal protection for educators.³⁰ According to the philosopher Immanuel Kant, there is only one infinitely good reality: the virtuous will itself is good. When people have good intentions, they are willing to fulfill their obligations for their benefit, whether or not doing so will benefit them personally.³¹

²⁸ Priscilla Viviane Merung, "A Criminological Study of Efforts to Handle Domestic Violence Cases in Indonesia," *Veritas et Justitia* 2, no. 2 (2016): 397, <https://doi.org/10.25123/vej.2273>.

²⁹ Ade Fartini, "Ade Fartini Fenomena Common Law Pertarungan Hukum Nasional Dan Hukum Adat Dalam Sanksi Pidana," *Al-Ahkam* 13, no. 2 (2017): 48, <https://doi.org/10.37035/ajh.v13i2.1757>.

³⁰ Ffid Bramita and Irma Cahyaningtyas, "Children Hearing System as an Idea for the Reform of the Juvenile Criminal Justice System in Indonesia," *Udayana Master Law Journal* 7, no. 4 (2018): 529, <https://doi.org/10.24843/jmhu.2018.v07.i04.p08>.

³¹ Prima Astari, "The Philosophical Basis of Police Discretionary Actions Against Children Facing the Law," *Legal Arena* 8, no. 1 (April 1, 2015): 1–18, <https://doi.org/10.21776/ub.arenahukum.2015.00801.1>.

The absence of evaluation tools and monitoring systems that monitor the implementation of restorative justice in the education sector leads to a lack of accountability in handling cases.³² Although educational institutions, education offices, and law enforcement officials do not have reliable criteria to distinguish professional misconduct from teachers' criminal acts.³³ As a result, teachers may still be criminalized. Law enforcement officials and the community lack a better understanding of the restorative concept of other barriers because they are not given training or counseling on restorative justice concepts and procedures. Even after meeting formal requirements, in many cases, this method is not considered an alternative because the authorities do not understand the principles of restorative justice.³⁴

Based on the above barriers, here are policy recommendations to consider:

1. Reformulation of Special Regulations related to the Role of Teachers: There need to be sectoral regulations that regulate teachers' disciplinary actions legitimately and that cannot be criminalized. This can be achieved through amendments to the Child Protection Law or by issuing a Government Regulation regulating the Law on Teachers and Lecturers. This will avoid multiple interpretations in assessing teachers' actions and create legal certainty.
2. Integrating Restorative Justice into the Law Enforcement Curriculum: The prosecutor's office, police, and legal education institutions should provide training on restorative justice, especially regarding teacher education and employment. Officers must be trained to distinguish professional misconduct from criminal offenses.³⁵ Muladi claims that restorative justice, or restorative justice, is an ideology that emphasizes making up for losses caused by criminal acts. Recovering this damage will be possible through a procedure that involves the cooperation of all parties involved.³⁶ One of the leading proponents of restorative justice, John Braithwaite, suggested restorative justice as a change from the model of welfare and justice and from retribution and restoration.³⁷ Victims, perpetrators, and the community must work together and be involved to succeed in the idea of restorative justice. If the victim and the perpetrator do not agree to use reasoning to resolve their differences, then a new legal procedure will begin.³⁸

³² Akbar, "Restorative Justice Reform in the Indonesian Criminal Justice System."

³³ Satria Manda Adi Marwan, "The Existence of Life Imprisonment in Indonesia Reviewed in the Perspective of Modern Criminal Law Objectives," *De Jure: Journal of Law and Sharia* 13, no. 1 (July 28, 2021): 140–55, <https://doi.org/10.18860/j-fsh.v13i1.12025>.

³⁴ Ida Made Oka Wijaya, "Restorative Justice Dalam Tinjauan Hukum Progresif: Eksistensi Dan Implikasi," *Indonesia Berdaya* 3, no. 3 (2022): 707–18, <https://doi.org/10.47679/ib.2022297>.

³⁵ Gunarto Gunarto, Riyadi Bayu Kristianto, and Sri Endah Wahyuningsih, "Reconstruction of the Prosecutor's Position Regulation in General Crime Settlement Based on the Value of Restorative Justice," *Scholars International Journal of Law, Crime and Justice* 5, no. 7 (2022): 251–57, <https://doi.org/10.36348/sijlcj.2022.v05i07.002>.

³⁶ Pangestika Rizki Utami, "The Concept of Diversion and Restorative Justice as a Shift in Criminal Responsibility in the Child Criminal Justice System," *Volksgeist: Journal of Law and Constitution* 1, no. 1 (2018): 95–106, <https://doi.org/10.24090/volksgeist.v1i1.1691>.

³⁷ Tambir, "Restorative Justice Approach in Solving Crimes at the Investigation Level."

³⁸ Reyner Timothy Danielt, "Penerapan Restorative Justice Terhadap Tindak Pidana Anak Pencurian Oleh Anak Di Bawah Umur," *Lex et Societatis*, II, no. 7 (2014): 17, <https://doi.org/https://doi.org/10.35796/les.v2i6.5364>.

3. Establishment of Education Mediation Forums in Regions: Local governments can establish Education Mediation Forums to prevent educational problems from occurring. This forum can involve parents, education agencies, law enforcement, and teachers. Before entering into formal legal proceedings, this forum will serve as a venue for restorative conflict resolution. Criminalization serves the purpose of carrying out the backbone of Criminal Law in general, which must be achieved because the ultimate goal is the realization of community welfare and protection (*social welfare and community self-defense*), which is focused on the goal of community protection to achieve social welfare.³⁹ Restorative justice strategies can help achieve this goal if they are linked to some of the challenges related to the content of Indonesia's current Law safeguarding laws for teachers.⁴⁰
4. Education and Empathy-Based Legal Culture Campaign: The State should inform the public through the Ministry of Education and Culture and the mass media about distinguishing between acts of education and violence. In addition, this campaign aims to restore teachers' dignity in the community's eyes.
5. Proactive Legal Protection of Teachers: The State must provide legal assistance to teachers who work according to the code of ethics but are reported due to misunderstandings. Professional organizations (PGRI) and educational legal aid institutions can provide this assistance. Lawrence M. Friedman, and they had to work together and support each other. The formulation of criminal law policies, commonly referred to as "legal substances," has a significant impact on the effectiveness of law enforcement.⁴¹
6. Periodic Evaluation of the Implementation of Restorative Justice in the Education Sector: The central government, through the Ministry of Law and Human Rights and Bappenas, must conduct periodic research on the success of the implementation of restorative justice in the education sector, looking at the challenges, results, and stakeholder perceptions. Restorative justice seeks to resolve disputes by prioritizing the restoration of pre-crime circumstances and minimizing the harm posed by the crime.

Regarding the criminalization of teachers, the restorative justice approach is a strategic protection for the profession in nation-building. As John Braithwaite explains, restorative justice is a method of conflict resolution that focuses on redressing losses caused by offenses rather than simply imposing punishments. The goal is to restore social balance, improve relations between the parties, and find constructive ways to solve problems. This approach is particularly relevant in education because the relationship between teachers and students is educational rather than repressive.

³⁹ H S Satria, "Criminal Policy for the Prevention of Public Service Corruption," *Integrity: Journal of Anti-Corruption* 6, no. 2 (2020): 169–86, <https://doi.org/10.32697/integritas.v6i2.660>.

⁴⁰ Brilian Capera, "Keadilan Restoratif Sebagai Paradigma Pemidanaan Di Indonesia," *Jurnal Lex Renaissance* 6, no. 2 (2021): 225–34, <https://doi.org/10.20885/jlr.vol6.iss2.art1>.

⁴¹ Ahmad Rofiq, Pujiyono Pujiyono, and Barda Nawawi Arief, "Eksistensi Tindak Pidana Ta'zir Dalam Kehidupan Masyarakat Indonesia," *Journal of Judicial Review* 23, no. 2 (2021): 241, <https://doi.org/10.37253/jjr.v23i2.4957>.

CONCLUSION

Law Number 14 of 2005 concerning Teachers and Lecturers stipulates legal protection for teachers when they work as professionals. However, these protections have not fully functioned because they have not considered the practical aspects and situations on the ground when implemented. Teachers are often criminalized while teaching, especially when disciplining students. Unfortunately, teachers are often perceived as controlled objects rather than subjects protected by Law. The restorative justice approach may be fairer because it considers the teacher's good intentions, educational context, and the social impact of the actions. In addition to punishing, this principle emphasizes participatory, dialogical, and restorative settlement. Restorative justice offers a more contextual and humane method of resolution to balance teacher responsibility and child protection. Therefore, criminal law policy reform must be directed at strengthening the role of teachers as educators while guaranteeing children's rights. Changes must be made to the substance of the Law, juridical guidelines, and the educational mediation process so that the legal system in Indonesia is not only repressive but also transformative and protects the teaching profession.

Based on these findings, several suggestions can be made. First, for policymakers, it is essential to revise and strengthen legal provisions that govern the teaching profession by explicitly incorporating restorative justice mechanisms to prevent excessive criminalization of teachers. Second, for teachers and educational institutions, there should be increased awareness and training on lawful disciplinary practices that align with both child protection principles and educational ethics. Third, future research is encouraged to examine the long-term impact of restorative justice implementation in cases of teacher criminalization across various regions in Indonesia, as well as to explore its integration with child protection policies more comprehensively.

REFERENCES

- Akbar, Muhammad Fatahillah. "Pembaharuan Keadilan Restoratif Dalam Sistem Peradilan Pidana Indonesia." *Masalah-Masalah Hukum* 51, no. 2 (April 28, 2022): 199–208. <https://doi.org/10.14710/mmh.51.2.2022.199-208>.
- Ali Masyhar. *Standing Point Hukum Pidana Dalam Perlindungan Guru Di Indonesia*. Semarang: Fakultas Hukum UNNES, 2016.
- Astari, Prima. "Landasan Filosofis Tindakan Diskresi Kepolisian Terhadap Anak Yang Berhadapan Dengan Hukum." *Arena Hukum* 8, no. 1 (April 1, 2015): 1–18. <https://doi.org/10.21776/ub.arenahukum.2015.00801.1>.
- Bramita, Fifid, and Irma Cahyaningtyas. "Children Hearing System Sebagai Ide Pembaharuan Sistem Peradilan Pidana Anak Di Indonesia." *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 7, no. 4 (2018): 529. <https://doi.org/10.24843/jmhu.2018.v07.i04.p08>.
- Capera, Brilian. "Keadilan Restoratif Sebagai Paradigma Pemidanaan Di Indonesia." *Jurnal Lex Renaissance* 6, no. 2 (2021): 225–34. <https://doi.org/10.20885/jlr.vol6.iss2.art1>.
- Danielt, Reyner Timothy. "Penerapan Restorative Justice Terhadap Tindak Pidana Anak Pencurian Oleh Anak Di Bawah Umur." *Lex et Societatis*, II, no. 7 (2014): 17. <https://doi.org/https://doi.org/10.35796/les.v2i6.5364>.

- Faharuddin, Rizal, and Jefferson Hakim. "Restorative Justice for Corruption Cases the Settlement of Corruption Cases: Is It Possible?" *Yuridika* 38, no. 1 (January 1, 2023): 73-94. <https://doi.org/10.20473/ydk.v38i1.42511>.
- Faisal, Faisal, and Nursariani Simatupang. "Kebijakan Nonpenal Dalam Rangka Upaya Preventif Anak Sebagai Korban Kekerasan Fisik Dan Psikis Di Sekolah." *Jurnal Ilmiah Kebijakan Hukum* 15, no. 2 (2021): 287. <https://doi.org/10.30641/kebijakan.2021.v15.287-304>.
- Fartini, Ade. "Ade Fartini Fenomena Common Law Pertarungan Hukum Nasional Dan Hukum Adat Dalam Sanksi Pidana." *Al-Ahkam* 13, no. 2 (2017): 48. <https://doi.org/10.37035/ajh.v13i2.1757>.
- Fathurokhman, Ferry. "Hipokrisi Parlemen Dalam Formulasi Tindak Pidana Politik Uang Pada Pemilihan Kepala Daerah." *Veritas et Justitia* 8, no. 1 (2022): 25-48. <https://doi.org/10.25123/vej.v8i1.4408>.
- Flora, Henny Saida, Mac Thi Hoai Thuong, and Ratna Deliana Erawati. "The Orientation and Implications of New Criminal Code: An Analysis of Lawrence Friedman's Legal System." *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 1 (April 4, 2023): 113-25. <https://doi.org/10.29303/ius.v11i1.1169>.
- Gunarto, Gunarto, Riyadi Bayu Kristianto, and Sri Endah Wahyuningsih. "Reconstruction of Regulations for the Position of Prosecutors in the Settlement of General Crimes Based on Restorative Justice Value." *Scholars International Journal of Law, Crime and Justice* 5, no. 7 (2022): 251-57. <https://doi.org/10.36348/sijlaj.2022.v05i07.002>.
- Irmawanti, Noveria Devy, and Barda Nawawi Arief. "Urgensi Tujuan Dan Pedoman Pemidanaan Dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana." *Jurnal Pembangunan Hukum Indonesia* 3, no. 2 (2021): 217-27. <https://doi.org/10.14710/jphi.v3i2.217-227>.
- Iskandar, Farid. "Pelaksanaan Pertanggungjawaban Pidana Pengedar Terhadap Korban Penyalahgunaan Narkotika." *Jurnal Penegakan Hukum Dan Keadilan* 2, no. 2 (November 25, 2021): 96-116. <https://doi.org/10.18196/jphk.v2i2.9989>.
- Kaimuddin, Arfan. "Perlindungan Hukum Korban Tindak Pidana Pencurian Ringan Pada Proses Diversi Tingkat Penyidikan." *Arena Hukum* 8, no. 2 (2015): 258-79. <https://doi.org/10.21776/ub.arenahukum.2015.00802.7>.
- Komara, Endang. "Perlindungan Profesi Guru Di Indonesia." *Mimbar Pendidikan* 1, no. 2 (2016): 151. <https://doi.org/10.17509/mimbardik.v1i2.3938>.
- Kompas.com. "Guru Agama Yang Pukul Siswa Di Sumbawa Barat Dituntut Tiga Bulan Penjara." Kompas.com, 2023. <https://regional.kompas.com/read/2023/10/25/153747078/guru-agama-yang-pukul-siswa-di-sumbawa-barat-dituntut-tiga-bulan-penjara>.
- — —. "Guru Honorer Di Konawe Ditahan, Dituduh Pukuli Anak Polisi, Dimintai Rp 50 Juta Agar Damai." Kompas.com, 2024. <https://www.kompas.com/tren/read/2024/10/22/141000365/guru-honorer-di-konawe-ditahan-dituduh-pukuli-anak-polisi-dimintai-rp-50.0A0A>.
- Lubis, T S. "Reformulasi Hukum Penanganan Tindak Pidana Kekerasan Di Lingkungan Pendidikan Dalam Upaya Perlindungan Profesi Guru." *De Lega Lata: Jurnal Ilmu Hukum* 6

- (2021): 191–207.
<https://jurnal.umsu.ac.id/index.php/delegalata/article/view/4660%0Ahttps://jurnal.umsu.ac.id/index.php/delegalata/article/download/4660/4981>.
- Margarita Zernova. *Restorative Justice Ideals and Realities*. England: Limited, 2007.
- Marwan, Satria Manda Adi. “Eksistensi Pidana Penjara Seumur Hidup Di Indonesia Ditinjau Dalam Perspektif Tujuan Hukum Pidana Modern.” *De Jure: Jurnal Hukum Dan Syar’iah* 13, no. 1 (July 28, 2021): 140–55. <https://doi.org/10.18860/j-fsh.v13i1.12025>.
- Maryanto, Maryanto, Nor Khoiriyah, and Supriyono Purwosaputro. “Politik Hukum Dalam Pembentukan Kode Etik Guru Indonesia Sebagai Sarana Meningkatkan Profesionalisme Guru Di Kota Semarang.” *Jurnal Meta-Yuridis* 5, no. 1 (2022): 1–19. <https://doi.org/10.26877/m-y.v5i1.11191>.
- Medan.Kompas.com. “8 Tahun Jadi Honorer, Guru Apinsa Dituntut 10 Bulan Penjara Karena Pukul Siswa Dengan Rotan.” Kompas.com, 2023. <https://medan.kompas.com/read/2023/12/22/095500278/8-tahun-jadi-honorer-guru-apinsa-dituntut-10-bulan-penjara-karena-pukul-siswa?page=all>.
- Merung, Prisilla Viviane. “Kajian Kriminologi Terhadap Upaya Penanganan Kasus Kekerasan Dalam Rumah Tangga (KDRT) Di Indonesia.” *Veritas et Justitia* 2, no. 2 (2016): 397. <https://doi.org/10.25123/vej.2273>.
- Muabezi, Zahermann Armandz. “Negara Berdasarkan Hukum (Rechtsstaats) Bukan Kekuasaan (Machtsstaat).” *Jurnal Hukum Dan Peradilan* 6, no. 3 (2017): 421. <https://doi.org/10.25216/jhp.6.3.2017.421-446>.
- News.detik.com. “Wapres Gibran: UU Perlindungan Anak Jangan Jadi Senjata Menyerang Guru.” *detiknews*, 2024. <https://news.detik.com/berita/d-7632368/wapres-gibran-uu-perlindungan-anak-jangan-jadi-senjata-meny Serang-guru>.
- Prapti Rahayu, Derita. “Criminal Objectives of the Mineral Law in the Perspective of the Criminalization Policy.” *Bina Hukum Lingkungan* 5 (2021). <https://doi.org/http://dx.doi.org/10.24970/bhl.v5i2.189>.
- Putra, Achmad Yuliandi Erria, Mirawaty Nurhamidin, and Dede Cairul. “Law Enforcement in The Eradication of Narcotics Crimes Against Drug Addicts and Abusers.” *Jurnal Dinamika Hukum* 22, no. 1 (July 25, 2022): 144. <https://doi.org/10.20884/1.jdh.2022.22.1.3244>.
- Rahmasari, Betha. “Paradigma Pembangunan Desa Dalam Pengelolaan Keuangan Desa Berdasarkan Undang-Undang Nomor 6 Tahun 2014 Tentang Desa.” *Volksggeist: Jurnal Ilmu Hukum Dan Konstitusi* 3, no. 2 (2020): 117–32. <https://doi.org/10.24090/volksggeist.v3i2.4001>.
- Rigley, Eryn, Adriane Chapman, Christine Evers, and Will McNeill. “Anthropocentrism and Environmental Wellbeing in AI Ethics Standards: A Scoping Review and Discussion.” *AI* 4, no. 4 (October 8, 2023): 844–74. <https://doi.org/10.3390/ai4040043>.
- Rofiq, Ahmad, Pujiyono Pujiyono, and Barda Nawawi Arief. “Eksistensi Tindak Pidana Ta’zir Dalam Kehidupan Masyarakat Indonesia.” *Journal of Judicial Review* 23, no. 2 (2021): 241. <https://doi.org/10.37253/jjr.v23i2.4957>.
- Sahetapy, Elfina Lebrine. “Peranan Social Report Pada Sistem Peradilan Pidana Anak.” *Masalah-*

- Masalah Hukum* 49, no. 3 (2020): 324-32. <https://doi.org/10.14710/mmh.49.3.2020.324-332>.
- Saraswati, Nadhira Diva, and Pan Lindawaty Suherman Sewu. "Arah Pengaturan Hukum Pencegahan Dan Penanganan Kekerasan Seksual Di Kampus Menurut Peraturan Menteri Pendidikan, Kebudayaan, Riset, Dan Teknologi Nomor 30 Tahun 2021 Tentang Pencegahan Dan Penanganan Kekerasan Seksual Di Lingkungan Perguruan Tinggi." *Jurnal Hukum Mimbar Justitia* 8, no. 1 (2022): 115. <https://doi.org/10.35194/jhmj.v8i1.2464>.
- Satria, H S. "Kebijakan Kriminal Pencegahan Korupsi Pelayanan Publik." *Integritas: Jurnal Antikorupsi* 6, no. 2 (2020): 169-86. <https://doi.org/10.32697/integritas.v6i2.660>.
- Suhariyanto, Budi. "Eksistensi Pembentukan Hukum Oleh Hakim Dalam Dinamika Politik Legislasi Di Indonesia." *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 4, no. 3 (2015): 413. <https://doi.org/10.33331/rechtsvinding.v4i3.14>.
- — —. "Restoratif Justice Dalam Pemidanaan Korporasi Pelaku Korupsi Demi Optimalisasi Pengembalian Kerugian Negara." *Jurnal Rechtsvinding* 5, no. 3 (2016): 422. http://rechtsvinding.bphn.go.id/artikel/ART_2_JRV_3_NO_2_PROTECT.pdf.
- Surya, Mohammad. *Psikologi Guru Konsep Dan Aplikasi Dari Guru Untuk Guru*. Bandung: Alfabeta, 2013.
- Tambir, I Made. "Pendekatan Restorative Justice Dalam Penyelesaian Tindak Pidana Di Tingkat Penyidikan." *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 8, no. 4 (December 31, 2019): 549. <https://doi.org/10.24843/JMHU.2019.v08.i04.p09>.
- Utami, Pangestika Rizki. "Konsep Diversi Dan Restorative Justice Sebagai Pergeseran Tanggung Jawab Pidana Pada Sistem Peradilan Pidana Anak." *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 1, no. 1 (2018): 95-106. <https://doi.org/10.24090/volksgeist.v1i1.1691>.
- Wibowo, Ari. "Sumbangan Pemikiran Hak Asasi Manusia Terhadap Pembaharuan Kitab Undang-Undang Hukum Acara Pidana(Kuhap)." *Jurnal Media Hukum* 23, no. 2 (2017): 128-36. <https://doi.org/10.18196/jmh.2016.0074.128-136>.
- Widowaty, Yeni, Laras Astuti, and Maisarah Mitra Adrian. "Towards a Restorative Justice System for Environmental Waste Pollution in Indonesia." *Environmental Engineering and Management Journal* 21, no. 11 (2023): 1877-87. <https://doi.org/10.30638/eemj.2022.166>.
- Wijaya, Ida Made Oka. "Restorative Justice Dalam Tinjauan Hukum Progresif: Eksistensi Dan Implikasi." *Indonesia Berdaya* 3, no. 3 (2022): 707-18. <https://doi.org/10.47679/ib.2022297>.
- Zenno, Mas Putra. "Penerapan Prinsip Ultimum Remedium Dalam Tindak Pidana Korupsi." *Jurnal Yudisial* 10, no. 3 (2017): 257. <https://doi.org/10.29123/jy.v10i3.266>.