

## Restorative Justice in the Termination of Prosecution in Domestic Violence Cases: An Islamic Criminal Law Perspective

Efa Merianti Lubis<sup>1</sup>, Habibi<sup>2</sup>, Ihsan Helmi Lubis<sup>3</sup>

<sup>1,2,3</sup> Universitas Islam Negeri Syekh Ali Hasan Ahmad Addary Padangsidempuan, Indonesia

Correspondence: [efameriantilubis@gmail.com](mailto:efameriantilubis@gmail.com)

---

### Article Information

#### Article History:

Received Sept 03<sup>th</sup>, 2026

Revised Sept 17<sup>th</sup>, 2026

Accepted Sept 25<sup>th</sup>, 2026

---

#### Keyword:

Restorative Justice; Prosecution Termination; Domestic Violence; Islamic Criminal Law; Prosecutor's Regulation No. 15 of 2020.

---

### ABSTRACT

Domestic violence remains a serious legal and social problem in Indonesia, requiring case-resolution mechanisms that protect victims while accommodating restorative objectives. This study examines the termination of prosecution in the Miswaruddin domestic violence case through Prosecution Termination Decree No. PRINT-901/L.2.28.3/Eku.2/09/2025 and assesses its conformity with Regulation of the Prosecutor's Office of the Republic of Indonesia No. 15 of 2020 and principles of Islamic criminal law. The study employed normative legal research using statutory and case approaches, supported by document and literature review. The analysis found that the case materials recorded reconciliation between the parties, the suspect's first-offender status, support from community and religious leaders, and considerations concerning the children and family continuity. However, the available manuscript did not contain sufficient documentary detail to determine conclusively whether Article 44 paragraph (1) or paragraph (4) of the Domestic Violence Law applied or to independently verify every procedural approval stage. From an Islamic criminal law perspective, the restorative mechanism is relevant to *ṣulḥ*, *ta'zīr*, *maṣlaḥah*, and *maqāṣid al-sharī'ah* insofar as voluntariness, victim safety, accountability, and the prevention of repeated violence remain primary considerations.



© 2025 Para Penulis. Diterbitkan oleh Riset Anak Bangsa. Ini adalah artikel akses terbuka di bawah lisensi CC BY (<https://creativecommons.org/licenses/by/4.0/>)

---

## INTRODUCTION

The household is a social environment established through marriage and is, in principle, expected to provide a safe space for all family members. Family relationships concern not only the fulfillment of material and emotional needs but also the mutual obligations to respect, protect, and provide security to one another. In practice, however, the household does not always constitute a safe environment because violence continues to occur within family relationships. Domestic violence is prohibited by law because it may cause physical, psychological, or sexual suffering, as well as neglect of family members. Law No. 23 of 2004 on the Elimination of Domestic Violence affirms the right of every person to security and freedom from all forms of domestic violence and provides a legal basis for the protection and recovery of victims. These provisions demonstrate that the handling of domestic violence cases should not focus solely on action against perpetrators but must also prioritize victim protection and recovery.

Violence against women in the personal sphere remains a serious problem in Indonesia. The 2024 Annual Report of the National Commission on Violence Against Women (Komnas Perempuan), published in 2025, recorded 330,097 cases of gender-based violence against women, of which 309,516 occurred in the personal sphere, substantially exceeding those recorded in the public and state spheres (Komnas Perempuan, 2025). These data indicate that personal and family relationships remain particularly vulnerable contexts for violence. Accordingly, the handling of domestic violence cases requires a legal mechanism that not only resolves the case but also ensures the protection, recovery, and safety of victims.

From a normative perspective, Law No. 23 of 2004 regulates the prohibition of domestic violence, victims' rights, the obligations of the government and society, victim protection and recovery, and criminal sanctions. The resolution of domestic violence cases must therefore remain situated within a framework of victim protection and respect for human rights. At the same time, developments in Indonesian criminal law demonstrate a shift from an exclusively retributive orientation toward

approaches that also consider recovery from the consequences of criminal conduct. One manifestation of this development is the application of restorative justice.

Restorative justice places recovery among the principal objectives of criminal case resolution by involving victims, offenders, families, and the community. At the prosecution stage, this approach is given a normative basis through Regulation of the Prosecutor's Office of the Republic of Indonesia No. 15 of 2020 on Termination of Prosecution Based on Restorative Justice. The Regulation governs case eligibility, the reconciliation process, recovery, victims' interests, community responses, and the approval mechanism for terminating prosecution. Restorative justice should therefore not be understood merely as the discontinuation of a case, but as a mechanism that requires recovery and a balanced consideration of the interests of victims, offenders, and society (Baihaky & Isnawati, 2024; Ginting et al., 2023).

This mechanism is further supported by Attorney General Guideline No. 24 of 2021 on the Handling of General Criminal Cases, which serves as an internal guideline for the handling of general criminal matters within the Prosecutor's Office. Accordingly, the application of restorative justice at the prosecution stage must be assessed not only on the basis of reconciliation between the victim and the offender, but also with reference to compliance with legal requirements, the reconciliation process, the position of the victim, and the Public Prosecutor's considerations in determining whether prosecution should be terminated.

The application of restorative justice to domestic violence cases presents particular challenges because violence may occur within unequal relationships shaped by economic dependence, family pressure, the presence of children, and social stigma. Reconciliation therefore does not, by itself, establish that the victim's interests have been adequately protected. The resolution process must ensure that the victim's decision is made voluntarily, free from pressure, intimidation, or coercion, and that the victim's recovery and safety needs are properly assessed. The literature on restorative justice in domestic violence cases likewise emphasizes that victims' rights and the prevention of repeated violence must form part of the restorative assessment (Husna & Pujiyono, 2023; Suartini & Nurhidayati, 2023; Fitri & Nasution, 2025).

The state of the art indicates that research on restorative justice in domestic violence cases has developed across different stages of the criminal justice system. Suparman and Pramana (2022) examined the termination of prosecution in domestic violence cases in relation to restorative justice, while Firdaus (2024) specifically analyzed its application at the prosecution stage. At the investigation stage, Sitorus and Maysarah (2023), Akram et al. (2023), and Fitri and Nasution (2025) showed that dialogue, victim voluntariness, recovery, and the involvement of relevant parties are important elements of restorative practice. Empirical studies conducted within prosecutors' offices further demonstrate that legal requirements, reconciliation, community responses, and prosecutorial considerations influence whether a case may be resolved through restorative mechanisms (Rahmatsyah et al., 2023).

Studies from the perspective of Islamic criminal law have also been undertaken. Al Ayyubi and Erniwati (2023) connected the termination of prosecution in domestic violence cases with the concept of *islāh*, or reconciliation, in Islamic criminal law. Fahrurrozi et al. (2022) and Kusmayadi and Umam (2023) situated the resolution of domestic violence within the framework of *maqāṣid al-sharī'ah* and public welfare. Other studies, however, have generally addressed restorative justice as a model for resolving domestic violence cases more broadly (Ginting et al., 2019; Liu, 2021; Sopacua, 2024). Nevertheless, these studies have not specifically examined a single, concrete decision to terminate prosecution at the Mandailing Natal District Prosecutor's Office by testing the elements of Regulation of the Prosecutor's Office of the Republic of Indonesia No. 15 of 2020 sequentially and simultaneously relating them to *ṣulh*, the *ta'zīr* dimension, *maṣlaḥah*, and *maqāṣid al-sharī'ah*.

The Miswaruddin case is significant because prosecution was terminated after an unconditional reconciliation had been reached between the victim and the offender; the offender was reported to be a first-time offender; community and religious leaders supported the resolution; and consideration was given to family continuity and the interests of two young children. These circumstances reveal an intersection between the interests of law enforcement, the victim, the children, and the continuation of family relationships. The case therefore provides a relevant basis for examining whether the considerations underlying the termination of prosecution actually satisfied the restorative justice parameters prescribed by the applicable regulatory framework.

The novelty of this study lies in its analysis of a specific domestic violence case in which prosecution was terminated by the Mandailing Natal District Prosecutor's Office through Prosecution Termination Decree No. PRINT-901/L.2.28.3/Eku.2/09/2025 (RJ-35). Rather than treating reconciliation as sufficient in itself, the study sequentially examines the elements relevant to prosecution termination, including the legal classification of the offense, the offender's status, the statutory maximum penalty, recovery, victim voluntariness, the victim's circumstances, community responses, and the approval process. The results of this examination are then analyzed through the perspective of Islamic criminal law by positioning the protection of life, the interests of children, offender accountability, and the prevention of repeated violence as substantive limits on claims of *maṣlaḥah*.

Based on the foregoing discussion, this study aims to analyze the conformity of the restorative-justice-based termination of prosecution in the domestic violence case involving Miswaruddin with Regulation of the Prosecutor's Office of the Republic of Indonesia No. 15 of 2020. It further examines the considerations of the Public Prosecutor in issuing Prosecution Termination Decree No. PRINT-901/L.2.28.3/Eku.2/09/2025 in relation to formal and substantive requirements, victim protection, the interests of children, and family continuity, and evaluates those considerations through the principles of Islamic criminal law. The findings are expected to contribute to the development of criminal law scholarship, particularly regarding the application of restorative justice to the termination of prosecution in domestic violence cases and its relevance to the principles of recovery and reconciliation in Islamic criminal law.

## RESEARCH METHOD

This study employs normative legal research focusing on the legal norms governing the termination of prosecution based on restorative justice in domestic violence offenses. A normative legal design was selected because the primary objects of analysis consist of legislation, legal doctrine, scholarly literature, and case documents related to prosecution termination. This design is used to assess the conformity between the applicable norms and their implementation in a concrete case and subsequently to interpret that implementation through the principles of Islamic criminal law (Diantha, 2019; Muhaimin, 2022).

The study applies a statutory approach and a case approach. The statutory approach examines provisions directly related to the object of the study, particularly Law No. 23 of 2004 on the Elimination of Domestic Violence, Law No. 11 of 2021 amending Law No. 16 of 2004 on the Prosecutor's Office of the Republic of Indonesia, Regulation of the Prosecutor's Office of the Republic of Indonesia No. 15 of 2020 on Termination of Prosecution Based on Restorative Justice, and other provisions concerning criminal case handling and victim protection. The case approach examines Prosecution Termination Case No. PRINT-901/L.2.28.3/Eku.2/09/2025 (RJ-35) at the Mandailing Natal District Prosecutor's Office, particularly the legal facts, the reconciliation process, fulfillment of the requirements for termination of prosecution, and the considerations of the Public Prosecutor.

The primary legal materials comprise Law No. 23 of 2004 on the Elimination of Domestic Violence, Law No. 11 of 2021 amending Law No. 16 of 2004 on the Prosecutor's Office of the Republic of Indonesia, Regulation of the Prosecutor's Office of the Republic of Indonesia No. 15 of 2020, Attorney General Guideline No. 24 of 2021, and the RJ-35 case documents. The case corpus expressly relied upon in this article includes Prosecution Termination Decree No. PRINT-901/L.2.28.3/Eku.2/09/2025 and the reconciliation documents referenced in the research file. Other administrative or approval documents are used only where their identity, date, and substance can be verified from the available records. The available manuscript does not include a copy of the indictment or investigation documents expressly establishing whether Article 44 paragraph (1) or Article 44 paragraph (4) applies; accordingly, the study does not assume either classification without documentary support.

Secondary legal materials were obtained through a review of scholarly literature directly related to restorative justice, termination of prosecution, domestic violence, victim protection, Islamic criminal law, *ṣulḥ*, *ta'zīr*, *maṣlaḥah*, and *maqāṣid al-sharī'ah*. Priority was given to journal articles published within the last ten years; older sources were retained only when they served an indispensable conceptual or methodological function. The inclusion criteria were: (1) substantive relevance to the research problem; (2) verifiable authorship and publication information; (3) availability of bibliographic

information; and (4) consistency between the source content and the proposition it was used to support. Sources unrelated to the claims under discussion were excluded.

Sources were verified bidirectionally by cross-checking in-text citations against the reference list. Legislation was checked against official legal sources, while journal articles were verified through journal websites, DOI records, or publisher repositories. Case documents were verified on the basis of document number, date, issuing institution, relationship to the Miswaruddin case, and substantive consistency with the facts discussed. Personal information that was unnecessary for the legal analysis was omitted in order to protect the interests of the parties.

According to the information contained in the manuscript, the RJ-35 case documents were obtained through official access to the Mandailing Natal District Prosecutor's Office. Verification covered document numbers, dates of issuance, the issuing institution, their relationship to the Miswaruddin case, and consistency between their substance and the factual account presented in the manuscript. Because not all case documents are reproduced in the article, the analysis is limited to information traceable to the available documents and descriptions. Personal data unnecessary for the legal analysis are not disclosed in order to safeguard the interests of the parties.

Legal materials were collected through library research and document study. The materials obtained were classified into seven categories: the legal basis of domestic violence; prosecutorial authority; requirements for termination of prosecution; the reconciliation process and its outcome; victim recovery and protection; community responses and approval stages; and principles of Islamic criminal law. This classification was used to maintain traceability between legal norms, case facts, supporting documents, and the juridical assessment.

The legal interpretation techniques employed were grammatical, systematic, and teleological interpretation. Grammatical interpretation was used to understand the wording of the requirements for terminating prosecution; systematic interpretation connected Regulation of the Prosecutor's Office No. 15 of 2020 with the Domestic Violence Law, the Prosecutor's Office Law, and relevant case-handling guidelines; and teleological interpretation was used to assess whether the application of the norms fulfilled the objectives of recovery, victim protection, legal certainty, and utility. From the perspective of Islamic criminal law, interpretation focused on *ṣulḥ*, the *ta'zīr* dimension, *maṣlaḥah*, *maqāṣid al-sharī'ah*, offender accountability, and the prevention of harm.

The case analysis was conducted in stages. First, the study identified the legal facts and documents underlying the issuance of the RJ-35 Prosecution Termination Decree. Second, all relevant elements of Regulation of the Prosecutor's Office of the Republic of Indonesia No. 15 of 2020 were mapped. Third, each element was compared with the facts and documents that could be verified. Fourth, the study assessed the victim's position, the voluntariness of reconciliation, recovery, the risk of repeated violence, community responses, and the approval stages. Fifth, the positive-law analysis was examined through the concepts of *ṣulḥ*, the *ta'zīr* dimension, *maṣlaḥah*, and *maqāṣid al-sharī'ah*. Where an element lacked sufficient documentary support, it was identified as a limitation of verification rather than treated as an established fact.

The legal materials were analyzed qualitatively using a descriptive-analytical method together with grammatical, systematic, and teleological interpretation. The relevant legal norms were first described and connected to the objectives of victim protection and recovery, and were then compared with the case facts. The comparison provided the basis for assessing the degree of conformity of the prosecution termination rather than merely producing a binary conclusion of compliance or non-compliance. The same approach was applied to the Islamic criminal law analysis by treating public welfare, protection of life, the interests of children, accountability, and the prevention of harm as substantive parameters.

## RESULTS AND DISCUSSION

### Analysis of Compliance with Regulation of the Prosecutor's Office of the Republic of Indonesia No. 15 of 2020

Regulation of the Prosecutor's Office of the Republic of Indonesia No. 15 of 2020 treats restorative-justice-based termination of prosecution as a mechanism that must be evaluated through case eligibility requirements, the reconciliation process, recovery, victims' interests, community responses, and approval stages. In the Miswaruddin case, the research materials indicate physical violence against the wife, reconciliation between the parties, the suspect's reported status as a first-time

offender, support from community and religious leaders, and consideration of two children who were still very young. These facts are relevant to the analysis, but not every element can be considered established merely because a Prosecution Termination Decree was ultimately issued (Baihaky & Isnawati, 2024; Ginting et al., 2023).

The legal classification of the offense is the first issue that must be established. Article 44 paragraph (1) of Law No. 23 of 2004 regulates physical violence within the household and carries a maximum sentence of five years' imprisonment, whereas Article 44 paragraph (4) governs physical violence between spouses that does not result in illness or an impediment to carrying out work or daily activities and carries a maximum sentence of four months' imprisonment. The available case materials refer to physical violence against the wife but do not provide a description of the medical consequences or the indictment/investigation documents necessary to determine conclusively whether the offense was classified under paragraph (1) or paragraph (4). Nevertheless, the maximum-penalty requirement under Article 5 paragraph (1)(b) of Regulation of the Prosecutor's Office No. 15 of 2020 is satisfied under either possibility because neither provision carries a maximum penalty exceeding five years. The specific Article 44 classification must therefore remain an acknowledged limitation of documentary verification.

The next element concerns the suspect's status as a first-time offender. The research manuscript states that Miswaruddin had not previously committed a criminal offense. This statement is consistent with Article 5 paragraph (1)(a) of Regulation of the Prosecutor's Office No. 15 of 2020, although a stronger academic assessment would require direct reference to the document on which the prosecutor relied in determining that status. Accordingly, this article distinguishes between facts reported in the research file and the administrative evidentiary documents that are not reproduced in full in the manuscript.

Reconciliation and victim voluntariness are the most sensitive elements in domestic violence cases. The research materials state that the victim forgave the suspect and that reconciliation was reached without conditions. Normatively, Articles 7 and 9 of Regulation of the Prosecutor's Office No. 15 of 2020 require the reconciliation process to be free from pressure, coercion, and intimidation. In the context of domestic violence, a signature on a reconciliation document is not sufficient if it is not accompanied by an assessment of economic dependence, family pressure, fear of the perpetrator, and the risk of repeated violence. Recent empirical research likewise treats the victim's freedom to express her wishes and the absence of intimidation as central elements of restorative practice (Suartini & Nurhidayati, 2023; Fitri & Nasution, 2025).

Recovery must be distinguished from formal reconciliation. Regulation of the Prosecutor's Office No. 15 of 2020 requires restoration to the prior condition, with the form of recovery adapted to the nature of the loss and the agreement of the parties. The case manuscript indicates an apology, a commitment not to repeat the violence, and a social sanction requiring the offender to clean the mosque grounds for one month. However, the manuscript does not explain in detail whether the victim required or received medical treatment, reimbursement of expenses, psychological support, or other forms of recovery. The recovery element can therefore be regarded as having a restorative basis, but its completeness should not be inferred beyond the available evidence.

Community response in this case is reflected in the involvement and support of religious and community leaders. This is consistent with the regulatory requirement that community responses and social harmony be considered. Social acceptance, however, cannot take precedence over victim safety. Literature on restorative justice practices in domestic violence cases indicates that community support has restorative value only when it strengthens recovery and does not become pressure on the victim to remain in an unsafe relationship (Akram et al., 2023; Rahmatsyah et al., 2023; Sopacua, 2024).

Procedural stages must likewise be distinguished from the substance of reconciliation. Regulation of the Prosecutor's Office No. 15 of 2020 requires minutes of the reconciliation agreement, the Public Prosecutor's legal opinion, a hierarchical request for approval, written approval or rejection, and the issuance of the decree within the prescribed period. The RJ-35 Prosecution Termination Decree is identified in the manuscript as the final product of the prosecution termination process, but the available manuscript does not reproduce all documents from the preceding stages. This article therefore no longer asserts that every procedural stage has been independently verified; its conclusions are limited to the documents traceable within the research corpus.

**Table 1. Matrix for Assessing the Elements of Prosecution Termination Based on the Available Documents**

| Element Assessed                              | Facts Reported in the Manuscript                                                            | Evidence/Documents                                                                                           | Assessment                                                                                                                            |
|-----------------------------------------------|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| First-offender status                         | The manuscript states that the suspect had not previously committed a criminal offense.     | The status is mentioned in the case materials, but the underlying administrative document is not reproduced. | Substantively consistent; the documentary basis should be cited directly.                                                             |
| Maximum penalty and Article 44 classification | Physical violence against the wife is reported; the medical consequences are not specified. | The indictment/investigation file is not available in the manuscript.                                        | The ≤5-year threshold is satisfied under either paragraph (1) or paragraph (4); the specific legal classification cannot be verified. |
| Reconciliation and voluntariness              | Unconditional reconciliation and the victim's forgiveness are reported.                     | A reconciliation document is referenced in the research file.                                                | There is a basis for this element, but it must be critically assessed in light of power imbalances and possible pressure.             |
| Recovery                                      | An apology, a commitment not to repeat the conduct, and a social sanction are reported.     | Medical, psychological, or cost-related recovery measures are not specified.                                 | Partially supported by the available data; the completeness of recovery cannot be established.                                        |
| Community response                            | Religious and community leaders supported the resolution.                                   | Community involvement is reported as part of the reconciliation process.                                     | Supports the restorative element, but cannot override the victim's interests and safety.                                              |
| Approval stages                               | The RJ-35 Prosecution Termination Decree was issued.                                        | Intermediate documents, including the legal opinion and hierarchical approvals, are not reproduced in full.  | The final instrument is identified in the manuscript; the complete procedural chain cannot be independently re-examined.              |
| Victim safety                                 | The manuscript emphasizes the need to prevent repeated violence.                            | The normative study contains no post-reconciliation monitoring data.                                         | Cannot be assessed empirically and therefore constitutes an important limitation of the study's conclusion.                           |

The matrix shows that the principal strengths of the case lie in the existence of reconciliation, the reported first-offender status, community support, and the final prosecution termination instrument. Two matters, however, should not be obscured: the specific classification under Article 44 cannot be established from the available documents, and the complete chain of administrative approvals cannot be independently re-examined. The most proportionate conclusion is therefore that there is strong substantive conformity with the restorative justice framework, subject to documentary verification limitations in several respects. This qualification is essential to prevent assumptions from being presented as established facts.

### Islamic Criminal Law Analysis: *Ṣulḥ*, *Ta'zīr*, *Maṣlaḥah*, and *Maqāṣid al-Sharī'ah*

Violence against a wife is inconsistent with the principles of protecting life, dignity, and family. Within the framework of this article, the policy dimension of law enforcement may be analyzed through *ta'zīr*, which provides the competent authority with discretionary space to determine an appropriate form of legal response by considering the gravity of wrongdoing, victim protection, social interests, and public welfare. The use of the concept of *ta'zīr* is not intended to eliminate offender accountability, but rather to assess whether the decision to terminate prosecution produces more substantive protection and recovery than the mere discontinuation of formal proceedings.

The concept of *ṣulḥ* provides a more direct point of convergence with restorative justice because it treats reconciliation as a mechanism for resolving disputes based on the voluntary agreement of the parties. Al Ayyubi and Erniwati (2023) demonstrate the relevance of terminating prosecution in domestic violence cases to the concept of *islāḥ* in Islamic criminal law. In the Miswaruddin case, reconciliation, apology, deliberation, and a commitment not to repeat the conduct support this line of analysis. Nevertheless, *ṣulḥ* cannot be understood as legitimizing violence; victim voluntariness and the absence of coercion are substantive conditions that determine the normative value of reconciliation.

*Maṣlaḥah* and *maqāṣid al-sharī'ah* broaden the analysis beyond the mere achievement of reconciliation to the actual consequences of case resolution. The protection of life (*ḥifẓ al-naḥs*) requires that the victim be safe and not subjected to repeated violence, while the protection of progeny (*ḥifẓ al-nasl*) requires that the interests of children be situated within a safe family environment. Fahrurrozi et al. (2022) and Kusmayadi and Umam (2023) demonstrate the relevance of *maqāṣid al-sharī'ah* in assessing the resolution of domestic violence. Accordingly, the presence of children and the

preservation of family unity may constitute considerations of *maṣlaḥah*, but they must not be used to justify returning the victim to circumstances that endanger her safety or dignity.

Within this framework, the relevance of Islamic criminal law to the termination of prosecution in this case is conditional. A restorative mechanism is consistent with *ṣulḥ*, the *ta'zīr* dimension, *maṣlaḥah*, and *maqāṣid al-sharī'ah* only where reconciliation is freely undertaken, the offender acknowledges responsibility, victim recovery constitutes a genuine objective, victim safety is secured, and measures are taken to prevent repeated violence. If reconciliation results from economic pressure, fear, or pressure to preserve the family, the claim of *maṣlaḥah* loses its substantive foundation.

### Critical Synthesis and Comparison with Previous Studies

The findings of this study reinforce those of Suparman and Pramana (2022) and Firdaus (2024), who show that Regulation of the Prosecutor's Office No. 15 of 2020 permits termination of prosecution in domestic violence cases subject to strict requirements. Compared with studies at the investigation stage that emphasize mediation, dialogue, and agreement between the parties (Sitorus & Maysarah, 2023; Akram et al., 2023), this study shows that the prosecution stage requires additional scrutiny of prosecutorial authority, the statutory maximum penalty, recovery, community responses, and hierarchical approval. The study is also consistent with victim-protection scholarship that places recovery and the victim's interests at the core of restorative justice (Husna & Pujiyono, 2023; Suartini & Nurhidayati, 2023).

The distinction lies in how this article addresses evidentiary limitations. A number of earlier studies tend to focus on the success of reconciliation or the availability of restorative mechanisms (Ginting et al., 2019; Liu, 2021; Sopacua, 2024). This study demonstrates that the existence of reconciliation and a prosecution termination decree is not sufficient to conclude that every element has been verified where the legal classification of the offense, evidence of recovery, victim voluntariness, or approval documents are not adequately presented. Compared with Islamic criminal law studies emphasizing *islāḥ* and *maqāṣid* (Al Ayyubi & Erniwati, 2023; Fahrurrozi et al., 2022), this article adds a critical victim-protection function: *maṣlaḥah* is assessed not merely by whether the family remains intact, but by whether safety, recovery, accountability, and the prevention of repeated violence are secured. This is the specific contribution of the study to the analysis of the RJ-35 case

### CONCLUSION

Based on the documents that can be verified from the manuscript, the termination of prosecution in the domestic violence case involving Miswaruddin through Prosecution Termination Decree No. PRINT-901/L.2.28.3/Eku.2/09/2025 demonstrates strong substantive conformity with the framework of Regulation of the Prosecutor's Office of the Republic of Indonesia No. 15 of 2020, particularly because the materials record reconciliation between the parties, the suspect's reported status as a first-time offender, support from community and religious leaders, and consideration of the interests of the children and the family. The maximum-penalty requirement is satisfied whether the conduct is classified under Article 44 paragraph (1) or paragraph (4) of Law No. 23 of 2004; however, the available manuscript does not contain sufficient information concerning medical consequences or the indictment/investigation documents to determine conclusively which paragraph was applied, nor does it reproduce all hierarchical approval documents for independent re-verification. The study therefore does not claim that every procedural element has been independently proven. In domestic violence cases, reconciliation must also be assessed critically in light of unequal power relations, economic dependence, potential pressure, the risk of revictimization, and victim safety. From the perspective of Islamic criminal law, the restorative mechanism is relevant to *ṣulḥ*, the *ta'zīr* dimension, *maṣlaḥah*, and *maqāṣid al-sharī'ah* insofar as victim voluntariness, offender accountability, recovery, the protection of life, the interests of children, and the prevention of repeated violence remain primary considerations. The novelty of the study lies in its element-by-element examination of a concrete case and its integration of positive law with Islamic criminal law while limiting conclusions to the evidence actually available; accordingly, the study does not seek to generalize the effectiveness of restorative justice across all domestic violence cases.

## REFERENCES

- Akram, H., Sabri, F., & Kurniawan, I. (2023). Keadilan restoratif dalam penyelesaian kasus tindak pidana kekerasan dalam rumah tangga (KDRT) di wilayah hukum Polresta Padang. *Delicti: Jurnal Hukum Pidana dan Kriminologi*, 1(1), 42–49. <https://doi.org/10.25077/delicti.v1i1.p.42-49.2023>
- Al Ayyubi, A. S., & Erniwati. (2023). Restoratif justice pada kasus kekerasan dalam rumah tangga menurut perspektif hukum pidana Islam. *Ta'zir: Jurnal Hukum Pidana*, 7(1), 66–79. <https://doi.org/10.19109/tazir.v7i1.18384>
- Arief, H., & Ambarsari, N. (2018). Penerapan prinsip restorative justice dalam sistem peradilan pidana di Indonesia. *Al-Adl: Jurnal Hukum*, 10(2), 173–190. <https://doi.org/10.31602/al-adl.v10i2.1362>
- Baihaky, M. R., & Isnawati, M. (2024). Restorative justice: Pemaknaan, problematika, dan penerapan yang seyogianya. *Unes Journal of Swara Justisia*, 8(2), 276–289. <https://doi.org/10.31933/4mqgaj17>
- Diantha, I. M. P. (2019). *Metodologi penelitian hukum normatif dalam justifikasi teori hukum* (Cet. ke-3). Prenadamedia Group.
- Fahrurrozi, Apipuddin, & Sunardi, H. (2022). Penyelesaian kasus KDRT menggunakan restoratif justice perspektif maqashid syari'ah: Studi kasus di Kepolisian Resort Kota Mataram. *Al-IHKAM: Jurnal Hukum Keluarga*, 14(2). <https://doi.org/10.20414/alihkam.v14i2.6929>
- Firdaus, M. N. E. (2024). Restorative justice dalam kekerasan dalam rumah tangga pada tingkat penuntutan. *Jurnal Ilmu Hukum: ALETHEA*, 7(2), 79–96. <https://doi.org/10.24246/alethea.vol7.no2.p79-96>
- Fitri, D. I. A., & Nasution, R. P. (2025). Penerapan keadilan restoratif dalam penyelesaian tindak pidana kekerasan dalam rumah tangga di wilayah hukum Polrestabes Medan tahun 2022–2024. *Legal Standing: Jurnal Ilmu Hukum*, 9(4), 1002–1017. <https://doi.org/10.24269/ls.v9i4.12176>
- Ginting, A. G., Simatupang, V. U., & Batubara, S. A. (2019). Restorative justice sebagai mekanisme penyelesaian tindak pidana kekerasan dalam rumah tangga. *Jurnal Rectum*, 1(2), 180–187. <https://doi.org/10.46930/jurnalrectum.v1i2.225>
- Ginting, R. B., Ediwarman, E., Yunara, E., & Marlina, M. (2023). Penghentian penuntutan melalui penerapan restorative justice di tingkat kejaksaan. *Locus Journal of Academic Literature Review*, 2(10), 789–806. <https://doi.org/10.56128/ljoalr.v2i10.233>
- Husna, L. A., & Pujiyono. (2023). Tindak pidana kekerasan dalam rumah tangga menurut sistem peradilan pidana dalam perspektif restorative justice. *El-Dusturie: Jurnal Hukum dan Perundang-undangan*, 2(2). <https://doi.org/10.21154/el-dusturie.v2i2.7183>
- Komisi Nasional Anti Kekerasan terhadap Perempuan. (2025). *Menata data, menajamkan arah: Refleksi pendokumentasian dan tren kasus kekerasan terhadap perempuan 2024—Catatan Tahunan Kekerasan terhadap Perempuan Tahun 2024*. <https://komnasperempuan.go.id/download-file/1364>
- Kusmayadi, R. C. R., & Umam, K. (2023). KDRT dalam perspektif maqashid syariah. *Jurnal Pusaka: Media Kajian dan Pemikiran Islam*, 13(2), 155–167. <https://doi.org/10.35897/ps.v13i02.1315>
- Liu, S. P. (2021). Prinsip restorative justice dalam penyelesaian tindak pidana kekerasan dalam rumah tangga. *Lex Privatum*, 9(10).
- Muhaimin. (2022). *Metode penelitian hukum*. Mataram University Press.
- Rahmatsyah, R., Yustrisia, L., & Munandar, S. (2023). Penerapan restorative justice sebagai mekanisme penyelesaian kekerasan dalam rumah tangga di Kejaksaan Negeri Bukittinggi. *Law, Development & Justice Review*, 6(2), 166–179. <https://doi.org/10.14710/ldjr.6.2023.166-179>
- Sitorus, D. F., & Maysarah, A. (2023). Penyelesaian perkara kekerasan dalam rumah tangga (KDRT) melalui restorative justice di tingkat penyidikan. *Warta Dharmawangsa*, 17(1). <https://doi.org/10.46576/wdw.v17i1.2918>
- Sopacua, M. G. (2024). Implementasi keadilan restoratif sebagai landasan dalam penyelesaian masalah kekerasan dalam rumah tangga di Indonesia. *Jurnal Pembangunan Hukum Indonesia*, 6(1), 96–111. <https://doi.org/10.14710/jphi.v6i1.96-111>
- Suartini, S., & Nurhidayati, M. (2023). Perlindungan hukum bagi perempuan dan anak sebagai korban KDRT melalui pendekatan restoratif justice. *Lex Jurnalica*, 20(3). <https://doi.org/10.47007/lj.v20i3.7269>

Suparman, S. K., & Pramana, I. G. P. (2022). Penghentian penuntutan perkara kekerasan dalam rumah tangga dalam kaitannya dengan konsep restorative justice. *Kertha Desa*, 10(12), 1321–1330. <https://ojs.unud.ac.id/index.php/kerthadesa/article/view/92003>

#### **Peraturan Perundang-undangan dan Pedoman**

Pedoman Jaksa Agung Nomor 24 Tahun 2021 tentang Penanganan Perkara Tindak Pidana Umum. (2021).

Peraturan Kejaksaan Republik Indonesia Nomor 15 Tahun 2020 tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif, Berita Negara Republik Indonesia Tahun 2020 Nomor 811. (2020). <https://jdih.kejaksaan.go.id/produk-hukum/detail?id=4150>

Undang-Undang Republik Indonesia Nomor 11 Tahun 2021 tentang Perubahan atas Undang-Undang Nomor 16 Tahun 2004 tentang Kejaksaan Republik Indonesia. (2021).

Undang-Undang Republik Indonesia Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga. (2004).