

# Restorative Justice for Victims of Terrorism: Healing Beyond Retribution

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## Keywords

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## ABSTRACT

This research investigates the application of restorative justice in Indonesia's approach to terrorism, highlighting its potential to transform traditional justice methods. It focuses on the benefits of restorative justice in empowering victims, promoting offender accountability, and enhancing community trust. The study acknowledges the challenges in implementation, including legal, security, and cultural barriers, as well as resource constraints. Proposed solutions involve legal reforms, heightened security protocols, and increased public awareness. The conclusion emphasizes that restorative justice, with its emphasis on healing and community engagement, is a crucial step towards a more inclusive and effective response to terrorism's societal impacts in Indonesia.

## INTRODUCTION

Terrorism, a malevolent form of violence strategically aimed at achieving political objectives, sows seeds of fear and uncertainty, leading to far-reaching psychological repercussions. These effects extend beyond immediate physical injuries, persisting long after the attacks have ceased. The pervasive fear permeates the lives of victims, their families, communities, and entire societies, creating a cascading effect of psychological distress. Media coverage often amplifies this fear, heightening societal anxiety and exacerbating a collective sense of vulnerability. Addressing this widespread psychological suffering is crucial for understanding and mitigating the profound and lasting impacts of terrorism (Zvolensky et al., 2020).

The aftermath of terrorism, characterized by its violent and erratic nature, leaves indelible scars on victims and their communities, resulting in enduring physical, psychological, and socio-economic ramifications. Pursuing justice often leans towards punitive measures against perpetrators, emphasizing retributive justice at the expense of victims' needs and rights. Shifting towards acknowledging and addressing victims' needs is pivotal for fostering healing and promoting societal reconciliation.

Indonesia, too, has grappled with the scars of terrorism, exemplified by the 2002 Bali bombings. Following this tragedy, the Indonesian government, supported by international allies, enhanced counter-terrorism strategies, establishing Special Detachment 88 (Densus 88), a specialized Counter-Terrorism Unit. Despite such measures, the human response to terror remains a deep-rooted aspiration for immediate justice and retribution, often driven by catharsis rather than genuine healing.

In 2022, Indonesia recorded 1,370 victims of terrorism, with 650 receiving compensation. Through Law Number 5 of 2018, the government has allocated funds for compensation and death benefits administered by the Witness and Victim Protection Agency (LPSK). However, while providing a framework

for compensation, the existing law reveals weaknesses that underscore the need for incorporating restorative justice.

Firstly, the complex and formal bureaucratic process outlined in the law poses barriers for victims in accessing their rights promptly. With its personal and flexible approach, restorative justice offers a quicker and more satisfying solution. Secondly, traditional legal approaches often fail to fully acknowledge victims' long-term psychological trauma, a gap addressed by restorative justice, which provides space for victims to voice their experiences. Thirdly, the legal focus on perpetrators often overlooks victims' needs and rights, a gap rectified by restorative justice, placing victims in a more central position. Lastly, the legal process's lengthiness can be exhausting for victims, whereas restorative justice focuses on quick and satisfactory resolution.

While financial compensation is crucial, restorative justice acknowledges victims' suffering, fosters dialogue between victims and perpetrators, and provides a chance for more holistic justice. Despite the law's provision for compensation, implementing restorative justice could enhance victims' recovery and overall community restoration.

In the pursuit of healing, some propose *Islah* or forgiveness, rooted in Islamic teachings, as a way to address terrorism's impacts (Priyanto et al., 2020). Forgiveness literature suggests a correlation between empathy, specifically perspective-taking, and forgiveness when assessed through reflective measures. Restorative justice, a paradigm shift from retributive justice, emphasizes harm restoration and healing processes among victims, offenders, and the community.

Existing restorative justice literature mainly focuses on interpersonal crimes, leaving a notable research gap regarding its legal implications for terrorism victims (Dwiwarno, 2018). Implementing restorative justice in terrorism cases could empower victims and enhance their psychological recovery. Challenges include the scale and complexity of terrorist acts, posing barriers to dialogue and reconciliation.

In Indonesia, where terrorism's aftermath lingers, the legal system's engagement with restorative justice remains underexplored. This journal examines restorative justice's potential to give terrorism victims a voice and facilitate healing within Indonesia's legal framework. Unlike the prevailing global stance favoring retributive justice, this manuscript advocates for a victim-centered approach, drawing on Indonesia's experiences with terrorism.

Unique to this work is its focus on terrorism within the restorative justice literature. Using an empirical method, the article incorporates interviews with legal experts and terrorism victims and thoroughly examines legal documents and case studies. This comprehensive analysis aims to enrich academic understanding and provide practical recommendations for policymakers and legal professionals. Ultimately, the study aspires to refine justice systems, aligning them more closely with terrorism victims' needs and experiences for empathetic and effective justice responses.

## METHODS

This research uses a qualitative approach to gain an in-depth understanding of the implementation of restorative justice in the context of victims of terrorism in Indonesia. The main data sources involve interviews with legal experts, relevant government officials, members of law enforcement agencies, and victims of terrorism. The interviews will be conducted face-to-face or virtually, recorded with permission, and then analyzed to extract key findings. In addition, document analysis will involve an in-depth reading of laws and policies related to restorative justice in Indonesia. At the same time, empirical case studies will analyze specific terrorism events and efforts to implement restorative justice. The collected qualitative data will be analyzed using an inductive approach to identify key themes, with the validity of the data reinforced through triangulation. Ethical aspects of research, including ethical consent from participants and data

security, will be carefully guarded. The study results will be presented in scientific journal articles, detailing the introduction, methods, results, and conclusions. Conclusions will summarize key findings, while recommendations will address relevant stakeholders, including governments, law enforcement agencies, and victim advocacy groups.

## **RESULTS**

### **Contextual Analysis of Terrorism in Indonesia**

The subject of terrorism in Indonesia has garnered significant attention from researchers due to its intricate nature and its significant influence on individual and communal security (Achsini, 2019). The phenomenon of terrorism possesses significant ramifications for societal stability and the well-being of individuals, as it intrinsically engenders harmful effects, resulting in extensive devastation and loss of human lives (Al Makmun et al., 2018). The scholarly examination of terrorism in Indonesia, despite its longevity since the 1980s, has received limited attention in bibliometric research (Erikha & Rufaedah, 2019; Schuurman, 2019). The heightened awareness of terrorism on a global scale, particularly in the aftermath of the significant events of September 11th, has led to an increased examination of terrorist actions across the globe, including those occurring in Indonesia (Ahlfeldt et al., 2015).

The issue of terrorism in Indonesia is not a singular phenomenon but rather a complex one that is influenced by a range of factors, including group-based threats, social identity concerns, ethnic tensions, and limits in surveillance capabilities (Ilyas, 2021). In addition to the aforementioned factors, the worldwide affiliations of local terrorist cells, their ideological influence, and deeply ingrained religious convictions further contribute to the complex dynamics at play. The historical backdrop around ethnic wars and terrorism in Indonesia has consistently served as a precursor to current difficulties (Ilyas, 2021). The challenge of efficiently managing and mitigating terrorism is exacerbated by a range of circumstances, including as inadequate monitoring capabilities, the existence of local terrorist networks that have international connections, and persistent ethnic conflicts (Ilyas & Athwal, 2021). The nation has experienced a range of complex challenges that have resulted in and sustained a series of terrorist attacks (Subagyo, 2021). The intricate social structures of terrorist organizations in Indonesia demonstrate the significant influence of ideologists, who are instrumental in promoting extremist ideologies and leading recruitment initiatives (Milla et al., 2020). The origins of terrorism in Indonesia can be attributed to various factors, including perceived injustices, oppressive conditions, discriminatory practices, and particular interpretations of Islamic principles such as jihad (Dinda Rosanti Salsa Bela et al., 2021).

Given the multifaceted nature of terrorism in Indonesia and its deep-seated roots, it becomes crucial to dissect its historical trajectory to gain a comprehensive understanding of its present complexity. The legacy of terrorism in Indonesia is not merely a chronicle of isolated events but a continuum that has shaped the nation's socio-political landscape and security posture. From the echoes of past conflicts to the emergence of contemporary threats, the historical precedents of terrorism have been instrumental in crafting the current narrative of national security and collective consciousness. Therefore, to unpack the current complexities surrounding terrorism in Indonesia, an exploration of its historical patterns and precedents is imperative. This exploration not only sheds light on the evolution of terrorist strategies and ideological underpinnings but also sets the stage for understanding the continuous impact of these events on the Indonesian psyche and policy frameworks.

#### **1. Historical Precedents and Patterns of Terrorism**

The historical landscape of terrorism in Indonesia is characterized by distinct periods, each marking a significant evolution in tactics and ideology. The earliest of these was the DI/TII era, spanning from 1949 to 1954, which was marked by the objective of establishing the Islamic State of Indonesia

(Cribb, 2004). During this period, terrorist groups such as Darul Islam (DI) and Tentara Islam Indonesia (TII) emerged as key actors. These groups sought to overthrow the Indonesian government and replace it with an Islamic state based on their interpretation of Sharia law. To achieve their objectives, DI and TII employed various tactics, including armed insurgency, guerrilla warfare, and targeted assassinations. They targeted government officials, military personnel, and civilians who were perceived as collaborators with the Indonesian government. These acts of violence aimed to destabilize the state and create a climate of fear and insecurity. Leaders such as Kahar Muzakar, Kartosuwiryo, and Daud Bireueh were at the forefront of this movement in their respective regions (Jones, 2011). Kahar Muzakar was a prominent leader in the DI/TII movement in South Sulawesi. He played a crucial role in mobilizing support for the establishment of an Islamic state in the region. Muzakar's ideology was rooted in Islamic fundamentalism and anti-colonial sentiment. He believed that the Indonesian government was corrupt and lacked Islamic legitimacy, and thus sought to replace it with an Islamic state based on Sharia law. Muzakar employed guerrilla warfare tactics and targeted government officials and military personnel to achieve his objectives. Kartosuwiryo, on the other hand, was a key figure in the DI/TII movement in West Java. He founded the Darul Islam organization and became its leader. Kartosuwiryo advocated for the establishment of an Islamic state in West Java and rejected the authority of the Indonesian government. A combination of Islamic teachings and Indonesian nationalism influenced his ideology. Kartosuwiryo's tactics included armed insurgency, bombings, and assassinations targeting government officials and military personnel (Kersten, 2015). Daud Bireueh was a prominent leader in Aceh's DI/TII movement. He led the insurgency against the Indonesian government and sought to establish an independent Islamic state in the region. Bireueh's ideology was rooted in Acehnese nationalism and Islamic fundamentalism. He employed guerrilla warfare tactics and targeted government officials and military personnel to achieve his objectives (Kersten, 2015).

Subsequently, the emergence of Jamaah Islamiyyah in 1983, led by figures like Abdullah Sungkar and Abu Bakar Baasyir, represented a shift towards more organized and transnational forms of terrorism in Indonesia. The group's radical doctrines originated from the Al Mukmin Islamic Boarding School, which served as a breeding ground for extremist ideologies. Jamaah Islamiyyah aimed to establish an Islamic state in Southeast Asia and sought to achieve this through acts of violence and terrorism (Barton, 2004). The group remained active into the early 2000s and orchestrated several high-profile attacks, such as the Bali Bombing in 2002, which resulted in 202 fatalities, a car bomb explosion at the JW Marriott hotel in 2003 that left 12 dead, a truck bomb attack on the Australian embassy in 2004 claiming 11 lives, and a trio of suicide attacks in 2005 that led to the death of 22 individuals (Vaughn, 2010). These attacks resulted in significant loss of life and had a profound impact on Indonesia's security landscape. Jamaah Islamiyyah's activities highlighted the growing threat of transnational terrorism in the region and the need for enhanced counterterrorism efforts (Jones, 2011).

The rise of The Islamic State of Iraq and Syria (ISIS) marked another evolution in the terrorism landscape in Indonesia. ISIS, a global terrorist organization, gained traction in the country and attracted a significant number of Indonesian fighters. The group's sophisticated communication and recruitment strategies, particularly through the internet and social media platforms, played a crucial role in its ability to radicalize and mobilize individuals (Yeung, 2015). Ever since ISIS rose to prominence in the international arena in April 2013, the group has extended its influence on several countries with significant Muslim populations well beyond its original strongholds. This expansion has included efforts to reach into Indonesia (Mahood & Rane, 2017). In Indonesia, an online campaign via YouTube has been actively encouraging individuals to travel to Syria and Iraq, referred to as "Sham," to participate in jihad (Mahood & Rane, 2017). ISIS-inspired attacks occurred in Indonesia, including the

2016 Jakarta bombings. These attacks demonstrated the influence of ISIS ideology and the global trend of radicalization. The rise of ISIS also posed challenges for counterterrorism efforts, as it required a more comprehensive and international approach to address the threat.

While these periods differed structurally and operationally, they were similar in their sources of funding, which included individual donations, criminal activities, and formal and informal transfer systems. The ISIS era showcased a profound adaptation to modern technology, utilizing digital platforms for various activities ranging from propaganda dissemination to recruitment. Despite the establishment of specialized counterterrorism agencies such as Detachment 88, the BNPT, BIN, and legal entities like the prosecutor's office, a lack of synergy among these bodies has hampered the effectiveness of Indonesia's counterterrorism efforts. This historical analysis not only reflects the evolution of terrorist methodologies but also underscores the ongoing challenges Indonesian authorities face in addressing the multifaceted nature of this threat (Hwang, 2023).

## **2. Psychological and Societal Impact of Terrorism**

Terrorism transcends political and social arenas, posing a critical public health challenge through its profound psychological and societal repercussions. Studies from Israel, for instance, have established a robust correlation between terrorism exposure and an increase in stress-related mental health conditions such as PTSD, offering insights into the diverse coping mechanisms individuals employ amidst such adversity (Bleich, 2003).

Terrorist acts aim to instill fear, fracture societal cohesion, and compromise the well-being of populations through intimidation and the dispersal of dangerous substances. In the wake of the September 11, 2001, attacks in the United States, a palpable rise in national anxiety was observed, its severity influenced by factors ranging from the proximity of individuals to the attacks to their socioeconomic status and the perceived threat of future incidents.

Pivotal longitudinal research has shed light on the enduring mental health struggles that survivors of terrorism confront, such as persistent anxiety and PTSD symptoms, emphasizing the critical need for a deeper understanding of the impacts on both personal well-being and communal resilience (Bleich, 2003). In the UK, studies suggest that while terrorism can undermine community solidarity and mental health, strong social support systems appear to buffer against psychological stress (Giordano & Lindström, 2016).

The emerging consensus on the necessity for collaborative, multidisciplinary research into the nexus of violence and trauma underscores the far-reaching influence of terrorism on mental health across individual and community dimensions (Fischer & Ai, 2008). This body of work is crucial in addressing the enduring mental health consequences of terrorism, especially among vulnerable populations such as youth. Australian studies have identified significant psychological effects of terrorism on children and teenagers, underlining the urgency of specialized mental health interventions for these groups (Wooding & Raphael, 2004).

The psychiatric fallout from terrorism varies widely among those affected. While some may experience transient issues like acute stress disorder (ASD) and bereavement, others may be susceptible to more severe conditions such as PTSD or depression (Grieger, 2006). ASD and PTSD commonly arise from direct exposure to violence or life-threatening events accompanied by intense fear. Although initial ASD screening was posited to predict PTSD risk, subsequent findings have been equivocal (Bryant 2003). Moreover, while dissociation shortly after a traumatic event is a diagnostic criterion for ASD, such symptoms have been correlated with the later development of PTSD and depression.

Depression and bereavement are often more prevalent than ASD or PTSD among those mourning personal losses, enduring financial strains, or facing a shattered sense of community due to relocation. Economic vulnerability before a terrorist attack magnifies susceptibility to post-trauma adversity, a reality starkly illustrated by the large-scale dislocations following major natural catastrophes.

The deleterious health effects of prolonged stress exposure are well-documented, as seen in the long-term distress and metabolic changes experienced by communities affected by the Three Mile Island and Goiânia incidents (Collins & de Carvalho, 1993; Roberts, 1987; Steinhausler, 2005). Terrorism's impact is comprehensive, with acute and chronic symptoms of anxiety and depression, shifts in health behavior, and lasting stress and tension. The consequences of such events are enduring, lingering long after the spotlight of media coverage has dimmed (Grieger, 2006).

### **3. Legal and Security Responses Post-Terrorism**

Post-2002 Bali bombings, Indonesia has escalated its counter-terrorism measures with significant legal and security reforms. The passage of the Anti-Terrorism Law in 2003 marked a substantial legal advancement, granting expansive investigative and prosecutorial powers against terrorism suspects. A critical component of this law was the creation of the National Counter-Terrorism Agency (BNPT), further fortifying the nation's stance against terrorist threats. Amendments to the criminal code were also enacted, introducing precise offenses related to terrorism, such as financing and recruitment for terrorist groups. Complementing domestic efforts, Indonesia ratified crucial international conventions, including the UN Convention for the Suppression of Terrorist Financing and the International Convention for the Suppression of Terrorist Bombings, reinforcing its global commitment against terrorism.

On the security front, the government has augmented the size and funding of Densus 88, the elite counter-terrorism police force, and established a national counter-terrorism center for improved intelligence and operational coordination. Enhanced regional collaboration, particularly within Southeast Asia, has been pivotal in addressing terrorism-related challenges. Moreover, the Indonesian government has launched deradicalization programs, which aim to rehabilitate and reintegrate former terrorists, although these initiatives have yielded mixed outcomes.

Challenges persist despite the progress. Extremist factions such as Jemaah Islamiyah (JI) remain a formidable threat due to their commitment to terrorist activities. The rise of online radicalization and recruitment presents a nuanced problem, which the government seeks to address through various strategies, including cyber-intelligence and online community engagement.

While significant strides have been made, Indonesia's journey against terrorism is fraught with complexities. The broad powers provided by the Anti-Terrorism Law have drawn scrutiny from human rights advocates concerning their potential overreach. Still, the state upholds the law as a shield against the pervasive threat of terrorism. Additionally, the effectiveness of deradicalization programs varies, highlighting the need for continual assessment and adjustment.

Although largely fruitful, regional cooperation encounters obstacles such as the absence of extradition treaties with certain neighboring countries. To surmount these challenges, Indonesia must sustain and elevate its investment in counterterrorism and maintain robust international partnerships to confront and dismantle the evolving menace of global terrorism.

## **Restorative Justice as a Theoretical Framework**

### **1. Principles of Restorative Justice**

Restorative justice and retributive justice represent divergent methodologies for attaining justice within the framework of the criminal justice system. The primary objective of restorative justice

is to address the harm resulting from an offense and facilitate restoring relationships among the victim, offender, and community. According to Halder (2014), the settlement process places significant emphasis on accountability, rehabilitation, and the active participation of all stakeholders. On the other hand, retributive justice aims to reinstate a perception of justice by means of punitive measures, whether through legal proceedings or acts of vengeance (Wenzel et al., 2008).

The ideas of restorative justice are grounded in the notion that justice's primary objective should be restoring the harm inflicted by the commission of an offense. Harris (2006) underscores the need to prioritize fulfilling the victim's needs, ensuring the offender's responsibility is acknowledged, and fostering healing and reconciliation processes. The objective is to repair the interpersonal connections and establish a sense of confidence that has been compromised due to the transgression (Halder, 2014). The concept of restorative justice acknowledges the significance of community involvement in resolving conflicts, as committing a crime immediately impacts the community (Sandwick et al., 2019).

In contrast, retributive justice focuses on the act of punishment and the application of sanctions to the individual who has committed an offense. The underlying premise of this perspective is that justice is attained by imposing injury or suffering upon the wrongdoer, typically through incarceration or alternative methods of punishment (Wenzel et al., 2008). The concept of retributive justice centers around the culpability of the perpetrator and the necessity of imposing punishment to deter future wrongdoing and seek vengeance (Carlsmith, 2008).

A fundamental distinction between restorative and retributive justice is their respective approaches towards the perpetrator. The primary objective of restorative justice is to facilitate the offender's rehabilitation while simultaneously addressing the root factors that contribute to their conduct. This approach is undertaken with the ultimate purpose of deterring future instances of criminal activity (Rasmussen et al., 2018) According to Decker et al. (2022), it is acknowledged that individuals who have committed offenses can acknowledge their conduct and engage in efforts to rectify the harm caused to both the victim and the wider community. In contrast, retributive justice largely centers on the offender's punishment for their transgressions without delving into the underlying factors contributing to their actions (Gromet & Darley, 2006).

An additional distinction might be observed in their respective perspectives about the victim. Restorative justice prioritizes fulfilling the victim's demands and allows them to participate in the resolution process, as Murhula and Tolla (2020) highlighted. This initiative aims to empower the victim and facilitate their recovery and overall well-being (Pettker, 2010). In contrast, retributive justice may emphasize the welfare of the state and the penalization of the wrongdoer, perhaps overshadowing the victim's concerns (Gromet & Darley, 2009)

The Restorative Justice Theory emphasizes the imperative of addressing the harm resulting from criminal acts. The theory underscores the need to restore the balance disrupted by such acts. This restoration process isn't solely centered on punishing the offender but also on addressing the broader consequences for victims and the community. As Howard Zehr articulates in his pivotal work on restorative justice, "crime is a violation of people and relationships. It creates obligations to make things right. Justice involves the victim, the offender, and the community searching for solutions that promote repair, reconciliation, and reassurance". Central to this perspective is the belief that causing harm establishes a moral responsibility to make amends and restore what has been disrupted. As a result, the theory advocates for facilitating dialogues involving the offender, the victims, and the larger community. Such inclusive discussions aim to determine a collective and consensual approach to restitution, emphasizing accountability, healing, and community-based reconciliation.

Restorative justice offers a transformative approach to the traditional justice system, emphasizing the healing of harms caused by criminal behavior. Rather than solely focusing on penalizing the offender, restorative justice centralizes the needs of the victim, the offender, and the broader community impacted by the crime. This emphasis on healing is accomplished through active engagement, including victim-offender mediation, family group conferences, and community restorative boards.

Restorative justice represents a paradigm shift within the theoretical framework of criminal justice, striving to heal the damage wrought by criminal acts through the collective engagement of all stakeholders, including victims, offenders, and the broader community. According to Latimer, Dowden, and Muise (2005), this approach emphasizes the importance of collaborative resolution-seeking. Furthermore, Etuk and Nnam (2018) highlight the pivotal role of reparative measures and the active participation of the community, advocating for alternatives to traditional punitive measures such as incarceration. Demonstrating versatility, the principles of restorative justice have been applied across diverse settings, from the criminal justice systems in England and Wales, as noted by Banwell-Moore (2023) to Indonesia's disengagement practices in combating extremism (Priyanto et al., 2020), and even within the tourism industry's approach to offense resolution (Dinaya 2020). The objective of restorative justice is not only to replace punitive doctrines of retribution but also to instill a culture of restitution, healing, and compassion. Sullivan and Tift (1998, 21) contend that these principles are crucial for the healing of victims and are central to creating equitable communities where suffering individuals can undertake a dignified healing journey.

The fundamental principle of restorative justice is around the affirmation and support of victims, with a particular emphasis on their entitlement to be acknowledged and treated with dignity within the framework of the criminal justice system (Maglione 2016). The active involvement of victims is promoted in the settlement process, which aims to fulfill the interests of both victims and offenders, as well as the wider community (Garbett 2017; Noll 2003). According to a study titled "Assessment of the Needs among Families of Martyrs of Terror Victims in Al Furat Al Awsat Governorates / Iraq" (2020), this strategy has the potential to provide terrorist victims with a feeling of dignity and recognition, as well as avenues for compensation and rehabilitation. Moreover, it has been observed that it has the potential to facilitate the process of rehabilitating and disengaging individuals involved in terrorist activities (Priyanto et al., 2020), thereby fostering reconciliation and the restoration of social connections (Umbreit & Ritter, 2006).

However, the implementation of restorative justice within the realm of terrorism faces hurdles, such as the potential sidelining of victim and community needs (Hoyle & Rosenblatt, 2016) and the need for more robust support from leadership to integrate restorative principles effectively ("Historical Context of Counterterrorism Measures in Nigeria and The Need for Restorative Justice" 2021). The institutionalization of these practices also affects their interpretation and application (Marder, 2020).

## **2. Applicability to Terrorism**

Restorative justice has begun to play a pivotal role in countering terrorism worldwide, and Indonesia is no exception. This approach, known for its focus on rehabilitation and reconciliation, has been utilized to disengage individuals from terrorist activities. In the Indonesian context, restorative justice initiatives have facilitated encounters between victims of terrorist acts and convicted terrorists, along with their associates. These initiatives aim to engender a mutual understanding and foster reconciliation, contributing to the deradicalization process and the prevention of future violence (Priyanto et al., 2020).



At its core, restorative justice in the realm of terrorism hinges on the principles of accountability, rehabilitation, and reconciliation. It operates on the understanding that terrorism stems from a complex interplay of ideological, psychological, and social factors. Through the creation of a dialogical space, restorative justice endeavors to unearth and address these root causes, advocating for the social reintegration of those involved in terrorist activities (Priyanto et al., 2020).

Despite its promise, implementing restorative justice in the context of terrorism presents distinct challenges. Paramount among these is the assurance of victims' and communities' safety throughout the restorative process. This necessitates rigorous security protocols to protect participants and avert any further trauma or harm (Priyanto et al., 2020). The efficacy of restorative justice in terrorism cases also hinges on the voluntary and cooperative participation of both victims and perpetrators. The process demands an earnest commitment from all involved to engage constructively, listen empathetically to divergent narratives, and strive collaboratively towards reconciliation. The foundation of trust and the creation of a communicative environment where participants feel secure are integral to the success of restorative justice in such sensitive situations (Priyanto et al., 2020).

In Indonesia, where terrorism has left indelible marks, the application of restorative justice carries immense potential. As the nation grapples with the aftermath of various attacks, there is a pressing need for innovative approaches that address terrorism's underlying causes while promoting disengagement. Restorative justice provides such an alternative, centering on community healing and the reintegration of offenders (Priyanto et al., 2020). To ensure the successful application of restorative justice in Indonesia, it is crucial to consider the nation's unique cultural, legal, and societal contexts. Adapting restorative justice practices to fit these local dynamics involves engaging with community leaders, faith-based organizations, and other relevant entities to craft programs that are not only effective but also resonate with Indonesian values and traditions (Priyanto et al., 2020).

In the global context of terrorism, the application of restorative justice measures, including restorative justice conferences (RJCs), shows varying degrees of use and effectiveness. One study conducted a systematic review of restorative justice conferences (RJCs) and found that they can be effective in reducing repeat offending, including in cases of terrorism (Sherman et al., 2015). The study examined seven experiments in the United Kingdom and found that the cost-effectiveness ratio of RJCs was 3.7-8.1 times more beneficial in preventing crimes compared to the cost of delivering the conferences (Sherman et al., 2015).

Additionally, the application of restorative justice in cases of terrorism requires careful consideration of the unique dynamics and complexities involved. In a study focusing on Pakistan, it was highlighted that restorative justice can play a role in addressing the root causes of terrorism and promoting reconciliation (Gohar, 2014). However, it also emphasized the need for a nuanced understanding of the local context, including the role of policing and insurgency, to effectively implement restorative justice practices (Gohar, 2014).

## **Restorative Justice in Indonesian Legal Context**

### **1. Current Legal Mechanisms and Their Limitations**

The discourse on restorative justice in Indonesia is not a novel topic, yet its practicality and integration within the national criminal justice framework continue to spark debate. Restorative justice represents a shift towards reconciliation and rehabilitation within Indonesia's legal system, which historically has been more retributive in nature. This evolution in the Indonesian criminal justice approach is evident across various levels of the system, prominently among juveniles, in the handling of narcotics-related cases through rehabilitation programs, and in broader institutional reforms.

The incorporation of restorative justice into the criminal justice system pivots around re-evaluating the objectives pursued through the application of criminal laws and the overarching justice system. This re-examination takes place amidst established criminal justice theories such as retribution, deterrence, incapacitation, rehabilitation, and resocialization, which also encompass contemporary corrections systems. It must be acknowledged that these processes, traditionally, have been offender-centric. For instance, the Indonesian Penal Code No. 12 of 1995, particularly in Article 2, articulates the aim of the penal system as one that seeks to rehabilitate incarcerated individuals. It aims to cultivate self-awareness about their wrongdoing, encourages personal betterment, and deters the commission of future crimes, thereby enabling their reintegration into society as constructive participants in national development and as upright, responsible citizens. Furthermore, under Article 127, paragraph (3) of the Narcotics Law, offenders identified as narcotics abusers are mandated to undergo medical and social rehabilitation. The rationale, as clarified in the elucidation of Article 54, is that a person is considered a victim of drug abuse in scenarios where the individual has been unwittingly manipulated, deceived, coerced, or threatened into substance use (Zulfa, 2020).

Article 1 Number 6 of Law No. 11 of 2012, which outlines the juvenile justice system in Indonesia, defines restorative justice as a process for resolving criminal cases that actively involves the offender, the victim, their families, and any other relevant parties in collectively seeking a fair resolution. This approach emphasizes the importance of reconciling the situation and restoring relationships, focusing on healing rather than retribution. The law thereby endorses a more collaborative and reparative approach to justice, particularly in the context of juvenile offenders, where the objective is to mend the social fabric torn by the criminal act, rather than solely to punish (Zulfa, 2020).

Indonesia has taken concrete steps to institutionalize restorative justice. This is reflected in several key legal instruments and regulations, such as the Indonesian National Police Regulation Number 8 of 2021, which underscores the commitment to crime handling through restorative justice principles. Similarly, the directive issued by the Director General of the General Judiciary Agency, encapsulated in Decree Number: 1691/DJU/SK/PS.00/12/2020, sets out the guidelines for implementing restorative justice within the general courts.

Moreover, the Prosecutor's Office has been actively involved in embedding restorative justice into the prosecutorial process, as evidenced by the Prosecutor's Office Regulation Number 15 of 2020. This regulation advocates for the cessation of prosecution based on restorative justice principles and was subsequently reinforced by the enactment of Law Number 11 of 2021, which amends the previous Law Number 16 of 2004 concerning the Prosecutor's Office.

These legislative and regulatory developments signal a progressive coloration of Indonesia's criminal justice system, indicative of a broader national intent to cultivate a legal order that is attuned to the values of restoration and societal harmony. The Supreme Court, too, aligns with this ethos, with the Director General of the General Judiciary Body issuing Decree Number 1691/DJU/SK/PS.00/12/2020 to enforce restorative justice implementation guidelines. Collectively, these measures underscore a transformative approach towards addressing crime in Indonesia—one that emphasizes healing and the mending of social fabric over punitive measures alone.

The progression of restorative justice in the context of law enforcement is apparent via the formulation and modification of diverse regulations that grant police officers and investigators the authority to implement these approaches within certain parameters (Eddyono, 2021). The original foundation was established with the enactment of the Circulation Decree of the Police Head (SE/8/VII/2018), colloquially known as the 2018 Decree. This decree granted authorization for the

adoption of restorative justice practices in the management of criminal cases. The Decree established the foundational principles by specifying the criteria for the use of restorative justice. These criteria include obtaining the victim's consent, restricting its use to non-serious offenses, and resulting in the termination of criminal proceedings. In addition to enhancing the existing framework, two regulations were implemented, namely Police Regulation 6/2019 pertaining to Police Investigation, and Attorney General Regulation 15/2020 regarding Restorative Justice. Both programs, originating from separate law enforcement entities, integrated mediation as a strategy to redirect specific cases away from the formal criminal justice system.

Following that, the Decree of 2018 underwent a process of review and subsequently became superseded by The Police Regulation No 8/2021. The revised legislation has effectively broadened the scope of investigators' discretion to utilize restorative justice in a wider array of situations. The document indicated that restorative justice is suitable in situations where there is a dearth of public interest, a low likelihood of inciting societal conflict, and an absence of recurring transgressions. The legislation places significant importance on the conciliation agreement, which must include provisions for the victim's right to receive restitution and asset recovery, as well as the offender's obligations (Eddyono, 2021). The transition from the 2018 Decree to Police Regulation No 8/2021 signifies a sophisticated comprehension of the present policing landscape and the role that restorative justice plays within it. Despite the alterations in regulatory measures, the fundamental principles of restorative justice persist unaltered: to establish a forum wherein the rights of victims are duly acknowledged and the obligations of offenders are duly recognized, thereby fostering a comprehensive and conciliatory methodology towards criminal acts and their subsequent consequences (Eddyono, 2021).

While laws such as the Indonesian National Police Regulation Number 8 of 2021 have institutionalized restorative justice practices, the application of the current legal mechanisms for dealing with terrorism in Indonesia have limitations in terms of victim recovery and community healing. There is a need to explore and implement restorative justice practices that can facilitate victim recovery and community healing in the aftermath of terrorist attacks. Victims of terrorism often face challenges in perceiving and reacting to the organizational responses to their suffering Waldman et al. (2011). The bureaucratic processes and red tape involved in seeking help and support can hinder their recovery and healing process. This can lead to frustration and dissatisfaction among the victims, as they may feel that their needs are not adequately addressed.

Furthermore, the focus of the current legal mechanisms is primarily on punishment and deterrence rather than on victim recovery and community healing. The emphasis on criminal prosecution and imprisonment may not fully address the needs of the victims and the affected communities. Restorative justice approaches, which prioritize the needs of the victims and aim to repair the harm caused by the terrorist acts, are not widely integrated into the legal mechanisms for dealing with terrorism in Indonesia (Sherman et al., 2015). Restorative justice conferences, which bring together victims, offenders, and community members to address the harm caused by the crime, have shown effectiveness in reducing repeat offending (Sherman et al., 2015).

## **2. Opportunities for Integrating Restorative Practices**

In the context of Indonesia's legal framework, the integration of restorative justice practices presents a significant opportunity to enhance the resolution of criminal cases by drawing on deeply rooted societal mechanisms of conflict resolution. As outlined by Zulfa (2020), the incorporation of the 'Institution of Meeting Council embodies the dialogic essence of restorative justice, creating a space for meaningful interaction between victims and perpetrators. Such interaction fosters the expression and acknowledgment of harm and catalyzes community participation in shaping and monitoring outcomes.

Models such as Victim-Offender Mediation, Conferencing, and Circles reflect a range of consultative approaches that vary in stakeholder involvement, from intimate dialogues to broader community engagement (Van Ness, 2016). However, despite their congruence with Indonesian values, these restorative models lack statutory recognition and, thus, necessitate legal reform to be formally integrated into the criminal justice system.

The benefits of embracing restorative practices are manifold—tangible compensation for victims, expanded roles for the community in the justice process, and expedited, precise case handling bypassing bureaucratic inertia. Nonetheless, there is a critical need for a nuanced evaluation of the current understanding and application of restorative justice, ensuring inclusive participation, upholding the presumption of innocence, and striving to restore social relations among all involved parties. The criminal justice system must undergo judicious adjustments that recognize and facilitate these principles to actualize the potential of restorative justice within Indonesia's legal paradigm. This calls for legislative action to codify restorative practices within the legal corpus, thereby harmonizing them with existing judicial procedures and ensuring their rightful place in Indonesia's pursuit of a more holistic and community-centered approach to justice (Zulfa, 2020).

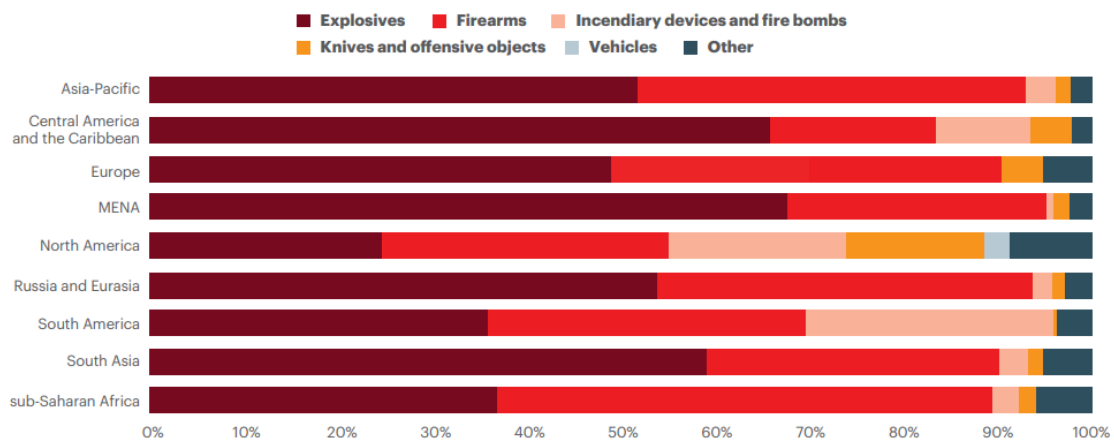
**Victim-Centered Analysis**

The methodologies and strategies employed by terrorist organizations exhibited regional variations. Explosives were the predominant weapon employed in most attacks across various regions, with firearms ranking second in terms of prevalence. Bombings and explosions emerged as the prevailing method employed on a worldwide scale.

Between 2007 and 2022, the Middle East and North Africa (MENA) region documented more than 15,500 incidents involving bombings and explosions. Following closely behind, South Asia reported approximately 10,556 attacks where explosives were utilized as the principal means of assault.

**Type of attack by region, 2007-2022**

Explosives and firearm assaults are most the common weapons used in terror attacks in most regions.



**Figure 1. Type of Terroris Attack by Region, 2007-2022**

Source: Dragonfly Terrorism Tracker; IEP Calculations

In the context of defining victims within international law, particularly those impacted by terrorist acts, there is an absence of a universally accepted delineation. Nevertheless, the United Nations General Assembly's 1985 Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power provides a comprehensive definition that can encompass such individuals. According to this declaration, "victims" refer to those who have sustained harm, be it physical or mental injury, emotional suffering, economic loss,

or significant infringement of their fundamental rights, resulting from actions or inactions that contravene the criminal statutes of Member States, including those laws that forbid the criminal abuse of power. It is explicitly stated that this designation applies irrespective of whether the perpetrator of the crime has been identified or prosecuted, and it extends beyond the direct victim to potentially include their immediate family or dependents, as well as any persons injured while assisting victims or attempting to prevent victimization. This declaration aims to apply its principles universally, eschewing discrimination of any form. Echoing this sentiment, the Council of Europe's Recommendation 2006(8) also broadens the definition of "victim" to include immediate family or dependents of the direct victim, thereby ensuring that a wider spectrum of those affected by crimes, including terrorism, are recognized and afforded justice and support. This expansive definition aligns with the need for inclusive victim assistance and acknowledges the varied and profound impacts of terrorism beyond the immediate physical damages.

The majority of those affected by acts of terrorism are innocent civilians who happen to be in an unfortunate location and time, subjected to indiscriminate and violent assaults. The lives of individuals who have experienced a traumatic event, as well as the lives of their immediate family members, can undergo profound and irreversible transformations. The process of physical recovery and psychological acceptance of losses often spans several years for many individuals who have experienced victimization. In the absence of assistance, the experience of trauma has the potential to last throughout an individual's lifetime. States prioritize the issue of terrorism as a significant security concern, however they may not consistently provide sufficient assistance to victims and their relatives. The provision of specialized and devoted procedures is vital to safeguard and uphold the rights of persons who have been victimized by acts of terrorism, as well as their families.

## **2. Victim's Needs and Rights**

Victims of terrorism are bound by a shared trauma: the personal anguish and the aftermath of a terrorist attack. However, their experiences and coping mechanisms vary significantly. While some live under the constant fear of recurring attacks, others manage to forge ahead with their lives despite their harrowing experiences. Moreover, the context in which they find themselves—ranging from the political climate of their home country to public sentiments about the attack, as well as cultural and historical factors—can greatly influence their individual experiences. A critical consideration then becomes how to channel the collective voice of these victims into a potent force against violent extremism.

Many victims are driven by a desire to transform their suffering into a catalyst for positive change, aspiring to prevent the recurrence of such tragedies. Some might establish days of remembrance to honor those lost to acts of terror, creating a space for collective mourning and reflection. Others may find solace and purpose in building connections with victims of similar incidents or in reaching out to broader communities. Their engagement represents a powerful testament to resilience and a valuable front in the struggle to counteract terrorism's insidious effects.

The complex experiences of victims of terrorism require sensitive and nuanced consideration. The capacity to recount personal trauma is not universal, and it is imperative to respect the individual's choice and ability to share their experiences (Cancrinus & Netten, 2008). Victim organizations play a pivotal role in fostering a supportive environment for those who choose to engage in counter-violent extremism efforts, ensuring that participation does not lead to re-victimization (Cancrinus & Netten, 2008).

The journey of mourning and coping with the aftermath of terrorism is deeply personal, and support systems must be adaptive to individual needs, including recognition and assistance tailored to each victim's unique circumstance (Cancrinus & Netten, 2008). The support fabric extends beyond

immediate family to encompass friends, colleagues, and entire communities, each with distinct grieving processes and support requirements (Cancrinus & Netten, 2008).

Furthermore, the resilience individuals display in the face of terrorism is not merely a personal triumph; it reflects the strength of communal bonds and the critical role of social support networks (Cancrinus & Netten, 2008). However, the notion of 'victimhood' can sometimes become an overwhelming identity that may impede recovery, highlighting the necessity for professional intervention and careful monitoring by victim organizations (Cancrinus & Netten, 2008).

Additionally, the 'hierarchy of suffering' observed among victims underscores the importance of equitable support and avoiding comparisons that can marginalize or minimize individual experiences (Cancrinus & Netten, 2008). In the context of CVE, storytelling transcends its therapeutic roots to empower individuals, providing a platform for collective narrative formation and historical documentation, as seen in the accounts of apartheid and Holocaust survivors (Cancrinus & Netten, 2008).

## 2. Community and Societal Healing

Restorative justice represents a transformative approach to justice, one that prioritizes the restoration of harm caused by criminal acts, particularly the profound societal disruptions of terrorism. Central to this approach are its multifaceted benefits: it empowers victims, ensuring their stories and needs are central to the justice process; it insists on offender accountability, encouraging responsibility and the potential for rehabilitation; it seeks reconciliation, forging pathways for forgiveness and mutual understanding; and it is instrumental in rebuilding community trust, thereby fortifying societal cohesion. Scholars and institutions across the globe recognize these merits—Priyanto, Dermawan, and Runturambi (2020) highlight the voice it gives to victims, while the European Commission and Van Ness and Strong (2016) note its potential to deter and address the causes of terrorism and violent extremism. The use of restorative justice in post-terrorism contexts, like the Circle Up program and New Zealand's response to the Christchurch Mosque shootings, underscores its role in societal healing and trust restoration.

In the wake of terrorism, restorative justice opens a crucial avenue for both personal and community healing. It brings together victims, offenders, and the broader community in meaningful dialogue, as detailed by Shapland et al. (2006), to address not just the physical damage, but also the deep emotional and psychological wounds inflicted. The process is therapeutic, providing victims with a platform to articulate their trauma, thereby facilitating a stronger emergence of their voices and restoring a sense of agency, a significant step towards recovery, as noted by Mutanda and Hendricks (2022). Furthermore, it plays a critical role in mending the tears in the social fabric, aiding in re-establishing trust and social harmony, even in the most conflict-ridden settings.

Going beyond merely retributive responses, restorative justice seeks to heal the roots of terrorism-induced harm. This approach moves past the limitations of punishment alone, addressing the underlying causes to halt the cycle of violence and fostering a more inclusive and peaceful future, as advocated by Presser and Voorhis (2002). The community's involvement is essential here, not just as participants but as facilitators and supporters, creating an environment conducive to dialogue and understanding, which is vital for the success of restorative interventions.

The influence of community participation extends beyond facilitation; it has the power to transform the community itself, fostering collective responsibility and empathy. Presser and Voorhis (2002) underscore that restorative justice not only mends relationships between individuals but also within the communal fabric. By engaging in this process, communities actively participate in their own healing, addressing the broader impact of harm and violence. Such community-driven restorative

justice processes thus not only aid in healing but also promote unity, establishing restorative justice not as an alternative but as a necessary complement to traditional justice, reshaping the consequences of terrorism into a foundation for lasting peace and reconciliation.

## **Challenges and Limitations**

### **1. Barriers to Implementation**

In examining the landscape of restorative justice within Indonesia's context, particularly in addressing terrorism, several potential barriers emerge that could impede implementation. Firstly, the existing legal and policy framework may not provide sufficient support for restorative justice applications in terrorism cases, lacking specific guidelines or provisions for its integration (Staiger, 2009). Security concerns also present a significant hurdle, given the sensitive and high-risk nature of terrorism cases, which might deter stakeholders' participation due to fears of retribution or ongoing violence (Walgrave, 2015). Additionally, a general lack of awareness and understanding of restorative justice's principles and benefits among law enforcement, victims, offenders, and the broader community could negatively affect engagement in such processes (Staiger, 2009).

Victims and their families may also encounter stigmatization and social rejection, creating psychological barriers to participating in restorative justice initiatives (Staiger, 2009). Furthermore, prevailing political and public opinions often favor punitive measures, potentially leading to resistance against restorative justice approaches, which are sometimes viewed as too lenient or a means for offenders to escape due punishment (Historical Context of Counterterrorism Measures in Nigeria and The Need for Restorative Justice 2021). The implementation of restorative justice is also resource-intensive, requiring trained facilitators, adequate support services, and proper infrastructure, resources that may not be readily available (Hobson et al., 2022). Lastly, cultural and religious considerations must be taken into account, as these can deeply influence perceptions of justice and conflict resolution; therefore, ensuring the compatibility of restorative justice with local cultural and religious practices is essential for its acceptance and success ((Sriwiyanti et al., 2021). Addressing these challenges is crucial to advance the restorative justice framework as a viable option for healing and resolution in the wake of terrorism.

### **2. Mitigating Challenges**

To mitigate the challenges and potential barriers in implementing restorative justice within the context of terrorism in Indonesia, several strategic approaches can be considered. Legal and policy reforms are pivotal; it's essential to revise the current framework to better accommodate restorative justice in cases of terrorism, potentially drawing on parallels from other legal areas, like corruption cases, to adapt these principles to the unique challenges of terrorism (Hamka et al., 2022). Security is another pressing issue; protection for all participants through risk assessments and confidentiality agreements, along with witness protection programs, may alleviate concerns and encourage broader participation in restorative initiatives.

Raising awareness and education is also key. It is vital to educate stakeholders about the benefits and procedures of restorative justice through public campaigns and training initiatives, thus fostering an environment of trust and understanding. In parallel, community engagement should be a cornerstone of the restorative justice process, with community leaders and civil society organizations playing active roles in reducing stigma and fostering inclusivity, drawing inspiration from successful models like Pakistan's Muslahathi Committees.

Resource allocation cannot be overlooked. Sufficient funding and the provision of trained facilitators and necessary infrastructure are essential for the success and sustainability of restorative programs. Cultural sensitivity is equally important; adapting restorative justice practices to align with

Indonesia's cultural and religious values will be a determinant of their acceptance and success, as evidenced by mechanisms in places like Tanzania (Kilekamajenga, 2018).

Lastly, international collaboration offers a wealth of knowledge and best practices. By engaging with global experts and examining how other nations, such as New Zealand, have navigated restorative justice post-terrorism (Simons, 2023), Indonesia can tailor and refine its approach. These comprehensive strategies promise to facilitate the implementation of restorative justice in the fight against terrorism, paving the way for healing, reconciliation, and strengthened social bonds.

### **Policy Implications and Recommendations**

Indonesia's criminal justice system reform reflects an international shift towards a restorative justice model. This approach is rooted in the concept of repairing the damage wrought by criminal actions, fostering a restorative encounter between victim and offender, and aiming to address the needs of both parties as well as the community. It also encourages offenders to accept responsibility for their actions. However, when it comes to applying restorative justice within the framework of Indonesia's Criminal Code Bill, concerns have been raised about the perceived narrowness of its approach.

Several factors contribute to this perception. Legislative hurdles are significant; restorative justice is dynamic and often informal, qualities which are hard to encapsulate in the rigidity of statutory law, potentially leading to a legal framework that fails to encapsulate restorative principles fully. Moreover, some argue that restorative justice models may lean too heavily towards rehabilitating the offender, neglecting the victim's needs for healing, empowerment, and restitution. This imbalance calls for a more victim-centered approach in the criminal justice system.

Operational constraints might also play a part, with possible shortages in resources, training, or comprehension of restorative justice principles among legal and law enforcement professionals. Additionally, societal and cultural norms can influence the reception and implementation of restorative justice, especially if there is an entrenched expectation for punitive justice within the community. Restorative justice endeavors to harmonize the needs of the victim, community, and offender, which can be complex, particularly if the community holds a strong bias towards traditional punitive responses.

In essence, the Indonesian Criminal Code Bill's narrow application of restorative justice could reflect a multifaceted challenge, where legislative precision, victim prioritization, operational capacities, and societal expectations must be balanced and addressed to fulfill the transformative potential of restorative justice in the criminal legal system.

#### **1. Policy Changes**

At the policy level, several changes can be crucial to facilitate the application of restorative justice within the criminal justice system. These changes would typically involve legislative reform, the development of new protocols and guidelines, and a shift in the overall approach to crime and justice.

- a. **Legislative Reform:** Legal frameworks need to be revised to incorporate restorative justice concepts explicitly. Laws can be structured to encourage alternatives to incarceration, such as mediation and restitution, and can define the circumstances under which restorative justice is appropriate.
- b. **Developing Clear Guidelines:** Clear guidelines should be established for when and how restorative justice practices can be implemented. This includes defining the roles of facilitators, the rights of victims and offenders, and the procedures for different types of offenses.
- c. **Victim-Centered Policies:** Policies need to be developed with a victim-centered approach, ensuring that victims' rights are protected and their needs are prioritized. This might include ensuring they have a say in the restorative justice process and receive emotional and financial support as needed.



- d. Resource Allocation: Adequate funding should be allocated for the development and maintenance of restorative justice programs. This includes resources for training practitioners and for the logistical support needed to organize restorative meetings.
- e. Training and Professional Development: Policy changes should mandate training for judges, lawyers, police officers, and corrections staff to understand and implement restorative justice approaches effectively.
- f. Creating Collaborative Frameworks: Collaboration between criminal justice institutions, social services, community organizations, and restorative justice practitioners can ensure a holistic approach to justice that supports both the community and the individuals affected by crime.
- g. Institutionalizing Restorative Practices: Beyond ad hoc programs, restorative justice should be institutionalized within the criminal justice system. This would involve integrating these practices into the routine procedures of courts and correctional facilities.
- h. Monitoring and Evaluation: Establishing systems for monitoring and evaluation is key to assessing the effectiveness of restorative justice policies. These systems should measure outcomes for victims, offenders, and the community.
- i. Public Awareness Campaigns: Increasing public understanding and acceptance of restorative justice is important. Policy changes could support public awareness campaigns to educate about the benefits of restorative justice and its differences from the traditional justice system.
- j. Specialized Restorative Justice Units: Establish specialized restorative justice units within the justice system that can oversee and implement restorative processes, provide expert guidance, and serve as a resource for ongoing cases.
- k. Incorporating these changes into policy can foster an environment where restorative justice is not only supported but actively encouraged, leading to a more compassionate and effective criminal justice system.

## **2. Practical Recommendations**

In grappling with the constrained application of restorative justice within the Indonesian Criminal Code Bill, advocates for a more victim-focused and restorative approach might recommend several strategies to enhance the current legislation. First, it is crucial to broaden the scope of restorative justice initiatives within the bill to be more inclusive of victims, ensuring their active participation and just restitution. To support this, there should be a concerted effort to provide more extensive education and training for legal professionals and law enforcement officers, equipping them with a deeper understanding of restorative justice practices.

Additionally, building robust support systems for victims is essential, affirming that their needs are prioritized and addressed throughout the judicial process. Engaging with community stakeholders can also be beneficial, aligning the restorative justice process with societal expectations while maintaining a focus on victim-centric outcomes. Furthermore, it is important to establish stringent monitoring and evaluation protocols to oversee the effectiveness of restorative justice practices in meeting victims' needs.

Fundamentally, a dedication to the ongoing refinement of the legal framework is necessary, ensuring it remains responsive to victims' needs and reflective of restorative justice objectives. This commitment is paramount for the criminal law to achieve its intended goals, truly resonating with the ethos of restorative justice.

## **CONCLUSION**

In conclusion, the exploration of restorative justice within the context of Indonesia's response to terrorism reveals both its transformative potential and the challenges it faces. This approach, emphasizing healing, accountability, and community involvement, offers a path toward reconciling the deep-seated impacts of terrorism on individuals and society. The benefits of restorative justice are multifaceted, extending beyond individual healing to encompass societal reconciliation and trust rebuilding. The successes of programs like Circle Up and New Zealand's response to the Christchurch mosque shootings exemplify its effectiveness in post-terrorism contexts.

However, the implementation of restorative justice in Indonesia is not without obstacles. Legal and policy constraints, security concerns, cultural and religious considerations, and resource limitations all pose significant challenges. To overcome these barriers, a comprehensive strategy involving legal reforms, security measures, awareness campaigns, resource allocation, and cultural sensitivity is crucial. At the policy level, there is a need for legislative reform, development of clear guidelines, and a victim-centered approach. Institutionalizing restorative justice practices within the criminal justice system, alongside adequate training and public awareness campaigns, is essential for its success.

In practice, expanding the scope of restorative justice initiatives, enhancing education and training for legal professionals, and establishing robust support systems for victims are key recommendations. Continuous refinement of the legal framework to align with restorative justice principles is paramount for achieving a more compassionate and effective criminal justice system.

Ultimately, the integration of restorative justice in Indonesia's response to terrorism presents an opportunity to shift from traditional punitive methods to a more inclusive approach that addresses the roots of harm, fosters community healing, and lays the groundwork for lasting peace and reconciliation.

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