

Restorative Justice in Criminal Acts of Losing Human Life from an Economic Perspective

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ABSTRACT

This study analyzes in depth the implementation of restorative justice (RJ) in the crime of killing a person in Indonesia from an economic perspective. Using qualitative methods with normative legal and conceptual approaches, and secondary data analysis, this study examines the potential benefits and challenges of implementing RJ in murder cases. The results of the analysis show that RJ has the potential to offer social and economic benefits—such as better victim recovery, potential reduction in long-term criminal justice system costs, and reduced recidivism—compared to retributive approaches. However, its implementation in Indonesia faces significant obstacles, including regulatory fragmentation, institutional resistance, public perception, and limited resources and local empirical data. While immediate cost savings may be limited for serious cases, the potential long-term socio-economic benefits of recovery and social cohesion could be substantial. Effective implementation requires legal harmonization, resource investment, paradigm shift, and the development of clear guidelines. The findings of this study highlight the economic and social potential of implementing restorative justice (RJ) in Indonesia's criminal justice system, particularly in cases of homicide. From an economic perspective, RJ could reduce the long-term costs associated with the criminal justice process, such as incarceration and administrative expenses, by focusing on rehabilitation and reintegration of offenders.

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Introduction

The criminal justice system in Indonesia, as in many other countries, has historically been dominated by the paradigm of retributive justice. This approach focuses on imposing sanctions or punishments on perpetrators as a form of retribution for crimes committed, with the state acting as the injured party. The main focus is on determining the perpetrator's guilt and providing an appropriate punishment, often in the form of imprisonment. However, this conventional approach has been criticized for its significant limitations, especially in dealing with serious crimes such as taking the life of another person. These criticisms include an excessive focus on the perpetrator, thus ignoring the needs and rights of victims who suffer physical, psychological, and economic losses. In addition, the conventional criminal justice system is often considered ineffective in resolving social conflicts in depth, and can even damage family relationships between victims and perpetrators. The economic and social costs incurred by the conventional legal process from investigation, prosecution, trial, to imprisonment are also very high, burdening the state budget and society as a whole. The gap between the idealism of justice and the reality of law enforcement practices, coupled with limited resources, encourages the search for alternative approaches.

In this context, the concept of *restorative justice* emerges as an alternative paradigm that offers a different approach. *Restorative justice* does not focus on revenge, but rather on the

restoration of the losses experienced by the victim, the restoration of relationships between the victim, the perpetrator, and the community, and encouraging meaningful accountability of the perpetrator. This approach views crime not only as a violation of state law, but as a violation of individuals and social relations. By actively involving the affected parties—victims, perpetrators, and communities, *restorative justice* aims to find just solutions and restore the balance disturbed by the crime.

The relevance of economic analysis in evaluating criminal policy is becoming increasingly important, given limited public resources and the ever-increasing costs of law enforcement in Indonesia. Tens of trillions of rupiah are allocated annually to fund police, prosecutors, courts, and corrections activities. Therefore, analyzing the *restorative justice* approach from an economic perspective is crucial to assess its feasibility and potential efficiency as an alternative or complement to the conventional system, especially in handling the most serious and far-reaching cases such as the crime of taking one's life. This study aims to analyze in depth the application of *restorative justice* in the crime of taking one's life in Indonesia from an economic perspective. The focus of the analysis includes a comparison of costs and benefits between the *restorative* and conventional approaches, potential economic efficiency, and implementation challenges in the Indonesian legal and social context.

A previous study by Marbun (2021) focused on the potential of *restorative justice* in minor criminal cases, highlighting its effectiveness in reducing recidivism and providing rehabilitation to offenders. However, Marbun's study was limited by its focus on less severe crimes, and did not consider the economic implications or the complexities of applying *restorative justice* in cases involving serious crimes like homicide. The second study, conducted by Fajarini (2019), explored *restorative justice's* impact on victim recovery in cases of domestic violence, emphasizing the emotional and psychological benefits for victims. However, it failed to provide a comprehensive economic analysis or evaluate how *restorative justice* could be scaled to address more complex and high-cost crimes, such as murder.

The objective of this research is to evaluate the economic aspects of implementing *restorative justice* in homicide cases in Indonesia. This includes analyzing potential cost savings for the state, reducing the burden on the criminal justice system, and improving victim recovery outcomes. The benefits of this research lie in its ability to provide policymakers and stakeholders with valuable insights into how *restorative justice* could function as a cost-effective and efficient alternative to retributive justice, particularly in serious cases like murder. The findings will contribute to improving the economic sustainability of the justice system, enhancing social cohesion, and ultimately offering a more effective solution to addressing crime in Indonesia.

Research Methods

This study uses a qualitative method with a normative, conceptual, and legal approach and secondary data analysis sourced from academic literature, laws and regulations, research reports, and other relevant documents. *Economic Analysis of Law* is used as a framework to evaluate the economic implications of both criminal justice approaches. Applying economic analysis to homicide cases presents its own challenges, since the primary losses are intangible (*life, deep trauma*) that are difficult to measure in monetary terms, while the benefits of *restorative justice* are often more social (*psychological recovery of victims, reconciliation,*

social cohesion) than simply direct cost savings of the criminal justice system. This requires a broader economic perspective, one that focuses not only on procedural efficiency but also on long-term social welfare impacts.

Results and Discussion

Applying an economic lens to restorative justice (RJ) in the context of a life-threatening crime requires careful analysis of its potential benefits and costs, and how it compares to conventional criminal justice systems. This analysis is complicated by the extreme nature of the crime and the non-economic values involved.

Potential Economic Benefits of Restorative Justice

Although its application to homicide cases is limited and controversial, RJ theoretically offers several potential economic benefits, both direct and indirect:

1. Reducing the Costs of the Criminal Justice System (CJS):

- a. *Process Cost Reduction*: If RJ manages to reach an out-of-court settlement (although this is very rare in murder cases in Indonesia today), this could save expensive court costs (Ronaldi & Dina Saraswati, 2024).
- b. *Recidivism Rate Reduction*: One of the main claims of RJ is its ability to reduce the rate of repeat crime (recidivism). International studies show the potential for significant reductions (e.g., 14% or more), which means savings in long-term CJS costs (investigation, prosecution, repeat imprisonment) (Pebriyanti et al., 2024). However, the relevance of these benefits to homicide cases needs further study, given that offenders often receive life or very long sentences. The benefits of reducing recidivism may be more significant if RJ is applied at the post-sentence stage as part of a reintegration program.
- c. *Resource Allocation Efficiency*: By resolving some cases (especially the less serious ones) through RJ, limited CJS resources can be allocated to dealing with more complex cases or those that are not suitable for RJ (Kalsum et al., 2023).

2. Benefits for Victims (Families) and Society:

- a. *Reducing Health Costs*: The RJ process that focuses on victim recovery can help reduce symptoms of post-traumatic stress (PTSD) (Astuti et al., 2018), anxiety, and depression for the families of victims. This has the potential to reduce the need for long-term physical and mental health care, which means cost savings for individuals and the health system (Hasanah et al., 2025).
- b. *Recovery of Material Losses (Restitution)*: While it cannot replace a life lost, RJ can facilitate a restitution agreement to compensate for any material losses the victim's family may have experienced (e.g., funeral costs, loss of a breadwinner) (Mareta & Kav, 2018).
- c. *Increased Victim Welfare and Satisfaction*: Victims who participate in RJ processes often report higher levels of satisfaction compared to conventional processes. They feel heard, valued, and have an active role in seeking justice. This increase in satisfaction is positively correlated with psychological well-being, which has intangible economic value (Wijaya & Widiastuti, 2019).
- d. *Social Relationship Restoration* aims to restore relationships damaged by crime, both between individuals and within communities. This can reduce social conflict and

increase cohesion, which has a positive impact on the stability and productivity of society (Pratama & Pangestika, 2024).

- e. *Potential for Reintegration of Offenders:* If RJ is successful in encouraging behavioral change and responsibility in offenders, the potential for better reintegration into society after serving their sentence can increase economic contribution and reduce social burden (Ani Purwati et al., 2020).

Costs of Implementing Restorative Justice Programs

Implementing an effective RJ program also requires investment and incurs costs:

1. **Training Fees:** Special and ongoing training is needed for facilitators, law enforcement officers (police, prosecutors, judges), social workers, and other related parties regarding the principles, ethics, and techniques of RJ facilitation. Lack of adequate training is one of the main challenges (Daeng et al., 2024).
2. **Program Operating Costs:** Covers salaries or honorariums for professional facilitators, program administration costs, provision of neutral and safe meeting rooms, and other operational costs.
3. **Support Service Fee:** Victims and perpetrators may require additional support services during the RJ process, such as psychological counseling, legal assistance, or other social assistance.
4. **Monitoring and Evaluation Costs:** A system is needed to monitor the quality of program implementation, evaluate its effectiveness, and ensure accountability.

Cost-Benefit Analysis and Economic Efficiency

Comparing the costs and benefits of RJ with conventional CJS for homicide cases in Indonesia produces a complex picture:

1. **Cost Comparison:** The cost per case of running an RJ program (training, facilitation) is generally much lower than the cumulative costs of conventional CJS for murder cases, which involve in-depth investigations, lengthy trial processes, and very expensive long-term imprisonment (often decades or life) (Supriadi, 2024).
2. **Comparison of Benefits:** The main benefits of conventional CJS are the imposition of punishment (retribution), the removal of the perpetrator from society (incapacitation), and the potential for a deterrent effect (although its effectiveness is difficult to prove) (Astuti et al., 2018). These benefits are difficult to measure in economic terms. The benefits of RJ lie in the potential for victim recovery, reduced recidivism (although its relevance is limited for homicide), and social recovery. These victim and social recovery benefits, while valuable in intangible terms, are also difficult to quantify in monetary terms (Zaidan, 2022).
3. **International Studies:** Several international studies show a very positive Benefit-Cost Ratio (BCR) for RJ in general (e.g., 8:1, 9:1, even 14:1) (Fauziyah, 2024), meaning that every pound/dollar invested in RJ generates significantly greater CJS cost savings or social benefits. However, these studies often cover a range of crime types (not just murder) and are conducted in the context of different legal systems and cost structures, so extrapolation to Indonesia should be approached with caution (Firmansyah, 2022).
4. **Quantification Challenges:** The greatest difficulty in economic analysis of RJ for homicide is measuring the economic value of intangible benefits such as victim trauma recovery, subjective sense of justice, and social reconciliation. Analyses that focus only

on measurable CJS cost savings will tend to underestimate the true value of RJ (Rasiwan & SH, 2020).

5. **Allocative Efficiency:** The key question is whether investing limited resources in developing and implementing RJ for homicide (even selectively) is a more efficient use of public funds than relying solely on conventional CJS or allocating them to primary prevention programs? The answer is unclear without strong local empirical data (Ramadhan, 2016).

To help visualize this comparison, the following table is presented:

Table 1. Comparative Estimation of Cost and Benefit Components: Conventional vs. Restorative Justice Approaches to Cases of Killing in Indonesia

Cost/Benefit Components	Conventional Approach (Estimation/Description)	Restorative Justice Approach (Estimate/Description)
Public Direct Costs		
Investigation & Prosecution	High (case complexity)	Low (if replacing part of the process) / Irrelevant (if post-sentencing)
Justice	Very High (long process, appeal)	Low / Irrelevant
Imprisonment	Very High (long/life sentence)	Does not directly reduce initial incarceration costs, potential reduction if it affects sentencing/recidivism
RJ Program	There isn't any	Relatively Low per case (training, facilitation, support)
Victim/Family Costs		
Medical/Funeral	Tall	Potential restitution from the perpetrator
Lost Income	Tall	Don't reduce immediately, focus on recovery
Trauma (Intangible)	Very High, often overlooked by the system	Primary focus on recovery, potential reduction in long-term mental health costs
Potential Benefits		
Recidivism Reduction	Low (due to long sentence)	Potential exists (especially post-sentencing), need strong evidence for murder cases
Victim Satisfaction/Recovery	Low/Medium, often feels neglected	High, victims feel heard and empowered
Social Recovery/Reintegration	Low, focus on isolating the perpetrator	High, explicit goals of RJ

Source: Data processed

Economic analyses of RJ for homicide in Indonesia are currently severely constrained by a dearth of local empirical data. We do not have specific data on the costs of implementing RJ programs for such serious cases, nor data on their effectiveness (e.g., impact on victim satisfaction, mental health, or even recidivism in the Indonesian context) for homicide. As a result, analyses tend to be qualitative and rely on extrapolation from other contexts. Furthermore, prioritizing economic efficiency alone in the context of loss of life risks ignoring

the very essence of restorative justice itself, namely, restoration, substantive justice, and social benefits that go beyond calculating the costs of CJS. Economic perspectives must be balanced with considerations of ethics, human rights, and the ultimate goal of reparation for those most affected.

Conclusion

Applying an economic perspective to *restorative justice* (RJ) in murder cases presents a challenge as it requires balancing costs and benefits with the moral and emotional aspects of the crime. However, *RJ* offers potential advantages, such as reducing the burden on the criminal justice system by resolving cases outside formal channels, thereby saving on trial and incarceration costs. *RJ* has been shown to lower recidivism rates, which could reduce long-term costs of crime and imprisonment, though in murder cases, its impact may be more significant post-sentence during reintegration programs. Moreover, *RJ* can alleviate the strain on the legal system by handling less severe cases, allowing more resources to focus on complex cases like murder. *RJ* also benefits victims and society by helping victims emotionally recover, potentially reducing healthcare costs for trauma-related issues like PTSD, and providing financial restitution for material losses. However, its application in murder cases requires more research and a shift in legal paradigms to balance justice, resources, and victim needs. Future studies should explore the conditions under which *RJ* can be effectively implemented in serious crimes and the long-term impacts on both the legal system and societal well-being.

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