

# The Effectiveness of the Integrated Criminal Justice System in Handling Minor Criminal Offenses from a Restorative Justice Perspective

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## Abstract

*The Integrated Criminal Justice System (ICJS) is designed to ensure effective, efficient, and just criminal law enforcement through institutional coordination among law enforcement agencies. However, in practice, the handling of minor criminal offenses in Indonesia remains dominated by a formalistic and retributive approach, which often fails to reflect substantive justice and social restoration. This study aims to examine the effectiveness of the ICJS in handling minor criminal offenses and to evaluate its performance from a restorative justice perspective. The research employs a normative juridical method using statutory and conceptual approaches, supported by limited empirical data to strengthen the analysis. The findings reveal that although normative frameworks provide mechanisms for expedited proceedings and restorative justice-oriented policies, their implementation within the ICJS remains fragmented and insufficiently integrated across all stages of the criminal justice process. As a result, the effectiveness of the ICJS tends to be procedural rather than substantive, with restorative justice functioning as an exception rather than a systemic paradigm. This study concludes that the limited integration of restorative justice undermines the achievement of proportionality, efficiency, and social restoration in minor criminal cases. The research underscores the urgency of systemically integrating restorative justice into the ICJS to enhance substantive justice, reduce procedural inefficiencies, and strengthen social harmony. This study contributes original insights by positioning restorative justice as a central evaluative framework for assessing the effectiveness of the ICJS, offering policy-relevant implications for criminal justice reform.*

**Keywords:** *integrated criminal justice system, minor criminal offenses, restorative justice, substantive justice*

## **1. INTRODUCTION**

The criminal justice system constitutes a state mechanism for enforcing criminal law through the integrated roles of law enforcement authorities, including the police, the prosecution service, the courts, and correctional institutions (Fijnaut & Huberts, 2002). Such integration is commonly referred to as the Integrated Criminal Justice System (ICJS), which aims to ensure effective, efficient, and just law enforcement in line with the principles of justice and the protection of human rights. Ideally, the ICJS should not be oriented solely toward punishment, but also toward the proportional resolution of conflicts based on the degree of culpability and the social impact of a criminal offense (Sloane, 2017).

However, in the practice of criminal law enforcement in Indonesia, the criminal justice system remains predominantly influenced by a retributive paradigm, which places punishment as the primary objective in resolving criminal cases (Garcia et al., 2020). This paradigm is often applied uniformly, including to cases involving minor criminal offenses that inherently involve relatively limited culpability and social harm. As a result, formalistic criminal justice processes frequently fail to correspond with the interests of substantive justice, social restoration, and the respective interests of victims and offenders (Strang & Sherman, 2003).

The application of a retributive approach in handling minor criminal offenses has also generated various practical problems, such as case congestion in courts, prolonged legal proceedings, high procedural costs, and the social stigmatization of offenders (Bazemore & Umbreit, 1995). These conditions indicate that the effectiveness of the Integrated Criminal Justice System in handling minor criminal offenses remains questionable, particularly when effectiveness is assessed not only in terms of legal certainty but also in terms of justice and legal utility.

Alongside the development of modern criminal law thought, restorative justice has emerged as an alternative approach to resolving criminal cases, particularly those involving minor offenses. Restorative justice emphasizes the restoration of conditions through dialogue among offenders, victims, and the community, and is oriented toward

the peaceful and just resolution of conflicts. This approach conceptualizes crime not merely as a violation against the state, but as a social conflict requiring the restoration of interpersonal relationships.

Normatively, the restorative justice approach has obtained legitimacy within the Indonesian legal system through various policies and regulations that provide discretionary authority for law enforcement officials to resolve minor criminal cases outside formal judicial mechanisms (Hadi et al., 2023). Nevertheless, the existence of such norms has not been fully accompanied by consistent implementation within the framework of the Integrated Criminal Justice System. In practice, there remains a tendency for each subsystem of the criminal justice system to operate sectorally, resulting in the application of restorative justice being dependent on individual discretion rather than functioning as an integral component of the system (Tyler, 2006).

This condition has created a gap between normative regulation and law enforcement practice. On the one hand, restorative justice is recognized as a relevant and humane approach in handling minor criminal offenses; on the other hand, the criminal justice system continues to operate under conventional patterns that prioritize punishment. This lack of synchronization has led to the suboptimal effectiveness of the Integrated Criminal Justice System in achieving the objectives of criminal law that are oriented toward substantive justice and social restoration (Lin et al., 2023).

Previous studies on the criminal justice system in Indonesia have generally focused on institutional normative aspects, the authority of law enforcement agencies, and coordination problems among criminal justice subsystems. Conversely, studies on restorative justice tend to position this approach as a stand-alone alternative for resolving minor criminal cases, particularly at the stages of investigation or prosecution. However, there remains a lack of research that specifically examines the effectiveness of the Integrated Criminal Justice System in handling minor criminal offenses by employing restorative justice as the principal evaluative parameter of the system as a whole. This absence of integrative analysis has created an analytical gap, particularly in assessing whether coordination among criminal justice subsystems has effectively supported the fair, proportional, and socially restorative resolution of minor criminal cases.

This research is therefore of high urgency, considering that the handling of minor criminal offenses in Indonesia remains dominated by formal judicial mechanisms oriented toward punishment, despite the normative availability of legal instruments that allow for the application of restorative justice. The discrepancy between normative frameworks and practical implementation has the potential to undermine the effectiveness of the Integrated Criminal Justice System, both in terms of substantive justice (Kleffner, 2003), efficiency of law enforcement, and social relationship restoration. Accordingly, a study that positions restorative justice as an evaluative perspective for assessing the effectiveness of the Integrated Criminal Justice System is essential to provide academic contributions as well as practical recommendations for the reform of criminal law enforcement policies, particularly in the handling of minor criminal offenses.

Based on the foregoing, this study seeks to examine the extent to which the Integrated Criminal Justice System is effective in handling minor criminal offenses when viewed from a restorative justice perspective. This study is expected to provide a critical assessment of the alignment between legal concepts, normative regulations, and practical implementation, as well as to identify obstacles affecting the application of restorative justice within the framework of the criminal justice system in Indonesia. Accordingly, the research questions formulated in this study are as follows: (1) How effective is the Integrated Criminal Justice System in handling minor criminal offenses in Indonesia? and (2) How effective is the Integrated Criminal Justice System when examined from a restorative justice perspective in resolving minor criminal offense cases?

## **2. LITERATURE REVIEW**

### **2.1 Integrated Criminal Justice System**

The Integrated Criminal Justice System (ICJS) is conceptually understood as a coordinated framework in which law enforcement institutions namely the police, the prosecution service, the judiciary, and correctional institutions function as interdependent subsystems within a unified process of criminal law enforcement (Stigen, 2008). The system-based approach emphasizes that criminal justice outcomes are not determined by

the performance of a single institution, but by the degree of coordination, policy continuity, and goal alignment among all subsystems.

Scholarly discourse on the criminal justice system highlights that fragmentation among law enforcement institutions often results in procedural inefficiency, inconsistent legal outcomes, and reduced public trust. Within this framework, effectiveness is commonly measured through indicators such as institutional coordination, procedural efficiency, consistency in legal application, and the achievement of criminal law objectives, including justice, legal certainty, and social utility. In cases involving minor criminal offenses, these indicators become particularly significant due to the relatively limited social harm and culpability involved.

## **2.2 Minor Criminal Offenses and Proportionality in Criminal Justice**

Minor criminal offenses are generally characterized by low levels of culpability and limited social impact, which normatively justify differentiated treatment within the criminal justice process. Criminal procedure law in many jurisdictions, including Indonesia, provides simplified or expedited mechanisms for handling such cases as a manifestation of the principles of proportionality and efficiency.

Legal scholars argue that subjecting minor offenses to full-scale formal criminal proceedings may undermine the objectives of criminal law, as the social, economic, and psychological costs of the process often outweigh the benefits of punishment. Consequently, the disproportionate application of formal punitive mechanisms to minor offenses has been criticized for contributing to case backlogs, institutional inefficiency (Feeley, 1979), and social stigmatization of offenders.

## **2.3 Restorative Justice as a Contemporary Criminal Law Paradigm**

Restorative justice has emerged as a significant paradigm shift in modern criminal law theory. Unlike retributive justice, which focuses on punishment, restorative justice emphasizes harm repair, offender accountability, victim participation, and the restoration

of social relationships. This approach reconceptualizes crime as a social conflict rather than merely a violation of state authority.

In the context of minor criminal offenses, restorative justice is widely regarded as particularly appropriate due to its focus on proportionality, reconciliation, and social reintegration (Fletcher & Weinstein, 2002). Theoretical and empirical studies suggest that restorative mechanisms can reduce recidivism, enhance victim satisfaction, and promote long-term social harmony. As a result, restorative justice has increasingly been incorporated into criminal justice policies and prosecutorial discretion frameworks in various legal systems.

## **2.4 Previous Studies on Criminal Justice System and Restorative Justice**

Previous studies on the criminal justice system in Indonesia and comparable jurisdictions predominantly focus on institutional structures, legal authority, and coordination challenges among law enforcement agencies. These studies often adopt a normative or administrative perspective, emphasizing systemic inefficiencies and procedural reform.

Conversely, research on restorative justice has largely concentrated on its application as an alternative dispute resolution mechanism in criminal cases, particularly at the stages of investigation or prosecution. Such studies frequently analyze restorative justice as a stand-alone approach, separate from the broader criminal justice system, and tend to evaluate its effectiveness in isolation rather than as part of an integrated institutional framework.

## **2.5 Research Gap**

Despite the extensive body of literature on the criminal justice system and restorative justice, there remains a notable gap in research that systematically examines the effectiveness of the Integrated Criminal Justice System in handling minor criminal offenses by employing restorative justice as the primary evaluative framework. Existing studies tend to either analyze institutional coordination within the criminal justice system

without incorporating restorative justice principles, or to assess restorative justice independently without situating it within the integrated criminal justice structure.

This study addresses that gap by integrating restorative justice as a central analytical perspective in evaluating the effectiveness of the Integrated Criminal Justice System in handling minor criminal offenses. By bridging institutional analysis and restorative justice theory, this research contributes to a more comprehensive understanding of how systemic integration or the lack thereof affects substantive justice, procedural efficiency, and social restoration within the criminal justice process.

### **3. RESEARCH METHOD**

This study employs a normative juridical legal research method, supported by a limited empirical approach. The normative juridical approach is used to examine and analyze legal provisions governing the Integrated Criminal Justice System and the concept of restorative justice in the handling of minor criminal offenses. Meanwhile, the empirical approach is applied in a complementary manner to obtain an overview of the practical implementation of the criminal justice system in handling minor criminal offenses, particularly in relation to the effectiveness of and obstacles to the application of restorative justice.

The approaches adopted in this research include the statutory approach and the conceptual approach. The statutory approach is conducted by examining relevant legal provisions, including those contained in the Criminal Code, criminal procedural law, as well as regulations and policies related to the application of restorative justice within the criminal justice system (Nasution et al., 2022). The conceptual approach is employed to analyze doctrines and scholarly opinions concerning the integrated criminal justice system, the effectiveness of law enforcement, and the principles of restorative justice as the analytical framework.

The types and sources of data in this study consist of secondary data and supporting primary data. Secondary data comprise primary legal materials in the form of laws and regulations related to the criminal justice system and restorative justice,

secondary legal materials in the form of books, academic journals, research findings, and relevant legal doctrines, as well as tertiary legal materials such as legal dictionaries and encyclopedias. Primary data are obtained on a limited basis through interviews or an examination of practices in handling minor criminal offense cases by law enforcement officials, which are used to reinforce the normative analysis of the effectiveness of restorative justice within the integrated criminal justice system.

Data collection techniques include library research to collect and examine primary, secondary, and tertiary legal materials, as well as limited field research in the form of interviews or an examination of case-handling practices as supporting data. All collected data are then analyzed qualitatively by interpreting legal norms, doctrines, and empirical facts to address the research problems.

Data analysis in this study is conducted using a juridical-qualitative analysis method (Hadiyantina, 2021), namely analyzing the effectiveness of the Integrated Criminal Justice System in handling minor criminal offenses based on the consistency between normative legal provisions and their practical implementation, as well as assessing the extent to which restorative justice principles have been integrated into the system. The results of the analysis are subsequently presented in a descriptive-analytical manner to provide conclusions and recommendations relevant to the development of the criminal justice system in Indonesia.

### **3. RESULTS AND DISCUSSION**

#### **1. The Effectiveness of the Integrated Criminal Justice System in Handling Minor Criminal Offenses**

The Integrated Criminal Justice System (ICJS) is fundamentally designed to ensure the integration and continuity of roles among criminal justice subsystems, namely the police, the prosecution service, the courts, and correctional institutions, in handling criminal cases. This concept of integration is consistent with the principle of a judicial process that is simple, expeditious, and low-cost, as affirmed in Article 2 paragraph (4)

of Law Number 48 of 2009 on Judicial Power, which places efficiency and justice as fundamental principles of judicial administration(Gico Jr, 2020).

The effectiveness of the Integrated Criminal Justice System may be assessed through several indicators, including coordination among law enforcement authorities, consistency in the application of the law, efficiency in case resolution processes, and the achievement of the objectives of criminal law in the form of justice, legal certainty, and utility. These indicators are particularly significant in the handling of minor criminal offenses, given the limited degree of culpability and social impact inherent in such offenses.

Normatively, Indonesian criminal procedural law provides a specific mechanism for handling minor criminal offenses through summary proceedings, as regulated under Articles 205 to 210 of the Criminal Procedure Code (KUHP). This regulation reflects a differentiated legal treatment of criminal cases based on the seriousness of the offense. Moreover, minor criminal offenses are generally subject to relatively light penalties, as reflected in various provisions of the Criminal Code (KUHP), including Article 352 of the KUHP concerning minor assault.

Nevertheless, in law enforcement practice, the summary proceedings mechanism has not been fully optimized within the framework of the Integrated Criminal Justice System. The handling of minor criminal offenses frequently continues to follow conventional and formalistic criminal justice procedures, from the investigation stage through trial. As a result, case resolution often takes longer and imposes procedural costs disproportionate to the offender's level of culpability and the social harm caused, thereby contradicting the principles of efficiency and proportionality in criminal law enforcement.

From the perspective of the criminal justice system, this condition reflects the lack of optimal coordination among law enforcement subsystems. The police, as the entry point of the criminal justice system, the prosecution service, as the controller of cases, and the courts, as adjudicators, often exercise their respective authorities in a sectoral manner. Conceptually, however, the ICJS requires continuity of policy and alignment of objectives among subsystems to ensure that criminal law enforcement does not merely result in the fulfillment of formal procedural requirements(Leksono & Purnomo, 2023).

Furthermore, punitive orientation remains the primary benchmark for evaluating the success of criminal law enforcement. In practice, the effectiveness of the ICJS is often measured by the speed with which cases are processed and culminate in criminal judgments, rather than by the extent to which case resolution fulfills substantive justice and prevents subsequent social conflict. In contrast, developments in modern criminal law, including those reflected in Law Number 1 of 2023 on the Criminal Code, demonstrate a shift in penal orientation that is not solely retributive but also attentive to restoration, balance, and social utility(Cahyawati, 2026).

Accordingly, although the Integrated Criminal Justice System has structurally operated within the existing legal framework, its effectiveness in handling minor criminal offenses remains suboptimal. This is attributable to the fact that the application of legal norms has not been fully aligned with the objectives of criminal law emphasizing substantive justice and social utility, particularly in cases involving minor offenses. Therefore, a critical evaluation of the implementation of the ICJS is necessary to ensure that criminal law enforcement mechanisms for minor criminal offenses are not limited to formal punishment but are instead proportional and just.

The effectiveness of the Integrated Criminal Justice System in handling minor criminal offenses may further be analyzed through criminal justice system theory, which conceptualizes criminal law enforcement as an integrated process involving interrelated subsystems of policing, prosecution, adjudication, and corrections. Under this theory, the success of criminal law enforcement is not determined by the performance of a single subsystem in isolation, but by coordination, continuity of policy, and alignment of objectives across all subsystems. Where one subsystem operates in a sectoral and formalistic manner, the criminal justice system as a whole loses its effectiveness.

In the context of handling minor criminal offenses, criminal justice system theory requires differentiated legal treatment based on the nature of the offense and its social impact. This requirement is consistent with the regulation of summary proceedings under the Criminal Procedure Code, which theoretically embodies the principles of efficiency and proportionality in criminal law enforcement. However, when such mechanisms are not optimally utilized in practice and minor criminal offenses continue to be processed

through conventional criminal justice procedures, the system functions merely in a mechanical manner rather than as a goal-oriented system.

Moreover, the effectiveness of the ICJS must also be examined in light of theories of punishment. Modern theories of punishment no longer position punishment solely as an instrument of retribution, but also as a means of protecting society, preventing crime, and restoring social balance. In cases involving minor criminal offenses, the imposition of punishment through lengthy formal judicial processes may in fact contradict these objectives, as it may generate social stigma for offenders, prolong conflict, and neglect the interests of victims.

From the standpoint of utilitarian or goal-oriented theory (doel theory), criminal law enforcement is considered effective when it produces greater social benefits than the harms generated by the enforcement process itself (Forman, 2007). Consequently, where the handling of minor criminal offenses through the ICJS results in social, economic, and psychological costs that outweigh its benefits, the system cannot be regarded as effective in theoretical terms.

Furthermore, substantive justice theory emphasizes that law should not merely be enforced procedurally, but must reflect the sense of justice prevailing within society. In this context, the dominance of a punitive orientation in handling minor criminal offenses indicates that the ICJS remains oriented toward formal justice rather than substantive justice. This explains why, despite normative compliance with applicable laws and regulations, the effectiveness of the system remains questionable when assessed from the perspectives of justice and social utility.

Thus, when examined through the lenses of criminal justice system theory and theories of punishment, it may be asserted that the effectiveness of the Integrated Criminal Justice System in handling minor criminal offenses has not yet been fully realized. The system continues to operate within a procedural and retributive framework, whereas, in theoretical terms, the handling of minor criminal offenses requires a more proportional, efficient, and restoration-oriented approach. It is this condition that subsequently opens space for restorative justice as a corrective paradigm within the integrated criminal justice system.

## **2. The Effectiveness of the Integrated Criminal Justice System from a Restorative Justice Perspective**

Restorative justice offers a new paradigm in the handling of criminal cases, particularly minor criminal offenses, by emphasizing the restoration of harm suffered by victims, meaningful accountability of offenders, and the restoration of social relationships within the community. This paradigm conceptualizes crime not merely as a violation against the state, but as a social conflict that causes tangible harm to individuals and communities and therefore requires a just resolution. This view is consistent with the thought of Howard Zehr, who emphasizes that restorative justice focuses on repairing harm and restoring relationships rather than solely on punishing offenders.

From this perspective, the effectiveness of the Integrated Criminal Justice System (ICJS) is not measured solely by the successful imposition of punishment, but by its capacity to facilitate the fair, proportional, and humane resolution of criminal cases. Normatively, this orientation is in line with Article 2 paragraph (4) of Law Number 48 of 2009 on Judicial Power (Pieterse, 2004), which affirms the principle of judicial proceedings that are simple, expeditious, and low-cost. This principle implies that the resolution of criminal cases, particularly minor offenses, should avoid protracted and repressive procedures when more effective and just mechanisms are available.

The normative legitimacy of restorative justice within Indonesian law enforcement practice is also reflected in Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 on the Termination of Prosecution Based on Restorative Justice (Faried, 2022), which provides for the discontinuance of prosecution by taking into account the interests of victims, offenders, and social harmony. This policy reflects a paradigm shift in criminal law enforcement that is no longer oriented solely toward retribution, but toward restoration. Such a shift is consistent with the theory of reintegrative shaming advanced by John Braithwaite, which emphasizes the importance of offender accountability that is reintegrative rather than stigmatizing.

Furthermore, the direction of national criminal law reform, as reflected in Law Number 1 of 2023 on the Criminal Code, demonstrates a strengthening of a more humane

and restorative orientation in sentencing policy. Within Indonesian criminal law doctrine, Muladi emphasizes that a modern criminal justice system should not function merely as a formal mechanism of law enforcement, but also as an instrument for conflict resolution and the restoration of social equilibrium. Accordingly, the application of restorative justice in cases of minor criminal offenses represents a manifestation of the objectives of criminal law oriented toward social utility and substantive justice.

Nevertheless, when examined within the framework of the Integrated Criminal Justice System, the application of restorative justice has not yet been systemically integrated. Its implementation remains partial and highly dependent on the policies of individual criminal justice subsystems. When cases remain at the stages of investigation or prosecution, opportunities for the application of restorative justice are relatively open. However, once cases enter the adjudication stage, their resolution tends to revert to conventional punitive approaches.

This condition indicates that the ICJS has not been fully designed to incorporate restorative justice as an integral component of the system (Dignan, 2012). As noted by Barda Nawawi Arief, the effectiveness of a criminal justice system is largely determined by the alignment of its legal structure, substance, and culture. Where restorative justice is normatively recognized but has not been structurally and culturally integrated, the criminal justice system will operate in a fragmented manner and lose its substantive effectiveness.

Accordingly, when analyzed in light of statutory regulations and restorative justice theory, it can be concluded that the effectiveness of the Integrated Criminal Justice System in handling minor criminal offenses continues to face structural and paradigmatic obstacles. Therefore, it is necessary to strengthen the integration of restorative justice across all stages of the criminal justice process, both through the harmonization of cross-subsystem regulations and through a paradigm shift among law enforcement officials, so that the ICJS may become effective not only procedurally, but also substantively in realizing justice and social utility.

#### **4. CONCLUSION**

Based on the foregoing discussion, it can be concluded that the effectiveness of the Integrated Criminal Justice System (ICJS) in handling minor criminal offenses in Indonesia has not yet been fully optimized. Although, normatively, the criminal justice system provides mechanisms for simplified and expedited proceedings and recognizes differentiated treatment for minor criminal offenses, in practice the handling of such cases continues to follow conventional, formalistic criminal justice processes oriented toward punishment. This condition demonstrates that integration among criminal justice subsystems namely the police, the prosecution service, and the courts has not been substantively realized, but remains largely procedural.

When viewed from a restorative justice perspective, the effectiveness of the ICJS in handling minor criminal offenses also encounters various obstacles. Normatively, restorative justice has gained legitimacy through the principles of simple, expeditious, and low-cost judicial proceedings, policies on the termination of prosecution based on restorative justice, and the direction of national criminal law reform toward a more humane approach. However, the application of restorative justice within the ICJS framework remains partial and has not been systemically integrated across all stages of the criminal justice process. Consequently, restorative justice has not yet functioned as the primary paradigm, but continues to be positioned as an exception dependent on the individual discretion of law enforcement officials.

Thus, it may be affirmed that the effectiveness of the Integrated Criminal Justice System in handling minor criminal offenses remains dominated by a formal and retributive justice approach. In order to achieve substantive effectiveness, comprehensive integration of restorative justice is required so that the criminal justice system not only ensures legal certainty, but is also capable of realizing substantive justice and social utility.

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