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BEYOND FORMAL PEACE: AN AXIOLOGICAL MEASURE OF VICTIM RECOVERY IN RESTORATIVE JUSTICE

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Abstract: Restorative justice is often framed as more humane than retribution, but a peace agreement does not guarantee justice if the victim is pressured, the parties stand on unequal footing, or the harm goes unaddressed. This article develops a philosophical measure of recovery quality for victims, offenders, and society, together with safeguards against procedural compromises that overlook victim vulnerability. Using normative legal research with conceptual, statutory, and axiological approaches, it finds that genuine recovery requires six cumulative indicators, voluntary participation, acknowledgment of harm, reparation, protection from pressure, follow-through on agreements, and the recovery of offenders and society, alongside a three-layer safeguard of case selection, process verification, and outcome oversight. The resulting framework repositions the victim as the subject of recovery rather than merely a party who consents to peace, giving law enforcement a concrete basis for assessing whether a restorative settlement is substantively, not just procedurally, complete.

Keywords: restorative justice; legal axiology; victim recovery; procedural compromise; formal peace.

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Introduction

Justice is one of the primary goals that law enforcement seeks to achieve. In criminal cases, justice is not only concerned with the imposition of punishment on the offender, but also with how the harm suffered by the victim can be restored and the impact of the crime on society can be addressed. One approach developed to achieve this goal is restorative justice. This approach positions recovery as an essential part of case resolution by involving the victim, the offender, and other related parties. Accordingly, case resolution is not oriented solely toward retribution, but also toward offender accountability and the restoration of harm caused by the crime (Kurnia et al., 2025).

In Indonesia, restorative justice is regulated at different stages of law enforcement, namely through Police Regulation No. 8 of 2021, Prosecutorial Regulation No. 15 of 2020, Supreme Court Regulation No. 1 of 2024, and the Juvenile Criminal Justice System Law. The Supreme Court Regulation, for instance, affirms that the restorative justice approach aims to restore the victim, repair the relationship between the defendant, the victim, and/or the community, and encourage the defendant's accountability. This formulation indicates that the success of restorative justice should not be measured solely by the attainment of a peace agreement, but by the realization of its restorative purpose. On the other hand, the regulations scattered across these different stages contain discrepancies that may affect legal certainty (Akbar, 2022).

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Alongside the strengthening of these regulations, the use of restorative justice in practice continues to expand. Throughout 2025, the Attorney General's Office of the Republic of Indonesia reported 2,080 cases resolved through the restorative justice approach, supported by 5,103 Restorative Justice Houses and 112 rehabilitation centers (Kejaksaan Republik Indonesia, 2026). These figures demonstrate the widespread use of this mechanism, but they do not reveal the extent to which victims were actually restored.

A number of cases show that peace agreements can proceed without any actual recovery. In 2020, the Bogor Police Precinct terminated the investigation of a rape case suffered by a woman at the hands of four men within a ministry's work environment, on the grounds that the victim had been married to one of the perpetrators and that an agreement had been reached between the parties. The victim's family reopened the case in 2022 because the victim felt she had not obtained justice and her condition had not improved (ICJR et al., 2022). A civil society coalition noted that terminating a rape case through peace or marriage was not an isolated incident, citing, for example, a rape settlement in Pekanbaru in early 2022 and a late-2021 report of a police officer at the Tambusai Utara precinct who threatened a rape victim who refused to make peace by marrying the perpetrator (ICJR et al., 2022). A broader picture emerges from Komnas Perempuan's monitoring in 23 regencies/cities across nine provinces. Of the 84 victims interviewed, 48 were dissatisfied with the restorative justice process or similar mechanisms, the recovery content of agreements remained narrow limited to peace agreements and compensation and under some customary mechanisms, victims

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were instead burdened with the responsibility of cleaning the village (Azizah, 2023; Komnas Perempuan, 2023).

Positive law has, in fact, moved toward restriction. Article 23 of the Sexual Violence Crimes Law (UU TPKS) prohibits resolving sexual violence cases outside the judicial process, except for child offenders (Law No. 12 of 2022, Art. 23), and Article 81 of Law No. 20 of 2025 on the Criminal Procedure Code excludes offenses against decency and sexual violence from restorative justice. Nevertheless, since 2025 the media have continued to report cases of sexual violence against children ending in peaceful settlement, among others in Tambun, Gresik, and Pemalang (Fachri, 2026). These cases show that a victim may consent to peace due to pressure from family, the social environment, the perpetrator, the authorities, or other more influential parties. The unequal position between victim and offender can also prevent the victim's needs from being freely expressed, while an agreement that has been made does not necessarily guarantee that the victim's loss is genuinely compensated or that the offender's obligations are fulfilled (Desrina & Triadi, 2025). This situation illustrates the occurrence of formal peace a settlement that appears procedurally complete but has not yet provided adequate recovery for the aggrieved party.

For this reason, the quality of restorative justice must be assessed from the victim's position throughout the case resolution process. It is not sufficient for the victim merely to be involved in giving consent; the victim must also be given the opportunity to express the harm suffered, their needs, and their expectations. The United Nations Office on Drugs and Crime (UNODC, 2020)

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explains that restorative justice programs must attend to the participation of the parties, their safety, and assurances that the process proceeds voluntarily and does not give rise to further harm. Accordingly, a victim's consent should not be assessed on the basis of a signature or a statement of agreement, but on the victim's freedom in decision-making and the fulfillment of their rights throughout the process. Recovery, too, cannot be limited to an apology or material compensation, since the impact of a crime may extend to the victim's physical and psychological condition, social relationships, sense of safety, and trust in their surroundings. Muladi (2019), in his discussion of restorative justice in the juvenile criminal justice system, emphasizes the importance of giving victims the opportunity to obtain restitution or reparation, while also encouraging offenders to understand the consequences of their actions and to take meaningful responsibility.

This issue is, at its core, a matter of values. Restorative justice can serve as an effort to realize substantive justice, since law cannot be adequately understood merely as a set of rules and procedures, but must also attend to the values of justice that society seeks to achieve. In the Indonesian context, this approach relates to the values of humanity, the protection of human rights, and social justice, and therefore must not be applied merely to expedite case resolution or reduce the burden on the judicial system, but must continue to attend to the victim's rights, the offender's accountability, the public interest, and the prevailing limits of the law (Asnawi et al., 2026). Legal axiology, which examines justice, expediency, and certainty as the value-goals of law, offers a perspective for assessing

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whether a restorative settlement truly realizes these values, rather than merely satisfying its form.

A number of prior studies have examined restorative justice from different angles. Kurnia et al. (2025) examine it through the idea of substantive justice, drawing on Aristotle, Rawls, and humanistic ethics. Desrina and Triadi (2025) highlight its recovery orientation and the risk of pressure on victims, while Asnawi et al. (2026) read it through progressive legal philosophy to reconstruct the paradigm of criminal law enforcement. Akbar (2022) highlights the discrepancies in regulation across stages and their implications for legal certainty, and Rochaeti et al. (2023) examine the role of community participation through the Batak Toba customary justice system. However, to the author's knowledge, these studies have not yet provided an operational measure that can be used to assess the quality of recovery for victims, offenders, and society, so it remains unclear how a genuinely restorative settlement is distinguished from a merely formal peace. These studies have also not yet linked such a measure to mechanisms for preventing procedural compromises that disregard victim vulnerability.

The novelty of this research lies in three respects. First, this research formulates an axiological evaluation framework consisting of six recovery indicators rooted in the values of justice, expediency, and certainty, which must be cumulatively fulfilled, so that the measure of success shifts from the mere existence of a peace agreement to the quality of recovery for victims, offenders, and society. Second, this research positions the victim as the subject of recovery, rather than merely a party who consents to peace. Third,

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this research links these indicators to a three-layer mechanism case selection, process verification, and outcome oversight so that the philosophical measure can be used by law enforcement officers as a basis for case assessment.

Accordingly, this research does not intend to reject restorative justice as an alternative means of resolving criminal cases. On the contrary, this research seeks to strengthen its implementation so that law enforcement officers do not stop at examining the completeness of procedures and agreement documents, but also assess the voluntariness of the parties, the acknowledgment of the crime's impact, the fulfillment of the offender's obligations, the protection of the victim, and the sustainability of recovery.

Methods

This research is normative legal research employing a philosophical approach, as it examines the norms, concepts, and values underlying restorative justice, rather than the behavior of the parties in the field. The approaches used include a conceptual approach to examine the concepts of restorative justice, formal peace, and victim recovery; a statutory approach to examine the regulation of restorative justice within the National Police, the Prosecutor's Office, and the Supreme Court, as well as the Juvenile Criminal Justice System Law; and an axiological approach to assess these regulations based on the values of justice, expediency, and certainty. The legal materials consist of primary legal materials in the form of statutes and institutional regulations on restorative justice, secondary legal materials in the form of books and journal articles discussing restorative justice, legal philosophy, and victim

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recovery, and tertiary legal materials in the form of legal dictionaries and encyclopedias. Legal materials were collected through library research namely by searching, identifying, and classifying materials in accordance with the two research questions. The analysis was conducted descriptively-analytically to elaborate and interpret existing concepts and regulations, and then prescriptively to formulate axiological indicators and mechanisms for preventing procedural compromise. It should be noted that the resulting indicators are conceptual in nature and have not been empirically tested, making the examination of case-resolution practice an agenda for further research.

Results and Discussion

The findings show that restorative justice cannot be judged by the existence of a peace agreement alone. Six axiological indicators together define when a settlement is genuinely restorative: material recovery, physical and psychological recovery, procedural voluntariness, active offender accountability, safe social recovery, and certainty in implementation. These indicators map onto three vulnerable points of procedural compromise, in case selection, process, and discretion, which a three-layer mechanism of case selection, process verification, and outcome oversight is designed to close.

These findings extend prior work that examined restorative justice through substantive-justice theory (Kurnia et al., 2025), progressive legal philosophy (Asnawi et al., 2026), and customary adjudication (Rochaeti et al., 2023), by supplying the operational measure those studies called for but did not provide. They also corroborate empirical findings that Indonesian restorative practice remains offender-centered and that victim

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protection is still largely procedural rather than substantive (Ikhwannudin et al., 2026; Batubara et al., 2025), while locating that gap precisely in case selection, process, and discretion.

The conceptual and axiological foundation of restorative justice starts from a simple premise: the success of law enforcement cannot be measured solely by the state's capacity to impose punishment on the offender. Assessment must also consider whether the harm arising from the crime has been acknowledged, whether the victim has received adequate protection and recovery, and whether the offender has been held accountable for the consequences of their actions. This orientation relates to the idea of substantive justice, the understanding that law must not stop at the fulfillment of procedure but must also be assessed by the values of justice realized in real life (Wahid, 2022). In this context, restorative justice becomes one approach that links the law enforcement process to the need for concrete recovery.

Restorative justice positions a crime not merely as a violation against the state, but also as an event that causes harm to the victim and may disrupt social relationships. For this reason, restorative resolution ideally involves acknowledgment of the impact of the act, participation of the affected parties, offender accountability, and efforts to repair the harm. Tongat (2013) discusses restorative justice as a prospective criminal law policy that requires precise formulation. This approach does not mean automatically eliminating criminal accountability or prioritizing peace in every case. Resolution must still take into account the nature of the offense, the public interest, and the victim's needs.

From the perspective of legal axiology, the central issue is not only whether a mechanism is procedurally valid, but also whether its application produces the values that law seeks to realize. Restorative justice must be tested against respect for human dignity, protection of

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victims' rights, offender accountability, and recovery from the impact of the crime (Wahid, 2022). An agreement reached because of pressure, dependency, fear, or an imbalance in the parties' positions risks perpetuating injustice beneath a form of settlement that appears peaceful. Evaluation must therefore pay attention to how the agreement was formed and the circumstances of the party who consented to it.

The next challenge lies in the consistency of regulation. In Indonesian practice, a number of law enforcement institutions have developed restorative justice policies, but their legal basis, requirements, and procedures are not always uniform. Akbar (2022) identifies discrepancies in the regulation of restorative justice across the various stages of the criminal justice system, as well as the inadequate legal certainty currently available. Such discrepancies can affect the treatment of similar cases and create ambiguity regarding the standards used to assess the implementation of restorative settlements.

The need for clear standards is also evident in the context of juvenile criminal justice. A study on restorative justice formulation policy in the juvenile criminal justice system highlights the importance of policy design capable of directing the application of restorative mechanisms in a measurable manner (Maswandi et al., 2023). Evaluation indicators cannot simply note the attainment of an agreement or the termination of case proceedings. Assessment must examine the protection of the rights of the parties involved, the proportionality of the obligations agreed upon, and the implementation of recovery in practice.

Restorative justice may also relate to values and settlement mechanisms that live within society. Research on the Batak Toba community justice system discusses the contribution of customary mechanisms to the development of restorative justice (Rochaeti et al.,

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2023). However, a community mechanism cannot automatically be considered just merely because it is rooted in tradition or produces peace. The involvement of family, customary leaders, or the community must attend to voluntariness, confidentiality, victim safety, equality of position, and every party's right to refuse an inadequate settlement. Tradition may serve as a consideration without justifying social pressure or the disregard of victims' rights.

Reconstructing these axiological evaluation indicators, and ensuring the substantive fulfillment of recovery, means restorative justice must be assessed through indicators that link normative goals to concrete outcomes. These indicators are not intended to replace positive legal provisions or to create a single uniform formula for every case. The idea of substantive justice also positions the values and consequences of the law's application as essential elements in assessment (Wahid, 2022). This indicator framework helps examine whether a settlement fulfills the purpose of recovery, respects the rights of the parties, and prevents the restorative process from being used merely as an administrative means of closing a case.

First, the material recovery indicator tests whether the victim's economic loss has been identified and adequately addressed. Its assessment must attend to the form of the loss, the capacity for proof, the reasonableness of compensation, and the fulfillment of agreed obligations (Akbar, 2022). Compensation cannot be understood merely as a figure stated in the agreement; the obligation must actually be fulfilled. If recovery is carried out in stages, the clarity of deadlines, monitoring mechanisms, and the consequences of non-fulfillment become elements that must be examined.

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Second, the physical and psychological recovery indicator assesses whether the settlement process attends to the victim's safety, emotional condition, sense of security, and need for support. These needs differ according to the nature of the offense and the harm experienced; accordingly, not every case can be resolved through the same form of recovery. In cases involving threats, violence, or an imbalance of power, a direct meeting between victim and offender must not be treated as a precondition for restorative success (Maswandi et al., 2023). The choice of participation format must take into account the victim's risk and wishes, and must avoid imposing additional psychological burden or opportunities for intimidation.

Third, the procedural indicator tests whether the participation of the victim and offender is based on sufficient information, free choice, and an understanding of the consequences of the agreement. Voluntariness cannot be adequately demonstrated merely by a signature or a statement of consent. The assessor must consider the possibility of pressure from family, economic dependency, threats, social stigma, or power imbalances that may influence the decision (Rochaeti et al., 2023). The victim must be given room to understand the process, express their needs, ask questions, and refuse a settlement without fear of losing access to legal protection. If consent is obtained through pressure, or if the process increases the risk to the victim, the settlement does not meet the standard of substantive recovery.

Fourth, the active offender-accountability indicator assesses whether the offender understands the impact of their actions and genuinely carries out their obligations for repair. Formal acknowledgment, an apology, or presence in the process may form part of accountability, but these are not always sufficient on their own. Assessment must examine the relevance of the obligation to the harm

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caused, the measurability of its implementation, and the offender's commitment not to repeat the act (Tongat, 2013).

Fifth, the social recovery indicator assesses whether the settlement reduces conflict without sacrificing individual rights. The involvement of the community or customary institutions can help rebuild social relationships, so long as it is needed, consented to, and safe for the affected parties. Conversely, a settlement that prioritizes a family's good name or communal harmony by pressuring the victim to forgive may produce a false peace. Assessment must attend to whether the victim continues to receive protection, is free from stigma or ostracism, and can live their life without further threat.

Sixth, the certainty and continuity of implementation indicator assesses whether the agreement contains clear obligations, reasonable deadlines, responsible parties, and a mechanism for verifying fulfillment. An agreement that appears fair at the time it is made can lose its meaning if its obligations are not carried out and no follow-up is available. This issue also relates to the disparity in restorative justice policy across the various stages of the criminal justice system.

Accordingly, the philosophical measure of recovery in restorative justice encompasses at least material recovery, attention to physical and psychological condition, procedural voluntariness, active offender accountability, safe social recovery, and certainty in the implementation of the agreement. These indicators must be applied contextually, taking into account the nature of the offense, the extent of the harm, the victim's needs, and the public interest. In essence, a case cannot be deemed successfully resolved merely because the parties have made peace or the case has been terminated. Restorative success must be

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demonstrated through a fair process, adequate protection of rights, and recovery that is genuinely carried out (Akbar, 2022).

Turning to how procedural compromise can be prevented and victim vulnerability protected, the second research question departs from the issue that formal peace, a written agreement that terminates a case, does not automatically guarantee recovery. A study on diversion in cases of sexual violence against children, for instance, found that restorative practice in Indonesia still tends to center on the offender, leaving victim recovery neglected (Batubara et al., 2025). For this reason, the measure of restorative justice reconstructed above requires that an agreement be tested by the quality of its process, not merely by its existence. The discussion that follows maps the vulnerable points of procedural compromise, formulates principles of prevention, structures a three-layer mechanism, weighs the role of custom and community, links these to the indicators, and draws out their axiological implications.

Mapping where procedural compromise is most likely to occur, the first vulnerable point lies in case selection. The absence of clear limits on the application of diversion opens the possibility that a case is directed toward the restorative track based on considerations of efficiency or performance targets, rather than the parties' actual suitability for being brought together (Batubara et al., 2025). The greatest risk arises in cases involving an unequal power relationship, such as sexual violence and violence against children, because that imbalance can carry over into the deliberation space and make it difficult for the victim to speak on equal terms. A study on sexual violence in pesantren (Islamic boarding schools) shows how power

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relations and the perpetrator's authority form a structural vulnerability (Fuadi et al., 2023).

The second vulnerable point lies in the course of the process. Pressure for the victim to "make peace" may come from officials, family, community figures, or the offender. In hierarchical environments, victims experience social pressure not to report and tend to be directed toward internal resolution or mediation, while existing rules do not yet require accountability for an internal resolution that harms the victim (Ikhwannudin et al., 2026). This vulnerable point is compounded by the scarcity of support, since the involvement of psychologists and social workers representing the victim's interests in diversion remains limited (Batubara et al., 2025). As a result, the forgiveness expected of the victim turns into a new moral burden, and the victim's need for acknowledgment goes unanswered.

The third vulnerable point lies in discretion and outcomes. The regulatory framework at the level of the police, the prosecutor's office, and the Supreme Court provides a basis for terminating or resolving cases restoratively, but the quality of its verification depends on the diligence of the officials who carry it out (Peraturan Kepolisian No. 8/2021; Peraturan Kejaksaan No. 15/2020; Peraturan Mahkamah Agung No. 1/2024). Without a written rationale, review, and monitoring of the agreement's implementation, discretion produces a settlement that appears complete only on paper. Findings on judicial practice show a similar pattern: victims are still often positioned merely as evidence, inter-agency coordination remains limited, and recovery rights are difficult to realize (Ikhwannudin et al., 2026).

These vulnerable points point toward three principles of prevention. The first is verified voluntariness. A victim's consent cannot be adequately demonstrated by a signature alone. It must be

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tested through adequate information about the options and their consequences, sufficient time to consider, the opportunity to refuse or withdraw without consequence, an independent companion, and reconfirmation at different stages. This testing matters because consent born of social pressure and institutional dependency is merely voluntariness in appearance (Ikhwannudin et al., 2026). The Supreme Court Regulation on restorative case resolution likewise ties the validity of an agreement to the parties' consent (Peraturan Mahkamah Agung No. 1/2024).

The second principle is vulnerability as a precondition for assessment. Vulnerability encompassing age, power relations, economic dependency, a history of violence, disability, and ongoing threats must be assessed before the restorative track is offered, not noted only after a problem arises. This assessment functions as a gateway: its outcome determines whether a case may proceed, under what safeguards, or whether it must instead return to the ordinary judicial process. The guideline for adjudicating cases of women in conflict with the law has already moved toward considering power relations and vulnerability of this kind (Peraturan Mahkamah Agung No. 3/2017), while a study on power-relation inequality affirms that prevention must target the structures that weaken victims (Fuadi et al., 2023).

The third principle is accountable discretion. The decision to select, continue, or terminate the restorative track must be accompanied by a written rationale that can be reviewed by other parties, whether a superior, a judge, or the victim. Discretion is treated as authority bounded by the rights of the parties, not as a space of free action for officials. The absence of standard operating procedures in diversion is a clear example of why this kind of accountability needs

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to be institutionalized (Batubara et al., 2025), as is also shown by the absence of firm legal consequences when the victim's perspective is disregarded in judicial considerations (Ikhwannudin et al., 2026).

These three principles are, in turn, operationalized through a three-layer normative and institutional mechanism: case selection, process verification, and outcome oversight. This division matters because a failure at one layer can be caught by the next. The recommendation from diversion studies to develop specific standard operating procedures and implementation-monitoring mechanisms aligns with this layered logic (Batubara et al., 2025).

The first layer, case selection, contains explicit eligibility criteria, a list of cases that must not be resolved outside the judicial process, and a vulnerability assessment as a precondition. At the level of norms, the Sexual Violence Crimes Law has already closed off resolution outside the judicial process for sexual violence cases, except for child offenders (Law No. 12 of 2022, Art. 23). This provision should be read as a protective boundary, and any expansion of the restorative track to other types of cases should follow the same logic of caution.

The second layer, process verification, includes separate preparatory meetings with each party, facilitators trained to recognize pressure, a companion for the victim, the right to withdraw at every stage, minutes that record the course of the process, and verification of the outcome by a disinterested party. The juvenile criminal justice system has already provided a model in the form of the involvement of community guidance counselors and professional social workers in diversion deliberations (Law No. 11 of 2012, Art. 8(1)). However, the involvement of psychologists and social workers representing the

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victim's interests remains minimal in practice, so this model needs to be strengthened, not merely referenced (Batubara et al., 2025).

The third layer, outcome oversight, includes ratification of the agreement by a judicial authority, examination of the proportionality of the agreement's content, monitoring of implementation, and a reporting channel for the victim if the agreement is violated or turns out to have arisen from a defective will. Victim recovery must also be verified at the implementation stage. Restitution, for instance, is regarded as an instrument of victim recovery from a victimological perspective (Saputra & Nugraha, 2024), but judicial practice shows obstacles in the form of difficulty proving the loss, determining its amount, and ensuring payment by the offender (Ikhwannudin et al., 2026). Outcome oversight therefore changes the measure of success, from the number of cases closed to the recovery genuinely received by the victim.

Alongside this formal mechanism, customary and community institutions also have a role to play. They possess capital that formal procedure does not: social legitimacy, proximity to the relationships that need to be restored, and the capacity for everyday oversight. A study on customary law affirms that the values of balance, harmony, and peace in restorative justice are rooted in the traditions of customary communities, and that customary resolution may originate from the initiative of the offender, the victim, a customary leader, village officials, or the police (Emilson et al., 2022). The recognition of living law within society in the new national criminal code strengthens the position of this mechanism (Law No. 1 of 2023, Art. 2).

Nevertheless, custom is no guarantee of justice for the victim. The existence of customary justice is often questioned because it lies outside formal mechanisms, and its unwritten nature raises doubts about

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legal certainty (Emilson et al., 2022). The hierarchy and moral authority of community figures can also pressure victims even more strongly than a formal setting, as seen in the hierarchical legal culture within pesantren (Ikhwannudin et al., 2026). For this reason, the community must be positioned as a partner bound by the same verification framework involved in preparation and monitoring but not replacing vulnerability assessment and judicial oversight with a path to the formal track remaining open to the victim.

Connecting this mechanism back to the indicators established earlier, the three-layer mechanism can be linked to the restorative justice measurement indicators formulated in the discussion of the first research question, as summarized in Table 1. The finding that victim protection in judicial practice remains merely procedural and has not yet realized restorative justice indicates the need for a verifiable benchmark, rather than mere statements by officials (Ikhwannudin et al., 2026).

At the case-selection layer, eligibility criteria, the list of excluded cases, and vulnerability assessment safeguard the indicators of case suitability, protection of vulnerable parties, and the absence of domination. At the process-verification layer, separate preparation, a victim's companion, trained facilitators, the right to withdraw, minutes of proceedings, and independent verification safeguard the indicators of genuine voluntariness, equal participation, and offender acknowledgment and accountability. At the outcome-oversight layer, judicial ratification, proportionality review, monitoring of implementation, and reporting channels safeguard the indicators of victim recovery, compliance with the agreement, and the restoration of social relationships. Through this linkage, the indicators serve a dual function: as a measure of quality and as an audit tool. Without

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indicators, a formal peace can pass merely by virtue of an agreement document. With indicators, an agreement that fails to meet the standard of voluntariness, fails to protect vulnerable parties, or fails to produce recovery cannot be counted as a success. Victim recovery, including restitution, is thereby treated as an outcome indicator, not merely a supplement to punishment (Saputra & Nugraha, 2024).

These links carry a final, axiological implication. At stake is how the three fundamental values of law, justice, legal certainty, and expediency, as set out in Gustav Radbruch's classic conception, are positioned relative to one another. Formal peace tends to prioritize certainty (the case is closed) and expediency in the sense of efficiency (the caseload is reduced), leaving justice for the victim sidelined. The finding that victim protection often stops at the formal-procedural level and has not yet realized substantive justice reflects this shift (Ikhwannudin et al., 2026).

The proposed reconstruction of the measure shifts the center of gravity of assessment. Voluntariness is regarded as a value inherent in the victim's dignity as a subject, not as a tool for reaching a settlement. Expediency is measured by the recovery genuinely felt by the victim and the community, not by the number of cases closed. Legal certainty remains safeguarded, but through the clarity of criteria, procedure, and accountability for discretion, rather than through the speed of resolution. The dilemma between protecting the offender and achieving substantive justice for the victim, clearly visible in diversion, shows that this balance must be deliberately established (Batubara et al., 2025).

Conclusions

The philosophical measure of recovery in restorative justice cannot be adequately assessed merely by the attainment of peace or

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the termination of a case, but rather by the realization of substantive justice that respects human dignity, protects victims' rights, demands offender accountability, and restores the impact of the crime. This value can be operationalized through six indicators: material recovery, physical and psychological recovery, procedural voluntariness, active offender accountability, safe social recovery, and certainty and continuity in the implementation of the agreement. These indicators do not replace positive law and must be applied contextually according to the nature of the offense, the victim's needs, and the public interest, such that restorative success can only be declared when the process is fair, the parties' rights are protected, and recovery is genuinely carried out.

Formal peace does not automatically guarantee victim recovery; restorative justice must therefore be measured by the quality of its process, not merely by the existence of a written agreement. The vulnerable points of procedural compromise lie in case selection, pressure on the victim, and unaccountable official discretion, particularly in cases involving an unequal power relationship. Prevention is achieved through verified voluntariness, vulnerability assessment, and accountable discretion, operationalized in three layers: case selection, process verification, and outcome oversight. Axiologically, this approach shifts the assessment from the efficiency of case resolution toward the dignified recovery of the victim.

What stands out in this reconstruction is how often procedural compromise survives where safeguards already exist on paper.

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Indonesia's restorative justice regulations already require participant consent and victim consideration, yet cases such as police-brokered marriages in rape proceedings and pesantren abuse settlements show these requirements routinely satisfied in form while failing in substance. This gap between written safeguard and lived practice runs deeper than the literature on regulatory inconsistency alone suggests (Akbar, 2022); it points to an enforcement and verification problem that formal consent requirements cannot close by themselves.

Recommendations

It is recommended that policymakers and law enforcement officers within the Police, the Prosecutor's Office, and the Supreme Court make recovery indicators a standard of assessment in every restorative case resolution, through a vulnerability assessment of the victim before the restorative track is offered, verification of the voluntariness of the victim's consent with support and the right to withdraw, and a written rationale for every discretionary decision. Coordination among law enforcement officers, facilitators, psychologists, social workers, and customary and community institutions needs to be strengthened so that regulation across the different stages is harmonized and victims obtain legal certainty and adequate recovery. In addition, the government and competent authorities need to ensure that agreements are ratified, their implementation is monitored, and a reporting channel is available for victims if an agreement is violated or arose from pressure. Accordingly, restorative justice does not stop merely at the attainment of peace, but becomes an effort to guarantee the

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fulfillment of rights, justice, and the comprehensive recovery of victims, while further research needs to test these indicators empirically.

This study is conceptual. The six indicators and three-layer mechanism come from doctrinal and axiological analysis rather than from testing against case files or practitioner interviews, so their practical sensitivity and inter-rater reliability remain unverified. Further research should turn these indicators into a scorable instrument and apply it to closed restorative justice cases across the Police, the Prosecutor's Office, and the courts, and should examine whether customary and community-based settlements can be verified without undermining the autonomy that gives them legitimacy. For policymakers, the immediate implication is that vulnerability screening and written discretion rationales cost little to institutionalize relative to the legitimacy risk of leaving them out.

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