

**COMPARATIVE STUDY OF RESTORATIVE JUSTICE
IMPLEMENTATION IN INDONESIA AND
UNITED STATES**

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ABSTRACT

Restorative justice is an alternative settlement of criminal cases outside the court that focuses on restoring back to the original state before the crime occurred, rather than focusing on retaliation. This study aims to determine the implementation of restorative justice in Indonesia and the United States and the similarities and differences in the implementation of restorative justice between the two countries. The research method in this study is normative juridical with a comparative law approach. The results of this study indicate that restorative justice has begun to be implemented in Indonesia's criminal justice system in the last two years, especially in settlement of juvenile criminal cases through diversion efforts and minor criminal cases with termination of prosecution by public prosecutors, while restorative justice has been implemented in the United States criminal justice system for approximately three decades with different arrangements in each state by using various restorative justice models in settlement of criminal cases, such as prehearing conferences, family group conferences, juvenile victim-offender dialogue, victim youth conferencing, victim-offender mediation, youth or community dialogue, panels, circles, and others. The similarities of the implementation of restorative justice in Indonesia and the United States lies in the implementation of restorative justice in the juvenile criminal justice system and the adult criminal justice system in the two countries, as long as the limitations on the implementation of restorative justice in settlement of criminal cases in the two countries, while the difference lies in the scope of application of laws and regulations regarding the implementation of restorative justice and the form or model of restorative justice implemented in the criminal justice system in the two countries.

Keywords: Restorative Justice, Criminal Case Settlement, Rehabilitation, Diversion, Restitution