Approach Restorative In Loss Recovery Caused by Criminal Acts of Corruption

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Abstract

The restorative approach to the recovery of losses caused by criminal acts of corruption offers alternatives that focus on restoring relationships and losses compared to retributive approaches that only emphasize punishment. This study uses a normative juridical method with the law approach to analyze the basic principles of restorative approaches, recovery mechanisms, benefits, challenges, and implementation in Indonesia. The restorative approach is based on the principle of restoring losses, active participation of all parties, and reintegration of the perpetrators. The results of the discussion show that the restorative approach has the potential to increase justice and improve social relations, although there are still significant challenges. The application of this approach in Indonesia requires stronger legal and community support. This study concluded that the restorative approach can improve the law enforcement system with a greater focus on recovery and reintegration. Suggestions for further development include legal reform and increasing community participation to optimize the recovery of losses due to criminal acts of corruption, so that further legal reform is carried out to support restorative mechanisms and increase community participation.

I. Introduction

Action criminal corruption is crimes that cause big loss, not only to state finances but also to public trust, economic stability, and social development (Khan et al., 2022). As crimes of a criminal nature are systemic and complex, corruption often involves actors who hold power/position and have access to public power sources (Fazekas & Kocsis, 2020). Consequence from a criminal act This No only has implications for the country as a formal entity but also has an impact on the public at large, whose rights are deprived of his welfare, hampered by the consequences of corrupt practices. Therefore, that is a comprehensive and recovery-focused approach. loss caused by the criminal act This is an urgent condition that requires immediate treatment.

Approach restorative appear as alternative in practice enforcement the law that offers paradigm new in handle act criminal , including corruption . Different with approach retributive in nature traditional and more emphasize on giving punishment to perpetrator , This indicates the presence of a form element reply feud or revenge from the state, while the approach restorative focus on recovery losses suffered by the victim, recovery connection social disruption , and the rehabilitation process against the perpetrator so that it does not repeat his actions in the future (Braithwaite, 2002). Approach This consider that crime No only violate law , but also has an impact on the cracking connection between individuals and communities . Therefore that is the proposed solution No only limited to giving punishment , but accompanied by efforts For repair impact negative caused by the act criminal the .

In context corruption , approach restorative offer method more view holistic in overcome problems this . Corruption is frequent crimes times have significant financial impacts and damage on trust to institution public (Walgrave, 2019). The restorative approach focuses on repair and recovery. which aim For bringing together parties affected by criminal practices criminal corruption , including victims, perpetrators , and the community wide . This process involving dialogue and mediation aimed at for the creation of understanding together related to the consequences of practice corruption and seeking mutual *problem* solving profitable . In case these are the corruptors given chance For declare and acknowledge his mistake , asking sorry , and contribute in effort recovery the losses they suffered cause , good by return assets taken and also with other ways that are considered relevant and useful.

Implementation of the restorative approach in practice always takes into account the important role of the public in the process of recovery. Corruption often has an impact on split social media and slowly erodes the sense of trust between citizens (Torsello & Venard, 2016), so that in the end all that trust becomes blurred and disappears. With the inclusion of the public in the recovery process, the restorative approach helps build a return of lost trust and promote positive social participation. Active public involvement in this process is also considered to prevent the occurrence of corruption in the future. Because growing awareness collectively about the importance of integrity and transparency in management sources Power public (Daly, 2016).

However, the implementation approach is restorative in the context of acts of criminal corruption. No is not easy to get without the challenges that come with it. One of the main challenges is resistance from system law that tends to be more used to the use of a retributive approach. Approach retributive, prioritizing punishment as a form of justice. This is because it is viewed as more effective in giving effect to deterrence for corruptors. In addition, the restorative approach also faces challenges in matters of limited infrastructure and power resources required to accommodate the ongoing process of effective mediation and dialogue (concise and containing the essence of an appropriate action). In many countries, including Indonesia, the mediation system of criminal justice is not yet fully capable of accommodating and coordinating the mechanisms needed for the work of the legal system to operate in an optimal restorative approach (Braithwaite, 2002).

Although thus, various studies show that restorative approaches can have a positive impact in the context of criminal corruption. As an example, research by Weitekamp and Kerner found that restorative approaches can reduce levels of recidivism and increase victim satisfaction with the judicial process. In addition, other studies show that this approach can also reduce the cost of administration of justice and improve efficiency in case alleviation of corruption (Umbreit et al., 2006). Therefore, that restorative approach could be one appropriate way under consideration as part of the strategy of forming mitigation for more corruption cases, especially in the context of developing countries that have limitations on power sources to carry out the law enforcement process. With this journal, try to study more about the integration of handling corruption cases by implementing a restorative approach in the recovery of

loss consequences of criminal corruption, including challenges and opportunities that exist. This study is expected to contribute to development policy by making more laws fair, effective, and humane in handling corruption.

Based on review to literature previously , there was a number of research that examines restorative approach in finish problem corruption , will but different from research previously . In the research This writer focus on mitigation to expanding and developing case corruption so that No make challenge limitations source Power in effort enforcement fair and comprehensive law to all over context public wide without existence discrimination position or position social . Approach restorative as step invention a fair and comprehensive solution to expansion cases corruption in Indonesia today . With restorative approach to coping on the recovery process state losses in general consistent and comprehensive can become an effective instrument as means abolition corruption in Indonesia.

2. Research Method

Study This use approach legal normative with objective For analyze and evaluate implementation approach restorative in recovery loss consequence act criminal corruption. This method focused on analysis normative to provision law and practice implementation approach restorative in system law, with attention specifically on relevant laws and regulations.

3. Results and Discussion

Principles Approach Restorative

Restoring Doubt

Recovery loss in context act criminal corruption in Indonesia is part important from approach law that emphasizes restoration assets and compensation to the victim, either individuals, society, and the state. Approach This known with approach restorative , which ultimately has a purpose For return to normal like before the occurrence act criminal and corrective impact negative impacts. Approach This the more relevant in case corruption, considering the magnitude losses that often occur caused to state finances and its widespread impact on society general (Octaviyanti & Yanto, 2024).

In Indonesia, the regulations related legislation with eradication act criminal

corruption emphasize importance recovery state losses. Constitution Number 31 of 1999 concerning Eradication Action Criminal Corruption, which was changed with Constitution Number 20 of 2001, regulates in a way clear obligation For return state losses as part from effort enforcement fair and comprehensive law. Article 18 in Constitution This state that perpetrator act criminal corruption No only sentenced punishment prison , but also mandatory For pay the replacement money which is worth equivalent with state losses due to his actions.

Provision This reflect principle restorative in Handling case corruption, where the focus main is in recovery loss emerging state finances consequence action corruption. Action on recovery loss can realized in a way return stolen assets, giving compensation financial to the victim, or form other restitution aimed at to minimize impact negative from action practice corruption The approach this also works as step preventive action similar No repeat in the future (Helfer et al., 2023).

Implementation recovery loss to act criminal corruption in Indonesia has also been regulated through various mechanism law others. The Indonesian government, through Commission Eradication Corruption (KPK), Prosecutor's Office, and agencies related others , play a role active in do confiscation and return assets acquired in a way illegal by the perpetrator corruption (Saputro & Chandra, 2021). For example , based on Article 38C of the Law Number 31 of 1999, the Corruption Eradication Committee was given the authority For do foreclosure to suspected assets obtained through act criminal corruption, as well as carry out the process of returning confiscated assets to the state treasury after existence decision a court that has legal force remain. In addition, Indonesia has also implemented Constitution Number 8 of 2010 concerning Prevention and Eradication Action Criminal Money Laundering is an action to complete effort recovery state losses due to act criminal corruption. Law This allow tracking, freezing and seizure assets that have been diverted or washed by the perpetrator act criminal corruption , both within or abroad.

Approach This viewed more fair , considering punishment penalty prison which has been in effect so far often No adequate to return loss financial problems experienced by the country due to act criminal corruption . With set provision law that requires the perpetrator to be responsible for return state losses (Wagiu et al., 2022), such efforts are one of the ways that are expected as a form of improvement in effectiveness enforcement law to perpetrator corruption as well as recovery condition economy

which is the impact of crime The approach restorative in recovery process loss consequence act criminal corruption in Indonesia is main steps and important currently in to uphold justice and return state losses . With existence regulations that govern obligation return loss as well as effort return assets , expected approach This can give effect deterrent , minimize , prevent impact negative from corruption , and encourage transparency as well as accountability in various sector government . Through consistent and comprehensive implementation , approach restorative This can become effective instrument in eliminating corruption in Indonesia.

Participation All Party

Implementation of the approach restorative in settlement act criminal corruption emphasizes on the importance participation active and involvement of all related parties, incl perpetrators, victims, and society. In the context of act criminal corruption , approach This aiming For creating constructive dialogue between all parties related , allows they For express their opinions , interests , and what they feel and experience about act crimes that occur. Through active and inclusive participation by all parties involved , an approach This aiming For reach recovery for the losses experienced, reconciliation social, as well as improvement transparency and accountability in legal process (Michalakea, 2022).

Although Not yet There is regulation legislation in Indonesia which specifically specific arrange implementation of approach restorative in case corruption, some practices that have been develop show existence sign of implementation principle This. For example, as stated in the Law Number 31 of 1999 concerning Eradication Action Criminal Corruption that was later changed with Constitution Number 20 of 2001 does not in a way explicit arrange about approach restorative, but arrangement related to obligations regarding return state losses and involvement public in preventive measure corruption can seen as a form from implementation principle restorative in corruption crime cases (Cahyono, 2023).

Corruption Eradication Commission (KPK) has a very important role important in implementing principle participation in approach restorative . The KPK encourages participation active community with provide a platform for reporting public, such as through online application that enables and facilitates public report guess or estimate of act criminal corruption . This mechanism allow public For play a role active in

supervision and prevention corrupt practices, as well as give relevant information For then it will be used as the initial step in the investigation and prosecution process. In addition , the KPK also applies mechanism whistleblowing as part from strategy and method eradication corruption. Whistleblowers is individual who gives information about action corruption to the authorities, in context This is the Corruption Eradication Committee, with the meaning of expressing and revealing truth and encourage transparency as well as accountability. Through mechanism In this procedural matter, the Corruption Eradication Committee does not just include public in a way direct in process i disclosure case of action criminal corruption, but it also protects privacy and security rights which is guaranteed for the reporters (Pratama & Budiarsih, 2023).

Involvement public in approach restorative to act criminal corruption is also regulated in various other regulations. For example, Law Number 14 of 2008 concerning Openness Public Information that provides right to public to give information held by public bodies , including information about Handling case corruption. Transparency information This have a function and purpose For increase transparency in carrying out the enforcement process law and allows public For take active participation in supervise performance institution enforcer law. Furthermore, involvement public in Handling corruption is also encouraged through holding of public forums, workshops and anti-corruption campaigns held by various institution government , organization public civil , and institutional education . Campaign This aiming For increase awareness public about danger corruption, strengthening integrity, as well as promote sustainable anti-corruption culture.

Participation active public in approach restorative acknowledged as an element key in action to eradicate corrupt practices. Through involvement community, handling case corruption become more transparent and accountable, so that can return trust public to system law. Participation this can also to express my gratitude more Lots proof about act criminal law, assisting the investigation and prosecution process, and ensure that losses experienced by the victim (state or society) can quick restored and repaired (Harris, 2022).

Reintegration of Offenders

Approach restorative in Handling act criminal own objective main to unite and

integrate return perpetrator to in scope of society after they responsible answer on action they (Braithwaite, 2002). Draft This emphasize on recovery connection social and giving chance for perpetrator For contribute return to society, different with approach retributive focused on punishment solely. In Indonesia, the implementation of principle reintegration perpetrator in context act criminal corruption Still face challenges , though a number of aspect from policy reintegration social has set up in Constitution related socialization. This is what makes this approach unable to be applied effectively and consistently.

The restorative approach places a focus on the attitude of healing the relationship between the perpetrator, victim, and community, and provides an opportunity and time for the perpetrator to correct mistakes and contribute back to society (Sihombing, 2024). In the context of corruption, this approach involves steps to return the perpetrator to society after they have acknowledged and realized their mistakes and taken responsibility, including restitution of losses suffered by the state or society. Reintegration of the perpetrator in the restorative approach is a process that allows the perpetrator to return to society in a positive way after undergoing the legal process and showing good faith to change (Nurjamal, 2023). Concept This will focus on rehabilitation and recovery social , not only on punishment solely.

In Indonesia, the goal reintegration social for convict set up in Constitution Number 12 of 1995 concerning Correctional (Asmawati, 2022). Law This covers principles that support rehabilitation social and reintegration convict to public. Articles in Constitution This mention that correctional aiming For to build prisoners so they can return living in society with more Good after undergo punishment process . Although Constitution This No in a way special arrange related reintegration perpetrator act criminal corruption, the principles stated can adapted and developed For context For example, the perpetrator corruption that has return state losses and show commitment For changed can under consideration so that later he gets facility rehabilitation social, with hope that they can return contribute positive in public after undergo punishmen.

Recovery Mechanism in Corruption Cases

Corruption in Indonesia is one of the problems serious harm state finances and damage trust public to State institutions therefore this action requires effective handling (F. Irawan et al., 2023). Remember impact wide from act criminal corruption, mechanism effective recovery is essential For restore loss caused by that action. Approach recovery in case corruption involving restitution financial, mediation programs, and returns asset corruption, all of which aiming For repair damage caused

by an act criminal This.

Restitution Financial

Restitution financial is one of the mechanism main used in Handling act criminal corruption For return losses suffered by the state and society. In the context of approach restorative, restitution financial have a purpose No only as a form of giving law to the perpetrator, but also for repair losses caused by crime (Latimer et al., 2005). In Indonesia, the mechanism This set up in Constitution Number 31 of 1999 concerning Eradication Action Criminal Corruption, which has changed with Constitution Number 20 of 2001. Approach This can be stated accordingly with principles law that aims For reach justice and balance in system justice criminal.

Article 18 of Constitution Number 31 of 1999 concerning Eradication Action Criminal Corruption set that besides punishment criminal, perpetrator corruption can also charged punishment addition in the form of payment of compensation of a large amount equivalent with state losses caused by the act criminal said. The provisions This emphasize importance return losses caused by corruption, both in form asset and also compensation finance other (Khasyi et al., 2024). In the context this, restitution finance in Indonesia includes a number of forms, including:

1. Return: The purpose of implementing this is to stop the use or exploitation of assets obtained illegally by the perpetrator. The perpetrator corruption required For return assets acquired in a way illegal, including goods valuables, property, or cash generated through practice corruption. Return asset This is step first and foremost in ensure that losses suffered by the state and society can minimized.
2. Payment of Fines: In addition to the refund stolen assets, perpetrator corruption can also required For pay fine which has been determined as compensation additional . Payment fine This functioning as punishment additional purpose For give effect deterrent and as form justice for affected communities impact from act criminal corruption. These fines are also often adjusted with level intensity losses suffered by the state.
3. Agreement Solution : In some cases case , resolution process can done through agreement between each authorized party with perpetrator corruption . In the agreement this , the perpetrator agree For pay some money compensation to the state or public as form restitution on losses incurred. Agreement settlement This allow achievement more solutions fast and efficient, and can reduce burden

courts and lengthy legal processes.

Restitution financial own a number of objective important in Handling case corruption , especially from perspective approach restorative. First, restitution aiming For restore loss financial suffered by the state and society consequence action corruption (Wijaya & Purwadi, 2018). With return stolen assets and pay compensation financially , the country can reduce impact economy from corruption and recovery budget funds that should be used For welfare public.

Second, restitution financial aiming For reduce impact economy from act criminal corruption, which is often detrimental stability the country's economy and hinder development process (Jarnawansyah, 2023). With ensure that perpetrator responsible answer on losses incurred , restitution will help guard trust public to system finance and governance . Third , the mechanism restitution financial aiming For to uphold justice for the victims, namely public wide, which is No direct suffer consequence act criminal corruption. Approach This emphasize that besides punish perpetrator, important For notice needs of victims and communities with return asset or stolen funds.

Mediation Program

Mediation program is one part of approach restorative involving direct dialogue which will be established between perpetrator corruption, victims, and affected communities impact (Flora, 2018). In the context law in Indonesia, approach This aiming For reach agreement about form remedies deemed most appropriate and fair for all parties involved . Even though not yet There is provision law which is explicit arrange about the implementation mediation in case corruption , principle mediation can applied in progress dispute based on a number of Constitution related. Approach restorative in context crimes, including corruption, emphasizing on recovery losses suffered by victims and the community, as well as reintegration perpetrator to in public (Gultom, 2022). The use of mediation, as one of the form approach restorative, enabling perpetrator For confess error they, ask sorry, and negotiate about method repair the damage that has been they result. This process also provides room for victims and society For convey impact crime the in a way direct to perpetrator.

In Indonesia, the law special that regulates mediation in context corruption there are

no clear and detailed textual provisions regarding this matter. However draft mediation can applied with refers to several regulation relevant legislation , such as Constitution Number 30 of 1999 concerning Arbitration and Alternatives Completion Disputes and Laws Number 8 of 1981 concerning Criminal Procedure Law (KUHAP). Articles in regulation This can interpreted and used as a legal basis for support effort settlement dispute outside courts, including approach restorative like mediation in case corruption. Mediation in case corruption can give various benefits and achieve a number of objective important, including:

1. Increase Transparency: Mediation process can to clarify impact caused by act criminal corruption towards victims and the community, as well as give a better picture wide about How efforts /steps recovery done. With involving perpetrators, victims, and society in open dialogue, mediation can be a way to reduce uncertainty which is caused and increases transparency in settlement process case corruption.
2. Providing Space for Negotiation: Mediation give chance for perpetrators , victims and society For directly involved in the process of completion and repair . In this process , all party can negotiate For determine form recovery is considered fair , like replacement for the losses experienced by the victim , commitment to repairs , and other steps that may be taken reduce influence crime . This is also in line with principles contained in legal provisions criminal law that emphasizes recovery justice for victims and society.
3. Rebuilding Relationships: Through agreement together achieved through mediation process, approach This can help repair connection between perpetrators and victims, as well as can recover trust public to institutions involved. This process can also strengthen trust public to system justice and mechanisms settlement disputes that are viewed more humane and fair.

Apart from having a goal as a recovery medium towards victims and the community, mediation can also functioning as mechanism reintegration for perpetrator corruption. Reintegration is a process to return presence of the perpetrator to in scope of society with responsible way answer, and push they For undergo a better life good and stay away action criminals in the future . In Law No. 12 of 1995, it is regulated that correctional is a reintegration process that is carried out to prisoners and children educate correctional , which will then be carried out with principle guidance , care , and education . Mediation program as form settlement restorative can become part

from effort (step) correctional This with push perpetrator corruption For repair self , acknowledge error , and provide contribution positive to public .

In Indonesia, mediation and approaches restorative related with a number of laws and policies as a legal basis that supports effort settlement dispute outside court (Arief, 2007). Although the underlying provisions regarding the dispute resolution process in law positive in Indonesia not yet arrange in a way explicit about mediation in case corruption , approach This seen in line with the principles that govern in Constitution Number 30 of 1999 concerning Arbitration and Alternatives Completion Dispute , which regulates about various method alternative For finish disputes if at any time there is a dispute or division , including also mediation . In addition , mediation can also be viewed as a consistent approach with mandate as stated in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia , which states that everyone has the right on recognition , guarantee , protection and certainty just law as well as equal treatment before the law . An inclusive and participatory mediation process This can support principles the with offer method more solutions humane and caring rights all parties involved .

Corrupt Asset Recovery

Return assets acquired from results act criminal corruption is one of form real from approach restorative in purpose For restore and restore material losses incurred consequence from action the Click or tap here to enter text.. In Indonesia, the mechanism return asset This own runway strong law in Constitution Number 31 of 1999 concerning Eradication Action Criminal Corruption , as has changes made to Constitution Number 20 of 2001. Second Constitution This provide guidelines For ensure that assets acquired in a way illegal can tracked , seized and returned to the party entitled to the object . Return asset corruption involving a number of step priority key that must be followed by government and institutions enforcer law . This process aiming For identify , seize , and distribute return assets acquired through action corruption to the state or affected communities the impact . Steps This covering (Abu-Tapanjeh, 2009):

1. Tracking : Stages First in the process of returning asset is search assets acquired in a way illegal by the perpetrator corruption . This involves activity investigation

in-depth investigations carried out by the government and institutions enforcer law , such as Commission Eradication Corruption Eradication Commission (KPK), the Indonesian National Police , and the Attorney General's Office. Search asset This covers tracking regarding the transaction process finance , ownership on a property , and various form asset others suspected obtained from results act criminal corruption . This process is very important For ensure that all assets acquired in a way No legitimate can found and verified .

2. Asset Seizure and Recovery : After asset illegal found , steps next is seizure and recovery assets . Confiscation done through procedure appropriate laws , such as submission application foreclosure to court by party enforcer law . According to with Article 18 of the Law Number 31 of 1999 in conjunction with Constitution Number 20 of 2001, confiscation this also includes in punishment additional that can be dropped to perpetrator corruption . Healing asset involving legal process For return asset the to in state control or the rightful victim . This is important For ensure that results crime No still is at in hand perpetrator or party the third one is not valid .
3. Asset Distribution : After asset returned , steps final in this process is distribution asset to entitled parties or its use in accordance with policy government For overcome losses caused by the act criminal corruption . Distribution This done based on rule existing laws and policies , including Article 33 of the Law Number 31 of 1999, which regulates that money or assets acquired from act criminal corruption can used For development and beneficial social programs for public wide . This is a step concrete For ensure that impact bad corruption can reduced and benefits from returned assets can felt by the community .

Return asset corruption No just as a form effort For restore material loss, but also constitutes step preventive For prevent act criminal corruption in the future. Approach This in line with principles restorative, which emphasizes and focuses on recovery losses suffered by victims and society consequence crime, and reintegration perpetrator to in public with responsible way answer . Return asset as approach restorative own a number of benefit important, including:

1. Restore Material Loss: Return asset ensure that material losses suffered by the state or public consequence act criminal corruption can restored . This is is form direct restitution give compensation on the losses that have been happens , and

gives justice for the victims.

2. Building Public Trust: Returns asset in a way transparent can increase trust public to system law and government . When society see in the end the result corruption returned and used For interest public , thing This can strengthen belief they ; law enforced in a way fair and that action corruption No will left alone .
3. Preventing Future Crimes : By return asset results of corruption , system law send strong message that act criminal corruption No will profitable . This is form effective prevention , where perpetrator corruption know that the assets they have get in a way illegal will confiscated and returned .

Benefits of the Approach Restorative

Approach restorative in form as an effort in handling case corruption become an increasingly topic relevant in Indonesia, especially in context law that aims For reach more justice comprehensive and in-depth approach . This aiming No only For punish the perpetrator, but also for empowering and protecting the rights of victims and communities, preventing repetition crime (recidivism), as well as repair connection broken society consequence act criminal corruption (Felisiano & Paripurna, 2023). In the context law normative in Indonesia, especially based on various provisions Constitution related corruption , approach restorative own potential For give significant benefits.

Victim Empowerment

Empowerment of victims and communities through approach restorative in Handling case Corruption crimes in Indonesia offer a comprehensive approach alternative that emphasizes on recovery and engagement direct affected parties (Felisiano & Paripurna, 2023). Corruption as act criminal offenses that are not only detrimental to the state, but also to society wide, requires Handling inefficient which is not just focuses on giving punishment to the perpetrator, but also pay attention to recovery for the losses experienced by the victim. The approach restorative become a method that relevant , because thus enabling the victim, either individual and also society , for make a contribution active in the legal process , voicing suffering experienced , expressing views openly and playing a role in determine form expected recovery .

In context Indonesian law, approach restorative This in line with the principles that

govern in Constitution Number 31 of 1999 concerning Eradication Action Criminal Corruption and its changes through Constitution Number 20 of 2001 (Gultom, 2022). Second Constitution This emphasize the urgency of effort recovery losses experienced by victims and the state as the aggrieved entity . Approach restorative create dialogue space between perpetrator and victim, where the perpetrator corruption can listen in a way direct impact from his actions and be responsible answer For repair loss This process is No only focus on punishment for perpetrators , but also emphasizes recovery , both material and also immaterial , which provides benefit term long for victims and society wide .

Approach This different from approach more retributive emphasizes punishment and retribution to perpetrators . In the approach restorative , the victims are given chance For to voice the suffering they endure natural , good in a way direct and also No directly , as consequence from action corruption (Felisiano & Paripurna, 2023). This provides they feel more justice substantial and strengthen the sense of trust to system law . In addition , the approach This allow creation agreement about form expected recovery , such as return assets acquired in a way illegal by the perpetrator corruption , as well as compensation directly to the affected victims .

Implications of applying the approach restorative This is also considered appropriate with principles laws in force in Indonesia, such as principle justice , principle certainty law and principles benefit (Khasan, 2017). The principle of justice require every parties involved in legal process get fair treatment . In context corruption , justice No only means giving punishment to the perpetrator , but also pay attention to recovery loss for victims. The principle of certainty law require existence clear rules about provisions on the rights and obligations of the parties in the legal process , including the victim's right to to obtain recovery . While principle benefit prioritize so that every action law give the greatest benefit for community . Approach restorative in handle case corruption give benefit in the form of recovery loss for victims and society wide as well as push not quite enough moral responsibility of the perpetrator For repair the losses that have been caused .

Through dialogue and mediation that directly involves victims, communities and perpetrators , the approach restorative offer a better way inclusive and humane in following up act criminal corruption . In the context of which applies in Indonesia, this approach become very urgent remember its vastness impact social , economic and

political problems caused by corruption . Corruption committed by officials public , for example , does not only can reduce trust public to government , but also damaging order social and economic aspects of the country. With give room for victims and society For involved in a way direct in the recovery process , the approach This push transparency , accountability , and strengthening values democracy as well as trust public to system justice .

Prevention Recidivism

Prevention of recidivism or repetition of criminal acts carried out through a restorative approach provides a perspective that is seen as more humane and constructive in dealing with perpetrators of crimes including in cases of corruption that apply in Indonesia (Felisiano & Paripurna, 2023). Rather than only focusing on retributive punishment, this approach offers a mechanism to encourage perpetrators to understand the impact of their actions, take responsibility for the losses incurred, and commit not to repeat the same crime. Through a process of dialogue and involvement direct with the victim and community , perpetrators pushed For reflect action them and take step real in recovery , good for both victims and for himself Alone .

Even though Indonesia has not own the law which specifically special arrange implementation approach restorative in case corruption , the underlying principles approach This still relevant and able applied in context system law existing criminal law . Law Number 31 of 1999 concerning Eradication Action Criminal Corruption and its changes through Constitution Number 20 of 2001 has emphasize importance effort prevention corruption , which includes No only action but also rehabilitation and education which will be provided for perpetrator (Gultom, 2022). These programs aiming For increase awareness perpetrator will effect negative from his actions to society , state and himself myself , and push perpetrator For No repeat his actions.

Approach restorative in context This aiming For create awareness collective among perpetrator about impact destructive from action they are good in a way direct and also No directly. Through rehabilitation, perpetrator given chance For understand losses caused by his actions , not only from corner view law , but also from moral and social perspective (Wahyuningsih, 2007). Approach This put forward effort against

the return stolen state assets as well as recovery material and immaterial losses experienced by the victim, as form consequences and moral responsibility of the perpetrator.

Normatively based through perspective law , approach restorative in line with a number of principle fundamental law in system justice Indonesian criminal law . The principle of justice , for example , does not only covers giving equal punishment for the perpetrator , but also pay attention to balance between need For give punishment and desire For carry out the rehabilitation process for the perpetrator so that he can return become part of productive society . The principle of utility demand that every action and legal policies bring benefit for all parties involved , incl preventive measures from the occurrence repetition act criminal similar in the future with give chance second for perpetrator For changed . The principle of certainty law confirm importance implementation clear and consistent mechanisms in Handling act corruption crimes , which can covers approach rehabilitative For prevent recidivism.

The restorative approach does not only adopt programs rehabilitation in it but also includes education that aims For change pattern thoughts and behavior perpetrator. Through the educational process This , the perpetrator is given a lesson For understand consequence term long from his actions, well to himself Alone and also the wider community . In the case of corruption , perpetrator pushed For realize that action they No only detrimental to the country financial but also damaging trust public to institution government and destroy social and economic order . Education which are given expected can foster a sense of responsibility responsibility and commitment corruptors for No repeat the same action . Approach restorative in prevention recidivism also strengthens effort the Indonesian government in to fight and eradicate corruption in a way more effective . Combined rehabilitation and education programs with effort action law aiming For create effect more deterrent strong for the perpetrator , because they No only face punishment prison , but also a demanding recovery process not quite enough answer direct towards the victim. Actions in this effort create better understanding deep about consequence social from act criminal corruption and motivation perpetrator For do change positive in to live them in the future .

Repair Social

Handling case corruption in Indonesia through a comprehensive approach restorative offer recovery - focused alternatives connection social and improvement communities affected by crime This is . Criminal act of corruption No only issues concerning law and economics alone , but also problems social deep and destructive order social , thus giving rise to distrust public , and causes polarization in society . Therefore that , approach restorative put forward idea that justice must involves the recovery process , both both materially and social , which involves all affected party impact. Law Number 31 of 1999 concerning Eradication Action Criminal Corruption, which then updated with Constitution Number 20 of 2001, has give runway law that allows implementation principles restorative in Handling practices case corruption (Gultom, 2022). Constitution This No only set provisions of sanctions criminal like prison and fines , but also open room For purposeful steps restore losses experienced by the state and society, such as foreclosure against assets results corruption and returns asset to the state or the victims.

Furthermore , the purpose of implementing the approach restorative in context corruption in Indonesia , namely: repair connection broken society with facilitate reconciliation between perpetrators and victims. Approach This can involving a mediation process or dialogue that allows second split party to obtain a profitable deal , either in matter recovery material losses and restoration of a sense of justice felt by victims and society wide . In some case , return asset or payment compensation which is given can become part from agreement this , which is direct will have an impact on recovery losses caused by the act criminal corruption . Approach restorative emphasize urgency reintegration social for perpetrator after they undergo sanctions punishment or in the process of recovery . Social reintegration become key points Because aiming For take preventive action against repetition act criminal , strengthening connection between actors and communities , as well as reduce the stigma or negative views that may arise attached to the perpetrator after undergo the punishment procession . With give chance to perpetrator For repair error the perpetrators through action real like return asset or participation carried out in rehabilitation programs , the community then can play a role in reduce feelings of hostility and distrust , and push perpetrator For return become member productive society (Wahyuningsih, 2007).

Approach restorative with the efforts contained therein in handling criminal acts of corruption seen as being in line with principle justice distributive and justice recognized retributive in Indonesian law . Principles justice distributive emphasize on division source Power in a way fair , which is in context This translated as return assets acquired in a way No legitimate to the state or entitled party (D. Irawan et al., 2022). Principle justice retributive , which focuses on giving sanctions worth it with crimes committed , are also integrated with approach restorative Because in reality, in its implementation it remains maintain element accountability the perpetrator , while emphasize repair on the impacts that arise afterwards. In addition , in law Islamic criminal law that affects perspective law in Indonesia, concept justice restorative No foreign . Islam emphasizes importance islah (reparation and reconciliation) and tawbah (repentance), which provide room for perpetrator For repair connection with the victim and society . With Thus , the approach restorative No only consistent integrate values law positive in Indonesia , but also implement principles justice in Islamic law that encourages settlement dispute through dialogue and healing.

Approach restorative is one of alternative form settlement dispute in case act criminal justice focused on recovery for the victim's losses, responsibility answer perpetrators , and recovery towards harmony social (D. Irawan et al., 2022). Although approach This has used in a way wide in cases criminal certain , its application in context act criminal corruption in Indonesia faces various significant challenges. Challenges This can identified in three main areas: resistance from perpetrators, complexity case corruption , and limitations existing laws.

Challenges in Prevention Approach Restorative

Approach restorative is one of alternative form settlement dispute in case act criminal justice focused on recovery for the victim's losses , responsibility answer perpetrators , and recovery towards harmony social (D. Irawan et al., 2022). Although approach This has used in a way wide in cases criminal certain , its application in context act criminal corruption in Indonesia is facing various significant challenges . Challenges This can identified in three main areas: resistance from perpetrators , complexity case corruption, and limitations existing laws.

Resistance From The Perpetrator

The purpose of implementing the approach restorative in Handling act criminal, including corruption , namely: improving connection between perpetrators, victims and society as well as return losses incurred consequence act criminal law. However , the implementation approach This face challenge significant , one of them is resistance from perpetrators . Resistance perpetrator corruption to approach restorative often caused by the material benefits obtained from act criminal those . Benefits This create a sense of reluctance For participate in the process that is seen as not can bring benefits for them . In addition, the perpetrators who do not confess error or feel No guilty tend reject For involved in the constructive dialogue that is at the heart of approach restore (D. Irawan et al., 2022).

In context law which applies in Indonesia, resistance This exacerbated by the perception and the perpetrator's view about immunity law . Many of the corruptors feel that they can avoid punishment heavy through power or owned network . Perception This reinforced by historical evidence where some perpetrator corruption leading has succeed avoid or even run away from appropriate punishment with action they (Gultom, 2022). As example , many case corruption involving official tall or businessman big as it seems own access to lawyers and sources Power For slow down the legal process or even avoid it . Thus giving rise to the perception in the community that the law is blunt upwards and sharp downwards. This is because there are many cases that show such injustice, one of which is the case of corruption.

Constitution Number 20 of 2001 concerning Eradication Action Criminal Corruption , which is runway law main in mitigation efforts corruption in Indonesia, establish sanctions severe punishment for perpetrator corruption , including punishment long prison sentences and large fines . Although Constitution This already given base strong law For take action perpetrator corruption , he No in a way explicit arrange about mechanism use of approach restore i (D. Irawan et al., 2022). This matter contribute to uncertainty about benefit or profit from participation in the restorative process for perpetrator . Uncertainty this has an impact on perpetrator that by acknowledging mistakes and participate in approach restorative precisely can aggravate position law which they will receive . In some case , perpetrator maybe me looking confession as actions that can be used as proof addition to them , so that increase perception of possibility birth more punishment heavy .

Beside that , the lack of culture accountability among actors corruption also becomes one of the factors inhibitor . Low culture accountability will refer to the attitude No open and reluctant For responsible answer . This is made worse by existence practices corruption that has take root in systems and structures society , where the perpetrators corruption always think and feel that they No need accountability in a way full on the action that they do . In overall in Indonesia, resistance the corruptors to approach restorative caused by various factors as reasons , including perception of attitude immune from the law in the sense that any action that violates the law will not give rise to responsibility under applicable law , the minimum arrangement explicit about approach restorative in applicable laws , as well low culture accountability . To handle and resolve complexity of the challenge this , is required repair (islah) and renewal in system law , including possibility development mechanism more restorative clear and integrated in laws efficiently , as well For build culture greater accountability strong in community . A more inclusive and transparent in legal process can help reduce resistance and facilitating implementation approach more restorative effective and efficient in handle case corruption (Gultom, 2022).

Complexity of Corruption Cases

Corruption cases in Indonesia have significant complexity , making implementation approach restorative become complicated and challenging . Corruption often results in extensive losses and involves various party , both in a way direct and also No directly, which makes recovery and settlement to the case corruption become complex task . One of the aspect main from complexity case corruption is extensive losses . Action criminal corruption No only harm individual or group certain but often brings impact more negative wide in state economic sector and welfare society. Loss This Can nature financial , such as embezzlement of state funds, or can covers loss social and institutional, such as the decline trust public to government and state institutions.

Constitution Number 31 of 1999 concerning Eradication Action Criminal Corruption confess that corruption is harmful crime national economy and welfare society. Based on Constitution this, corruption considered as violations that cause state losses in amount big, and its impact felt by the community in a way overall (Gultom, 2022) . In terms of this, through the implementation approach restorative that makes it

commonplace elements and recovery efforts against loss and repair connection social becomes very complicated. The restorative process practically involves dialogue between perpetrators, victims, and society to obtain agreement, but in case corruption, for identify all the injured party and determine how far is the loss that should restored is something that is very difficult to know.

In corruption cases, it is often difficult to identify all parties affected by the act. Corruption can involve and implicate many parties, from the main perpetrators, parties who receive bribes, to the community affected by policies or decisions resulting from corrupt practices. In addition, it is difficult to identify the losses caused by corruption to be measured directly, especially in terms of broader social and economic impacts. This is because the scope of the problem is widespread, not only affecting one individual but also involving the social life of the community, both in terms of social life and socio-economics.

Impact losses caused from case corruption often of a nature macro and multi - dimensional . Corruption can cause decreasing level of effectiveness towards use of state funds, hindering development and economic development , and damage structure social and institutional . Therefore that , approach restorative implementation requires return for loss and recovery in the social sphere must re-evaluate consequences and effects of loss said in a manner comprehensive (D. Irawan et al., 2022). In the context This , adequate recovery requires a an approach that is not only focus on recovery loss financially but also needed recovery on trust public and reset the system that has been running . Implementation approach restorative in case corruption faced with a number of challenge main , including confession error by the perpetrator , participation all parties involved , and a fair assessment to losses that must be restored . The process in the restorative approach usually need existence a satisfactory agreement every parties , but in case corruption , will be faced with the challenges of difficulty in reach adequate agreement and this is often what causes delay in the settlement process .

Legal Limitations

In Indonesia, handling case corruption in a way general still very dependent on the use of the approach retributive which places more emphasis on giving sanctions

criminal heavy to perpetrator . Approach This set up in Constitution Number 31 of 1999 concerning Eradication Action Criminal Corruption , which was then updated and modification with the presence of Constitution Number 20 of 2001. Second Constitution the focus on enforcement and prevention act criminal corruption with give strict and severe punishment , as well to uphold principles retributive and punitive. However , the limitations significant law finally here as a consideration when re-evaluating implementation of the approach restorative in case corruption. Approach restorative , which focuses on recovery harmony social through mediation process, negotiation and compensation payment to the victim, not yet get adequate place in framework Indonesian law . This is caused by several factor main (D. Irawan et al., 2022).

First, the Law Number 31 of 1999 and Law Number 20 of 2001 does not provide guidelines or framework clear law For implementation approach restorative in case corruption. Second Constitution This more focus on punishment criminal and restitution state losses without give room for the recovery process through mediation or negotiation between perpetrators , victims, and society . Therefore That does not There is provision about How restitution or compensation to the victim, either individual or country, can set up in a way effective in context restorative approach (D. Irawan et al., 2022).

Second, the approach restorative need the existence of detailed legal reforms For allow flexibility in follow up case corruption . This includes possibility amendment to existing laws or introduction against the regulations new which is specific accommodate approach restorative. This reform No only concerning change regulation, but also requires change paradigm in system justice criminal law in Indonesia (Mahmud, 2021). The system justice criminal moment This tend focus on aspects punishment merely, temporarily approach restorative emphasizing inclusivity, participation , and recovery harmony social. In addition , the limitations also lie in the lack of support institutional and understanding about approach restorative among enforcer law. Implementation approach restorative in practice law criminal need training special and changes culture work in institutions related , which at the moment This Not yet fully prepared .

Implementation In Indonesia

In an effort/ attempt on countermeasures case corruption in Indonesia, approach restorative start get attention as alternative and one of the methods used in system law national. Approach This aiming For repair and reset damage caused by an act criminal through a process that involves all party related , especially victims, perpetrators, and the community (Felisiano & Paripurna, 2023). Although its implementation Still in stage) development (in progress, some aspect important can identified related implementation approach restorative in system Indonesian law, role Commission Eradication Corruption (KPK), and support public.

Implementation in the National Legal System

Approach restorative in system law Indonesia has a national mission For minimize impact intensity negative from act criminal, in particular in case corruption, with focusing on recovery and reintegration perpetrator to in community. Approach This focused on emphasizing recovery losses suffered by the victim and repair connection between perpetrators, victims, and society. Different with approach punitive which is often just oriented towards punishment, approach restorative offer more solutions holistic. In Indonesia, although approach restorative has applied in a way wide in context cases criminal light and children, its application in case corruption Still limited (limited). Corruption as act crimes involving state losses and impacts extensive systemic often faced with approach more laws traditional and punitive. However, some initiative has done For explore positive implementation of principles restorative in case corruption (Felisiano & Paripurna, 2023).

Constitution Number 31 of 1999 concerning Eradication Action Criminal Corruption and the Law Number 20 of 2001 concerning Change on Constitution Number 31 of 1999 provides base law For enforcement law to act criminal corruption in Indonesia. Second Constitution This set sanctions strict criminal penalties for perpetrator corruption as well as arrange recovery loss towards the country. Although Thus , the law This No in a way explicit accommodate principles restorative which prioritizes dialogue, mediation and recovery the relationship between the two parties between perpetrators and victims. Implementation approach restorative in case Corruption in Indonesia is still common nature ad- hoc and policy dependent institution certain .

Several pilot projects and initiatives has introduce principles restorative in handle and complete case corruption , with focus on recovery asset results corruption and prevention corruption in the future. For example, the Commission Eradication Corruption (KPK) has do a number of effort For return corrupted state assets through cooperation with various parties, including perpetrator corruption that is willing return asset as part from settlement case (F. Irawan et al., 2023).

However, the implementation approach restorative in a way comprehensive in Handling and case resolution corruption need change structural in system law national . Integration of the principles restorative needed in framework existing law, with clarify and focus mechanism mediation and dialogue between perpetrators, victims, and the community. Improvement in understanding and support from various party related , including apparatus enforcer law, institutions government and society civil is very important to do later. Resistance to change, lack of understanding about draft restorative, and challenging in implementation practical become an obstacle main in implementation approach restorative For case corruption in Indonesia including . Therefore that, is needed steps strategic For overcome obstacles this , including compilation supporting regulations principles restorative , training for enforcer law , and counseling to public about benefit and the effectiveness of the restorative approach in resolving corruption cases in particular (Felisiano & Paripurna, 2023).

The Role of the Corruption Eradication Commission (KPK)

Corruption Eradication Commission (KPK) is institutions that have role central in implement and carry out efforts eradication corruption in Indonesia. Since since its establishment , the Corruption Eradication Committee has become deep spearhead enforcement law to act criminal corruption . However , in a number of year Lastly , the Corruption Eradication Committee (KPK) started adopt principles approach restorative as part from his efforts For overcome corruption and get the results more effective . Approach this , although Still in stage beginning implementation , offering perspective new in enforcement law with emphasize on recovery state losses and prevention recurrence act criminal corruption in the future (Gultom, 2022).

According to Law no. 19 of 2019 concerning Change on Law No. 30 of 2002

concerning the Corruption Eradication Committee, the Corruption Eradication Committee is given broad authority in enforcement law to corruption. Strengthening KPK's authority in manage and restore asset results act criminal corruption is a mistake One significant addition which is contained in Law No. 19 of 2019. This is in line with a mission from principle approach restorative in purpose For return state losses and repair impact negative from corruption . One of aspect main from approach restorative adopted and applied by the KPK institution is focus on returns asset obtained through means corruption . This program aiming For return money and goods obtained in a way No legitimate to the state or entitled party . Law no. 19 of 2019 is the basis base strong law for the Corruption Eradication Committee to do action recovery assets , including seizure and confiscation related items with act criminal corruption . Through this program , the KPK does not only aiming For take action perpetrator corruption but also for reduce impact financial from action corruption the (Gultom, 2022).

The Corruption Eradication Committee also carries out various educational and socialization programs as part from prevention strategies corruption . These programs covers anti- corruption education in schools, campaign awareness public, and training For official public. With do education, KPK hopes can build strong anti - corruption culture in society and in the environment government . Education and socialization this is also expected can prevent emergence cases corruption in the future with increase awareness about dangers and impacts negative from corruption. Although the Corruption Eradication Committee has start adopt approach restorative, its implementation Still face various challenge. One of the challenge main is integration principles restorative in the process of enforcement more laws wide. Approach restorative need support and collaboration from various parties, including institution enforcer law others, system justice , and society. The KPK must Work The same with other institutions for ensure that principle restorative applied in a way effective and that the result can realized and felt in a way real by society (D. Irawan et al., 2022).

Community Support

Implementation approach restorative in Handling case corruption in Indonesia requires strong and broad support from community. Approach restorative emphasizes two types of recovery, namely recovery of loss and recovery relationship,

not only punishment punitive . Therefore that , view public to justice criminal law is very influential to success on the approach this. Support public play role crucial in implementation restorative approach (D. Irawan et al., 2022). Society must understand and accept draft this, which is different from approach punishment more conventional focus on retaliation . In Indonesia, the changes view a society that often focuses on punishment punitive as form justice is challenge big . For that , is needed effort intensive education and socialization about benefits , effects and effectiveness of the approach restorative .

Education and socialization is step beginning For change perception community . These programs must involving various parties, including government, institution education , and organization public Civil. Campaign with the aim of restoring consciousness public about How approach restorative can support recovery more losses effective and reduce risk on recidivism can help public understand profit from approach This . Law Number 11 of 2012 concerning System Justice Child Criminalization , although focused on children, providing example positive about How approach restorative can applied with involving public in the process of justice . Support society also includes participation active in various aspects of the restorative process (Flora, 2018). This includes support programs that facilitate return asset results corruption, recovery loss, and reintegration perpetrator to in society. Example concrete can seen in programs such as return asset corruption designed by the Commission Eradication Corruption (KPK) according to with provisions contained in the Law Number 31 of 1999 concerning Eradication Action Criminal Corruption , which is experiencing amendment through Constitution Number 20 of 2001. These programs need involvement public For ensure its implementation walk with effective (Gultom, 2022).

Reintegration of perpetrators corruption to in society also needs the same thing support society. This is covers effort For reduce stigma (view) social to ex- perpetrator corruption and help they in the rehabilitation process. Effective rehabilitation programs need support from public wide for give chance to perpetrator in order to make a contribution in a way positive after serve a sentence or rehabilitation. This is in accordance with principles approach restorative which focuses on recovery and reintegration , as regulated in Constitution Number 35 of 2014 concerning Change on

Constitution Number 23 of 2002 concerning Child Protection that provides attention specifically on the aspect reintegration in system justice criminal (Flora, 2018).

Without the existence of support and involvement active from role of society , implementation approach restorative in case corruption can face various obstacles . Obstacles This including resistance to change , lack of understanding about benefit approach restorative , and limitations source power . Therefore that 's important for all party For Work The same in overcome obstacle this and create supportive environment implementation approach restorative.

4. Conclusion

Approach restorative in Handling act criminal corruption give a better alternative holistic compared to with approach criminal traditional . Approach This emphasize on recovery loss consequence crime as well as involving participation active from all affected parties , including community and victims, in the process of resolution problem . With involving perpetrator crime in the process of recovery and reintegration , the approach restorative potential create more justice comprehensive and sustainable . In Indonesia, the principles approach restorative in line with a number of provision in legislation . Law Number 31 of 1999 concerning Eradication Action Criminal Corruption , updated with Constitution Number 20 of 2001, emphasizes recovery state losses and accountability perpetrator corruption , even though No in a way explicit arrange approach restorative . Likewise , the Act Number 48 of 2009 concerning Power Justice support principle justice humane and fair , which can interpreted in context recovery and reintegration . However , the implementation approach restorative face challenge main in the form of need will commitment strong from all stakeholders interests , including institution enforcer law , courts and society civil . Legal and social constraints , such as lack of regulation specific and resistance to change paradigm , must addressed so that the approach This can applied in a way effective in system justice Indonesian criminal law .

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