

Restorative justice-based criminal case resolution in Salatiga, Indonesia: Islamic law perspective and legal objectives

Ariefulloh Ariefulloh, Hibnu Nugroho, Angkasa Angkasa, Riris Ardhanariswari

Universitas Jenderal Soedirman

E-mail: fulob_84@yahoo.com, hibnunugroho@gmail.com, drangkasa_64@yahoo.com, riris.ardhanariswari@unsoed.ac.id

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Restorative justice is a pattern of dispute resolution which emphasizes the responsibility of the perpetrator for the consequences of his actions while at the same time paying attention to the position of the victim. This is not simply about punishing the offender; it is about obtaining justice through discussion outside of the criminal justice system to ensure the situation can be returned to its prior state. Islamic law offers a concept of restorative justice called *islah*, which is a technique to resolve conflicts between parties by forgiving one another. Salatiga City, the most tolerant city in Indonesia, is where this study is being conducted. The idea of restorative justice is used to resolve disputes through the role of a *lurah* (head of neighborhood), who is responsible for upholding communal order. It is intriguing to investigate whether the reality of restorative justice in Salatiga City can achieve the three main objectives of the law as outlined by Gustav Radbruch: justice, benefit, and legal certainty. This study employs a qualitative methodology and a socio-legal research design. Interviews with the offenders, victims, and the *lurah* who served as the government's mediator resulted in the gathering of data. The findings of this study demonstrate that Salatiga City's restorative justice method to conflict settlement has achieved the goals of justice and legal advantage and can even foster good will among the parties. The absence of *lurah's* legal standing in the resolution of this issue, however, does not satisfy the requirement of legal clarity. For Salatiga City residents, a legal foundation is required for restorative justice-based legal dispute settlement.

Keadilan restoratif merupakan pola penyelesaian perselisihan dengan menitik beratkan pada pertanggungjawaban pelaku atas akibat perbuatannya yang sekaligus memperhatikan kedudukan korban. Hal tersebut untuk memperoleh keadilan dengan cara musyawarah di luar sistem peradilan

pidana sehingga keadaan dapat dipulihkan seperti semula, bukan sekedar penjatuhan hukuman kepada pelaku. Konsep keadilan restoratif ini dalam kajian hukum Islam dikenal dengan istilah *islah* yang merupakan cara untuk mengakhiri perselisihan di antara para pihak dengan saling memaafkan. Penelitian ini mengambil lokus di Kota Salatiga yang menyandang predikat sebagai kota paling toleran di Indonesia. Konsep keadilan restoratif dalam penyelesaian perkara melalui peran lurah (kepala kelurahan) yang memiliki tugas untuk menjaga ketertiban umum di masyarakat. Realitas penyelesaian perselisihan dengan pendekatan keadilan restoratif di Kota Salatiga menarik untuk dikaji apakah dapat mewujudkan tujuan hukum seperti yang dijelaskan Gustav Radburch yakni, keadilan, kemanfaatan dan kepastian hukum. Penelitian ini menggunakan metode kualitatif dengan desain *socio-legal research*. Data diperoleh dengan wawancara kepada pelaku tindak pidana, korban, dan lurah sebagai mediator dari unsur pemerintah. Hasil penelitian ini menunjukkan bahwa penyelesaian perselisihan dengan pendekatan keadilan restoratif di Kota Salatiga telah mewujudkan cita keadilan dan kemanfaatan hukum, bahkan dapat menciptakan hubungan para pihak kembali harmonis. Namun demikian, tidak adanya *legal standing* bagi lurah dalam penyelesaian permasalahan ini dinilai belum dapat memenuhi unsur kepastian hukum. Diperlukan adanya landasan hukum dalam penyelesaian perselisihan hukum berbasis keadilan restoratif bagi masyarakat Kota Salatiga.

Keywords: *Islamic law; rstorative justice; islah; Salatiga*

Introduction

An option that could be explored in Indonesia is the notion of restorative justice, together with its numerous implementation strategies (Zunaidi, 2022). The idea of restorative justice is thought to be able to address the flaws in the criminal justice system, which have given it a negative reputation in the public's perception of Indonesian society (Hamzani *et al.*, 2019). According to Tony F. Marshall, restorative justice is a method of resolving criminal issues that engages the parties involved. It is anticipated that the community would actively engage with legal institutions (Marshall, 1999).

Restorative justice focuses on how the offender can be held accountable for the crime he committed and how the victim can receive justice. The intention is for the victim and the offender to resume their previous harmonious relationship (Latimer, Dowden and Muise, 2005). The main goal of restorative justice is to create a fair problem-solving process where all parties, including the offender, victim, and community, play a substantial role. As the damaged party, the victim is supposed to obtain compensation in accordance with a mutual agreement to lessen their suffering (Ramdlany, 2021).

Research on restorative *justice* has been conducted by many legal experts (Garcia et al., 2020; Lasmadi et al., 2020; ; Hardjaloka, 2015; Faried et al., 2022; Jufri et al., 2019; Maulana & Agusta, 2021; Sinatrio, 2019). There is, however, no research that focuses on a study that occurs in Salatiga City, applies the Islamic law methodology, and adopts Gustav Radbruch's legal objectives. In the context of Islamic criminal law, restorative justice is seen in the ideas of *qisbas*, *diyat*, and forgiveness, and its goal is to hold those who injure others accountable, particularly the victim and society at large (Maulidar, 2022). Conflicts are resolved in Salatiga City through the *kelurahan* (neighborhood office), the lowest tier of the administration, rather than the criminal justice system. Due to its plural character and reputation as Indonesia's most tolerant city, Salatiga City was selected for this study (Huda and Muhsin, 2022). Therefore, the purpose of this study is to investigate if restorative justice practices in Salatiga City are consistent with Islamic law and legal objectives.

The objective of effective law enforcement will result in proportional consideration of the three values—the values of justice, certainty, and benefit. This is a reference to Gustav Radbruch's assertion in Leawoods that the existence of law is a necessary condition for the provision of benefits to the law, justice, and certainty (Leawoods, 2000). When one studies the subjective rights and legal obligations imposed by a specific legal order, one can see how that legal order views individuals (Radbruch, 2020).

Gustav Radbruch in Alexy revealed three principles of priority by placing justice above other legal objectives. This is done to anticipate tension, through the “standard doctrine of priority” which prioritizes justice over expediency and legal certainty (Alexy, 2021). Gustav Radburch explicitly links the individual subject of law with the principles of justice, expediency and legal certainty (Radbruch, 2020). In the study of legal philosophy, justice is prioritized in the overall goal of law (Nagin and Telep, 2017). Justice is also prioritized over other legal goals because doing so is consistent with the purpose and ontology of the law, which is to establish order and welfare through enacting just laws (Leawoods, 2000).

Method

This research is qualitative in nature with a field research design (Langbroek *et al.*, 2017). Data collection was conducted through interviews and literature study. Interviews and a

literature review were used to gather data. In-depth interviews were done with criminals, victims of criminal activity, and *lurah* (head of neighborhood) serving as government mediators. In this study, the victims and perpetrators' identities were concealed (their true names were not disclosed), at their request and to protect each party's reputation (Israel, 2004). A literature analysis was conducted by looking at the legal theories and relevant Indonesian laws (Huda, 2022).

The study was carried out in Salatiga City, Central Java. According to the Setara Institute, Salatiga City is distinguished as being the most tolerant city in Indonesia (Salatiga, 2021; Faidi, 2020). The subjects of this study included disputants and *lurah*. They are the parties involved in using a restorative justice strategy to resolve conflicts resulting from criminal acts. Gustav Radburch's legal goals and the application of Islamic legal concepts are seen as pertinent to restorative justice. Gustav Radburch's legal aims and the information gathered on the field are then used to examine them and decide whether Salatiga is suitable for restorative justice settlement.

Restorative justice in Salatiga City in the perspective of Islamic law and positive law

The idea that the law is planned from a particular situation toward the desired outcome underlies the notion that law constantly develops dynamically (Nazriyah, 2016). Law seeks to establish order in society because, in addition to ensuring legal certainty, this order is the primary prerequisite for developing a structured and civilized society (Kamali, 2007). Criminal law in Indonesia serves to limit and regulate prohibited conduct (Justice, 2019). Criminal law applies the dread of criminal punishment as a consequence to govern all social behavior in order to prevent criminal acts. Criminal law is actually focused on achieving justice from the perspective of the offender, who is given a harsh punishment as retribution for the victim, but it is also anticipated that the victim will be compensated for the losses he has suffered (Gunarto, 2009).

The current criminal justice system has been emphasizing the idea that punishment should be administered in retribution to the offender and is not concerned with the victim's role in the legal system (Djaelani and Kristiawant, 2022). The concept of settling criminal cases through restorative justice was developed since the penalties imposed by the criminal justice system have little effect on the recovery of victims. Restorative justice is practiced

on the premise that criminals do not simply break the law; they also harm victims and society. As a result, any issue resolved using this restorative justice approach should, to the greatest extent feasible, benefit both the offenders and the victims. Restorative justice emphasizes the involvement of victims and communities with the processes that operate in the criminal justice system as a response to the development of the criminal justice system (Adinata, 2022). The residents of Salatiga City, Indonesia, are putting the restorative justice concept into practice, with both advantages and disadvantages.

Salatiga City is one of the cities in the Central Java Province of Indonesia, which has an area of ± 54.98 km², consisting of 4 sub-districts, 23 villages and a population of 196,082 people (B. K. Salatiga, 2022). In 2021, the number of criminal offenses committed in Salatiga City by the Salatiga District Court totaled 119 (B. K. Salatiga, 2022). This is a decrease from the number of crimes decided by the Salatiga District Court in 2020, which amounted to 196 crimes (B. K. Salatiga, 2021). However, one cannot conclude from these figures that there has been a decrease in criminal offenses in Salatiga City. This could be due to the reluctance of the parties (victims and perpetrators) to resolve their problems through the criminal justice system, which involves litigation.

This is what the author found based on interviews with several *lurahs* in Salatiga City. According to the Law of the Republic of Indonesia No. 23/2014 on Regional Government, the *lurah* is a sub-district apparatus and is responsible to the *camat* (chief of subdistrict) who is appointed by the regent on the recommendation of the regional secretary from among civil servants. The appointment of the *lurah* must fulfill the requirements in accordance with the provisions of the legislation. The number of criminal cases that can be settled locally in Salatiga City in 2022 is 97 cases, according to a number of *lurahs*.

Eska Bayu Sukmawan, representing Lurah Kumpulrejo (Sukmawan, 2022), described how to address legal issues in the neighborhood, for instance, through a mediation in cases of domestic abuse (KDRT) involving husbands and wives. The mediation involves the perpetrator, victim, and witnesses with mediators from government officials, namely the *lurah*. The *lurah* participates in the mediation process as a local organization tasked with assisting local authorities with tasks based on mutual cooperation and kinship (Sukmawan, 2022). Sukmawan added that restorative justice is a method of problem-solving that can

be used in the community and is thought to be effective at doing so without the need for a drawn-out and difficult legal process. However according to Sukmawan's understanding, this is consistent with the cultural ideals present in Indonesian society, notably upholding peace (Sukmawan, 2022). Such a communal dispute resolution procedure is not laid out in the laws and regulations as official legislation.

According to Roscoe Pound, the law is not just what is written in it; it also refers to what law enforcement authorities and other people who carry out the law do. In this instance, the law functions as an instrument for social engineering through modifying society. Pound also seeks to transform the law from a purely theoretical level (law in a book) to a practical level (law in action) (Pound, 1940). It is essential to have law in the sense of rules or regulations in place, but it is also crucial to have a strong legal guarantee that the rules are being followed in order to ensure that law fulfills its purpose of guiding society toward a better way of life (Hidayat and Hainadri, 2021).

According to the pluralism theory, law can be used to transform society and demonstrates that other laws exist alongside state law. Legal diversity incorporates social spaces and engages in inter-party negotiations within the State's legal framework (Berman, 2009). Legal pluralism can be understood in this context as a scenario where multiple legal systems are in operation at once to control social interactions and activities in a given location. Islamic law, which governs the idea of resolving criminal disputes by peaceful ways (*islah*), supports the idea of resolving criminal matters in the Salatiga City community using a restorative justice approach (Rahman *et al.*, 2020).

Islah is an arrangement that seeks to resolve a legal issue between two parties so as to avoid conflict, slander, and other negative outcomes. It can also foster togetherness, which is a desirable thing that is encouraged by sharia (At Tamimi, 2013). *Islah* is a comprehensive idea for resolving a matter in the context of Islamic law. The following conditions must be met in order for *islah* to be implemented: the parties to the conflict must be present, including the aggressor, the victim, the mediator, and all other parties involved in the conflict; *islah* must be a voluntary concept free from coercion; and there must be a balance between rights and obligations (Ramzy, 2012). The Islamic view of case settlement emphasizes more on mechanisms outside the judiciary, as confirmed in QS Al Hujurat verse 9, which

states that “if there are two groups of believers in dispute, then reconcile between them.”

The concept of criminal law settlement through restorative justice in Salatiga City community contains the same principles as the settlement of criminal disputes in the concept of *islak* (Syamsiyatun, 2020). The *lurah*, who serves as the neighborhood’s chief, is responsible for ensuring Salatiga City’s community’s prosperity and participation in the process of regional development with the goal of constructing and advancing the region (Iskandar, Resmawan and Dyastari, 2019). In line with this, one of the main duties and functions of the *lurah* stated in Article 14 of Salatiga Mayor Regulation No. 118 of 2020 concerning the Position, Organizational Structure, Duties and Functions, and Work Procedures of Sub-Districts and Villages, is as an executor in organizing public peace and order in accordance with applicable regulations. Therefore, the *lurah* is required by law to uphold public order, and using restorative justice to resolve disputes is one way to do so.

When a disagreement is resolved using this restorative justice strategy, it is anticipated that the offenders and victims’ original relationships will be restored. Additionally, the community will learn a lesson and take steps to avoid future conflicts from occurring. A reciprocal attitude of cooperation to uphold public order can be shown in the method of settling disputes through discussion among the victim, perpetrator, and mediator.

Restorative justice in Salatiga City

Justice is the idea that all subjects of the law are equal before the law and receive equal treatment. Law is the will to achieve justice (Radbruch, 2006). Therefore, Radbruch’s idea quoted by Alexy states that justice in law is important (Alexy, 2021). Gustav Radbruch asserted that a law has no legal effect and does not need to be followed if it does not instill a sense of fairness in society, such as by violating human rights. Jurists ought to critique the nature of these laws as well (Radbruch, 2006).

One way to accomplish these legal goals is by using a restorative justice strategy since it fosters a sense of justice. Restorative justice is an alternative to the conventional justice system, which is inadequate (Jones and Nestor, 2011), is seen as failing to resolve conflicts in society (Sherman and Strang, 2007), and ignores the needs of victims (van Wormer and Walker, 2013). Empowerment, honesty, respect, involvement, voluntarism, healing,

restoration, personal accountability, inclusivity, collaboration, and problem-solving are all characteristics of restorative justice. Other guiding ideas include moralization, healing, empowerment, and transformation (Gavrielides, 2007). The implementation of restorative justice problem solving in Salatiga City reflects justice as the primary objective of law. Crime victims Marsya and Sutini (not their real names) explained that working out their differences with a mediator gave them a sense of justice for the abuse their husbands had committed because the offenders had compensated and apologized to the victims without using coercion (Masrya, 2023; Sutini, 2023). In her research, Van Wormer outlined how restorative justice serves as justice for victims of gender abuse (Van Wormer, 2009).

In a restorative justice-based settlement, both the victim and the offender have a feeling of justice. Mahfuz and Mawar, the criminals, said that the settlement reached through negotiation with the assistance of a village mediator offered the offender the chance to express regret and offer the victim compensation, preventing the incident from being reported to law enforcement. Thus, legal disputes can be settled faster (Mahfuz, 2023; Mawar, 2023). Moreover, through deliberative settlement, it can create a harmonious relationship between the parties again.

One could argue that the *lurah's* existence as a mediator in conflict resolution using a restorative justice strategy is an expression of the goal of law, which is to realize justice. This needs to continue in order to limit disputes that end up in the criminal justice system and stop subsequent disputes between offenders and victims. According to Gustav Radburch in Alexy, in order to understand the content of the law, justice must be added to the notion of other legal purposes, particularly expediency (Alexy, 2021).

Restorative justice in Salatiga City and the idea of expediency

The success of criminal law is said to be determined not by the number of criminals who are punished but rather by the relatively few criminals who need to be punished, demonstrating that criminal law is effective in deterring criminal conduct (Situmeang and Pudjiastuti, 2022). The court is still seen as the most impartial setting for problem-solving, but in a criminal trial, neither the victim nor the accused are actively involved; rather, the victim is represented by the public prosecutor and is used only as a witness during the

evidential process (Ali *et al.*, 2022). As a result, Indonesia's criminal justice system has not produced results that entirely satisfy victims' sense of justice.

Restorative justice is a means of creating legal expediency, which is oriented towards the protection of victims. According to this restorative justice theory, the victim and the offender mutually resolve to repair their relationship. The victim might declare his wish to receive compensation for his losses and give the offender the chance to make up for the victim's losses through reconciliation efforts, other agreements, or other compensation mechanisms. This is crucial since the traditional method of punishment does not allow the people concerned to actively participate in resolving their differences (Sihombing *et al.*, 2022).

In Salatiga City, the restorative justice approach to conflict resolution has achieved the expediency goal, which is to promptly resolve disputes between offenders and victims as well as to reestablish peace among perpetrators. The village administration participates in the settlement of these issues as a mediator and as a sort of governmental presence to safeguard residents involved in conflict. Irwan Susanto, the head of Sidorejo Kidul Village, stated that by using restorative justice to resolve criminal disputes in the community, many positive outcomes can be attained, including the appreciation of the value of better social ties (neighborly life), the appreciation of the value of legal benefits that are directly felt by the community without going through a protracted, expensive legal process, high costs, legal advisory services, and so forth if resolved by law enforcement officials (Susanto, 2023). In order to achieve justice, harmony, and legal advantages, Susanto added that the endeavor to avert potential communal splits is what matters most (Susanto, 2023). In agreement with this, the head of Kumpulrejo Village, Eska Bayu, also stated that when disagreements are resolved in the community, the value of justice may be realized and the advantages are directly felt by the community, namely that life becomes once more calm, safe, and tranquil (Sukmawan, 2022).

The parties to the conflict benefit as well from restorative justice resolution. This was the case with Mahfuz, who had assaulted his wife in committing the offense of domestic violence. Mahfuz was reunited after a discussion (*islah*) facilitated by the community mediator. Mahfuz and the victim, who was also his wife, agreed not to take the case to court and made a commitment not to make the same mistake again since the settlement through

islah was so advantageous (Mahfuz, 2023). Another advantage that the parties valued the most was that their familial problems were kept private from the media (newspapers), which prevented them from feeling resentful and from becoming the subject of rumors from their neighbors (Mahfuz, 2023).

In addition to justice and legal certainty, Radbruch also uses benefit as one of the aims in the concept of legal objectives. One of the three objectives that Radbruch utilized to complete the idea of the purpose of law is purposefulness (Leawoods, 2000). The legal benefits seen from the concept of case settlement with a restorative justice approach are not only felt by the community and the perpetrator but also the victim. Marsya, the victim, clarified that employing *islah* to settle disagreements has an additional benefit, namely settling issues amicably so that good ties between the aggressor and the victim can return as before the dispute (Masrya, 2023). Wemmers concurred that restorative justice has positive effects for both the victim and the offender (Wemmers, 2002).

The ideal of legal certainty in restorative justice

Criminal law serves to limit and regulate prohibited acts (Justice, 2019). This is known as a preset code of behavior that is addressed to citizens as an action that must be avoided by using the threat of criminal punishment. Legal certainty is the application of a system of rules that is transparent, predictable, consistent, and cannot be changed by the arbitrary conditions of social life (Dragos and Eliantonio, 2022). Due to human frailty and the fact that law has a value that even includes the negative value of protecting it from ambiguity, the three legal values of legal interests, legal certainty, and justice do not always coexist harmoniously in law (Radbruch, 2006). In these circumstances, justice must take precedence over legal certainty.

Gustav Radbruch in Leawoods argues that the main purpose of legal certainty is to ensure peace and order (Leawoods, 2000). For example, legal certainty demands that a law be enforced even if its application is unfair. The existence of legal certainty is a protection for justice seekers against arbitrary actions (Braithwaite, 2002). The relationship between the relevant positive legal instruments must be taken into consideration while analyzing the values of legal certainty. The positivist approach to law, which aims to construct an

objective or written law so that the community is assured that there is a law that rules it about what to do and not to do, gave rise to the notion of legal certainty (Julyano and Sulistyawan, 2019).

342 crimes were committed in Salatiga City between 2019 and 2021 (B. K. Salatiga, 2022) with various modes of crime. With 110 criminal cases filed in Salatiga District Court in 2022, court settlements were remained the primary method of resolving criminal charges in Salatiga City (P. N. Salatiga, 2022). The high number of cases addressed through the criminal justice system suggests that the restorative justice method has not been implemented effectively in the community, as the better the restorative justice approach is implemented, the lower the number of cases that will be brought into the criminal justice system.

According to interviews the author conducted with the victim Marsya and the offender Mahfuz, who were at odds, the application of restorative justice in Salatiga City resulted in their dispute being settled amicably with the help of the village mediator. Peace between the offender and the victim was deemed to have resolved the issue, which is consistent with what Mawar and Sutini revealed, who stated that the issue between them had been resolved and that a compromise had been reached between the two sides (Sutini, 2023; Mawar, 2023). The parties consider the settlement based on restorative justice to be complete once there is *islah* (peace). The author's interview with Irwan Susanto revealed that the neighborhood level in Salatiga City's restorative justice approach to crime resolution is seen as being able to resolve issues in the community through discussion between the disputing parties mediated by the head of the neighborhood without going through a prolonged legal process.

According to Article 1 Paragraph 3 of the 1945 Constitution of the Republic of Indonesia, which declares that Indonesia is a legal state with a legal system, the settlement of crimes that occurred in the community through restorative justice should be initiated heads of neighborhoods/villages. Interestingly, Indonesia embraces three legal systems at once that live and develop in the life of society and state administration, namely the civil law system, the customary law system and the Islamic law system (Aditya, 2019). Since the time of Dutch colonial rule until the present, the civil law has evolved into a written

legal system that still has an impact on legal services. Additionally, Indonesia's legal system is influenced by customary law, an original law that arises from local practices. However, Indonesian law is also influenced by Islamic law. This is due to the reality that the majority of Indonesia's population is Muslim, which has allowed Islamic law to play a significant and influencing role in Indonesia's legal system (Kushidayati, 2014).

Legal pluralism in Indonesia can be seen in the regulation of problem solving in the community by the village head through Law No. 6/2014 on Villages, which authorizes the village head to resolve disputes in the community with the concept of restorative justice in line with the rules in Islamic Law. Despite the intricate process of cultural acculturation in Indonesian society, Islam and the culture form a unity that is challenging to disentangle. As a leader in the neighborhood area, *lurah* must make the community prosperous and actively participate in regional development, including community empowerment, to ensure that the development process runs in accordance with the development goals and advancement of an area (Iskandar, Resmawan and Dyastari, 2019).

Lurah's ability to settle disputes in the community is not clearly outlined by contemporary Indonesian legislation. Article 229 paragraph 4 of Law No. 23/2014 on Regional Government outlines *lurah's* responsibilities as *camat's* helper in carrying out his or her tasks, one of which is upholding the public's peace and order. There is no explicit legal obligation on the part of *lurah* to resolve conflicts in the community. In contrast to Law No. 6/2014 on Villages, *lurah* has a responsibility to settle disputes within the village (see Article 26, paragraph 4, letter J).

Despite being on a par with rural villages in terms of government structures, Indonesian urban neighborhoods are not subject to the same legal framework as rural villages (Hantoro, 2016). The lack of legal certainty is the issue preventing Salatiga City's community from implementing restorative justice. Due to the lack of a legal foundation for a restorative justice-based settlement's execution, which results in a lack of legal certainty, the parties can consider their dispute to be resolved. A legal foundation for *lurah* or community acting as a mediator in settling criminal issues in the community is required in the future, not only to ensure legal certainty but also to lessen the strain on Indonesia's criminal justice system.

Conclusion

Islamic law's perspective on restorative justice can be understood through the concepts of *qishas*, *diyat*, and forgiveness. The objective of restorative justice is for the offender to accept responsibility for the harm they have done to the victim and the community. In Salatiga City, the concept of resolving criminal disputes through restorative justice incorporates the same tenets as settling criminal disputes in the concept of *islah* and can achieve the goal of law as articulated by Gustav Radbruch. The *lurah's* role in Salatiga City's criminal dispute resolution is to encourage community involvement in the adjudication of legal problems. The *islah* (peace) process is given top priority for both sides in the dispute to achieve this. The philosophical objective is to achieve fairness between the parties and to bring about benefits of law to keep the parties from disputing in the future.

One instance of conflict resolution using a *lurah* mediator is restorative justice in Salatiga City. The issue of legal certainty has not yet been resolved, nevertheless. This is so that neither the village chief nor the community may arbitrate legal problems on the basis of the law. The conclusion of this study is that the Indonesian government should provide a legal framework for resolving disputes in the community to ensure restorative justice can best be used to achieve legal certainty.

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