
Victim-Centered Justice Revisited: Rebalancing Power in the Restorative Justice System

Iwan Sumiarsa^{a*}, Yasmirah Mandasari Saragih^b, Tuti Widyaningrum^c, Wagiman^d

^{a*} Fakultas Hukum, Universitas 17 Agustus 1945 Jakarta, Indonesia, Email: iwan.sumiarsa@yahoo.com

^b Fakultas Hukum, Universitas 17 Agustus 1945 Jakarta, Indonesia, Email: yasmirah@uta45jakarta.ac.id

^c Fakultas Hukum, Universitas 17 Agustus 1945 Jakarta, Indonesia, Email: tutiwidyaningrum@gmail.com

^d Fakultas Hukum, Universitas 17 Agustus 1945 Jakarta, Indonesia, Email: wagiman2014@gmail.com

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Abstract

The contemporary criminal justice system continues to marginalize victims by prioritizing state authority and a perpetrator-centric paradigm, although restorative justice is increasingly prominent as a victim-centered alternative. This condition reveals a persistent gap between the normative promise of restorative justice and its practical realization. This study examines how victim-centered justice is conceptualized and implemented in the restorative justice system, with particular attention to the role of power relations. Using conceptual and theoretical legal research approaches, this study applies critical and system-oriented analysis to examine restorative justice as a normative and institutional framework. These findings suggest that the main limitation of restorative justice stems not from the absence of victim participation, but from the structural conditions that limit such participation. Legal subordination, institutional marginality, symbolic inclusion, and unaddressed power asymmetry systematically limit agency and victim's influence over outcomes. As a result, restorative justice often reproduces existing inequalities rather than redressing them. This study offers a new reconceptualization of victim-centered justice by positioning the rebalancing of power as a fundamental principle of the restorative justice system. The contribution advances a power-sensitive theoretical framework and provides practical insights for strengthening the agency, legitimacy, and substantive justice of victims in restorative practice.

INTRODUCTION

The contemporary criminal justice system continues to exhibit structural imbalances that privilege the interests of the state and the offender over the substantive interests of the victim. In this configuration, the victim is often positioned as an instrument of proof for the purposes of the prosecution rather than as an autonomous subject whose life experience and need for justice warrant meaningful recognition. As a result, the victim's experience is systematically marginalized during the criminal justice process. This condition reflects a deeply rooted systemic orientation that ignores the dimensions of personal and relational justice.¹

¹ Batchelor, D. (2021). Sentence talk: How victims' perceptions of punishment change when they communicate with the offender. *Sentencing & Society*, 25(2), 519–536. <https://doi.org/10.1177/14624745211054748>

This structural marginalization is further reinforced by the dominance of the retribution paradigm, which frames punishment as the primary goal of criminal justice. A sentencing orientation centered on the interests of the state distracts from the recovery of the victim and the recognition of the harm suffered. Within this framework, victims are reduced to witnesses or sources of evidentiary material, while their rights, needs, and experiences of justice remain not adequately addressed. As a result, justice is conceptualized in abstract and normative terms, regardless of the reality of those most directly affected by crime.²

This paradigmatic and structural orientation is manifested in procedural practices that prioritize the efficiency of prosecution over the victim's life experience. The victim's perspective and needs are often subject to the hostile dynamics between the state and the defendant, resulting in an experience of alienation in the judicial process. This condition is further exacerbated by interactions with law enforcement that are characterized by limited empathy and responsiveness, which can make victims reluctant to report crimes. Such circumstances underscore the failure of the criminal justice system to provide a safe, responsive, and fair space for victims' voices.^{3 4}

In response to these limitations, victim-centered approaches have become a precursor, especially through restorative justice. This approach seeks to shift the focus from punishment to recovery, dialogue, and the improvement of social relations by involving victims, perpetrators, and communities. Conceptually, restorative justice offers a more inclusive and responsive framework to meet the needs of victims. However, in practice, victim participation often remains procedural, having a limited influence on the direction and outcome of case resolution.^{5 6 7}

² Padlilah, P., Ravana, D., Zakaria, C., & Mulyana, A. (2023). Reevaluasi dan reorientasi filosofi keadilan retributif terhadap keadilan restoratif dalam menjatuhkan sanksi pidana. *Jurnal La Sociale*, 4(2), 45–51. <https://doi.org/10.37899/journal-la-sociale.v4i2.786>

³ Iliadis, M. (2019). Victim representation for evidence of sexual history in Ireland: Steps towards or away from meeting the victim's procedural justice needs? *Criminology & Criminal Justice*, 20(4), 416–432. <https://doi.org/10.1177/1748895819851848>

⁴ White, D., & McMillan, L. (2021). [De] victim-centering: Police perceptions of victims of sexual violence through the comparative lens of evidence collection and processing. *Feminist Criminology*, 16(5), 680–700. <https://doi.org/10.1177/15570851211031991>

⁵ Makiwane, P. (2021). Victim impact statement at the sentencing stage: Giving a voice to the victim of crime. *Obiter*, 31(3). <https://doi.org/10.17159/obiter.v31i3.12327>

⁶ Willigenburg, T. (2018). Restorative justice as empowerment: How to better serve the purpose of retribution. *International Journal of Restorative Justice*, 1(2), 274–290. <https://doi.org/10.5553/IJRJ/258908912018001002006>

⁷ Hamzani, A., Aryani, F., Bawono, B., Khasanah, N., & Yunus, N. (2023). Non-procedural dispute resolution: A study of the tradition of restorative justice approaches in Indonesian society. *International Journal of Offender Therapy and Comparative Criminology*, 69(4), 373–387. <https://doi.org/10.1177/0306624X231165425>

The limited nature of victim participation in restorative justice is inseparable from the persistent asymmetry of power between victims, perpetrators, and the institutional authorities that oversee the restorative process. This imbalanced relationship risks silencing the voices of victims and undermining restorative goals, potentially reproducing new forms of injustice. In addition, restorative justice is often partially and instrumentally integrated into the formal criminal justice system, leading to the dilution of restorative values by procedural and bureaucratic logic. This body of scholarship shows that the main challenge to restorative justice lies not only in the existence of victim participation, but in the quality of that participation and the structural conditions in which it operates.^{8 9}

While the existing scholarship on restorative justice has extensively examined victim participation, procedural inclusion, and the normative promise of victim-centered justice, much of this literature remains constrained by an over-reliance on participation as a key victim-centered indicator. As a result, the power relations that condition such participation shape the victim's capacity to articulate loss, influence outcomes, and sense justice remains insufficiently theoretical. These limitations are further exacerbated by evaluative approaches that emphasize procedural compliance rather than substantive effects on the victim's life experience. As a result, critical issues arise regarding how restorative justice can meaningfully realize victim-centered justice when participation is structurally constrained by unequal power relations embedded in institutional and social frameworks. Therefore, this study discusses the problem of conceptual and structural inadequacy in the existing restorative justice framework in taking into account the dynamics of power as a determinant of victim agents and the outcome of justice.

The novelty of this research lies in the reconceptualization of victim-centered justice through a systematic framework of power rebalancing in the restorative justice system. Rather than treating power asymmetry as a contextual challenge or an obstacle to implementation, this study positions power redistribution as a fundamental condition for achieving victim-centered substantive justice. Conceptually, it advances existing scholarship by redefining victim-centered justice as empowerment-oriented, results-sensitive, and context-conscious, thus moving beyond procedural notions of inclusion. This contribution directly responds to

⁸ Nascimento, A., Andrade, J., & Rodrigues, A. (2022). The psychological impact of restorative justice practices on victims of crime: A systematic review. *Trauma, Violence, & Abuse*, 24(3), 1929–1947. <https://doi.org/10.1177/15248380221082085>

⁹ Jones, F., Jaffé, L., Harris, L., Franklin, J., Allam, L., & Shapland, J. (2023). An economic evaluation of post-sentencing restorative justice in England and Wales. *Frontiers in Psychology*, 14, Article 1162286. <https://doi.org/10.3389/fpsyg.2023.1162286>

identified research gaps by integrating force analysis into the core architecture of restorative justice rather than relegating it to the margins. The urgency of this research is twofold: theoretically, this research addresses a critical blind spot in the restorative justice literature regarding the relationship between power and justice; In practical terms, it offers a principled framework capable of informing more equitable restorative practices and institutional designs that truly strengthen victims' agents and enhance the legitimacy of restorative justice outcomes. and the legitimacy of the results.

This research adopts a conceptual and theoretical legal research design with a critical orientation and systems orientation to examine victim-centered justice within the framework of restorative justice. Justice is analyzed not as an empirical variable, but as a normative, conceptual, and institutional construct shaped by power relations embedded in the restorative process. The study integrates three complementary approaches: conceptual analysis to interrogate the dominant formulation of victim-centered justice; critical analysis to examine power asymmetry that affects victim agency, participation, and justice outcomes; and system-oriented analysis to assess restorative justice models as institutional settings rather than isolated practices. Through this integrated approach, this study evaluates how restorative justice conceptualizes victim-centered and the extent to which its institutional design allows or limits substantive victim empowerment.¹⁰

This analysis is based on a structured and purposeful interdisciplinary literature review, including peer-reviewed international journal articles, scholarly books, and conceptual or policy-oriented reports on restorative justice, victimology, and power relations. The main object of the analysis is the concept of victim-centered justice and the restorative justice system, with special attention to the distribution of power among victims, perpetrators, and institutions, as well as the structural and procedural determinants of victim agents. Data were analyzed through qualitative conceptual analysis, argumentative synthesis, and comparative evaluation of justice models, focusing on how different paradigms deal with power relations and victim positions. Methodologically, this approach is in line with the journal's theoretical and socio-legal standards by emphasizing conceptual rigor, transparent analytical reasoning, and normative coherence, making it suitable for critical inquiry into restorative justice without relying on empirical or doctrinal legal analysis.

DISCUSSION

¹⁰ Christiawan, R., & Widyaningrum, T. (2024). *Normative legal research*. PT Raja Grafindo Persada.

The Conceptual Limitations of Victim-Centered Justice in Existing Restorative Practices

Restorative justice is widely advanced as a normative alternative to retributive justice on the premise that it centers the needs of victims, promotes healing, and enables participatory engagement. Conceptually, it seeks to reposition the victim as a subject of decisive justice rather than a peripheral evidentiary actor. However, existing restorative practices reveal a persistent separation between these normative promises and their conceptual-operational realization. The problem is not the absence of participatory rhetoric, but the persistence of structural and institutional conditions that limit victim agents and influence outcomes. As a result, victim-centered justice is realized unevenly, depending on context rather than guaranteed by design.

The main limitation lies in the legal and constitutional environment in which restorative justice is embedded. Where the justice system remains oriented towards state authority, procedural control, and administrative rationality, restorative mechanisms are absorbed into governance goals that prioritize order and efficiency over victim empowerment. This structural subordination limits the normative capacity of restorative justice to reorganize justice priorities around victims. As a result, restorative processes can stabilize existing hierarchies rather than fix them, undermining conceptual coherence in victim-centered claims.¹¹

This constraint is reinforced by the institutional position of restorative justice as an additional mechanism to the autonomous justice system. When restorative agreements remain subject to retributive institutional approval, the victim's interests become vulnerable to external priorities that lie outside the restorative logic. The absence of structural guarantees for victim agents reduces restorative justice to a procedural supplement, in which participation is permitted but influence is conditional. In such a configuration, restorative justice struggles to function as a transformative paradigm and instead risks symbolic marginalization.

Conceptual fragility also arises from the application of undifferentiated restorative justice across heterogeneous categories of harm. Restorative practices are often implemented without adequate differentiation based on vulnerability, relational asymmetry, or hazard severity. These restrictions become acute in cases involving children or survivors of violence, where procedural participation can mask the increased risk of coercion and psychological exposure. Without tailored protections, restorative encounters can undermine the central

¹¹ Amancik, A., Saifulloh, P., Masyhar, A., Nur, A., & Barus, S. (2024). Breaking the cycle of injustice: Revolutionizing the resolution of human rights violations through the 1945 Constitution. *Lex Scientia Law Review*, 8(2), 777–816. <https://doi.org/10.15294/lslr.v8i2.7460>

protective function of victim-centered justice, revealing the inadequacy of treating restorative justice as universally transferable.¹²

Cultural and community-based restorative practices further illustrate how informality can reproduce rather than reduce power inequality. While habit mechanisms can improve accessibility, they can also obscure intra-community hierarchies to the detriment of victims. In the absence of formal protection, dominant social actors can shape outcomes, limiting the victim's capacity to influence resolution in a meaningful way. Informality without accountability thus undermines victim-centered justice by shifting power rather than redistributing it.¹³

Relatedly, harmony-oriented community-level practices often prioritize social cohesion over the needs of individual victims. Even where restorative ideals are invoked, victims may face pressure to conform to collective expectations and to resist narratives of personal harm. These dynamics can transform restorative justice into a mechanism of social regulation rather than empowerment. As a result, the substantive realization of victim-centered justice becomes subordinate to communal stability.¹⁴

Symbolic inclusion is a further conceptual limitation. Victims can be invited into restorative processes, but participation is often measured through procedural indicators of attendance, consent, or settlement rather than through the influence of substantive outcomes. This approach turns participation into a formal compliance tool rather than an empowerment mechanism. The result is victim-centered performative, in which claims of restorative justice are asserted without the appropriate redistribution of decision-making power.¹⁵

Even when participation is given formally, communicative dynamics can limit the victim's agent. The restorative process relies on dialogue, mediation, and narrative exchange, but these spaces are structured by unequal linguistic capacity, social status, and self-confidence. If those gaps remain unaddressed, victims may struggle to articulate harm in a way that is heard,

¹² Anggarini, K., Julianto, E., & Asmara, T. (2024). The implementation of restorative justice for cases of child violence in law enforcement in the police. *Journal of Law, Social Development and Global Review*, 5(2), e03330. <https://doi.org/10.47172/2965-730x.sdgsreview.v5.n02.pe03330>

¹³ Kuntadi. (2023). The existence of customary institution decisions in the settlement of criminal cases in Indonesia. *Social Sciences KNE*. <https://doi.org/10.18502/kss.v8i3.12838>

¹⁴ Rosikhu, M., Ashady, S., & Siddiq, N. (2023). Legal culture of restorative justice-based case settlement in Sintung Village, Central Lombok. *Humaya: Journal of Social and Cultural Humanities Law*, 3(1), 61–72. <https://doi.org/10.33830/humaya.v3i1.3809>

¹⁵ Aka, A. (2023). Feminist perceptions from a third-party perspective: An analysis of justice/injustice in Türkiye. *Sociological Thought*, 13(3), 123–144. <https://doi.org/10.4236/sm.2023.133008>

validated, and translated into outcomes. Communication thus becomes a place of power, undermining the egalitarian premise of restorative dialogue.¹⁶

Institutional capacity and professional competence further condition whether restorative justice can sustain victim-centered outcomes. Effective restorative practices require facilitators who can recognize and manage power asymmetry, protect victims from coercive dynamics, and maintain procedural integrity. Inadequate training or weak guidance can result in poorly moderated meetings that reproduce inequalities in the process itself. Victim-centered justice then becomes dependent on professional capacity rather than structurally guaranteed as a systemic guarantee.¹⁷

These limitations become particularly prominent where actors have significant structural power, including corporate actors. In such a context, restorative mechanisms often lack the tools necessary to compensate for resource asymmetry and institutional isolation. As a result, restorative processes can provide symbolic recognition without substantive accountability, leaving the victim's interests less addressed. This exposes the fragility of restorative justice when applied to complex dangers that require institutional influence to effectively rebalance power.¹⁸

Taken together, these findings suggest that victim-centered justice in existing restorative practices remains conceptually incomplete. Participation, dialogue, and reconciliation cannot serve as adequate proxies for empowerment when power relations remain untreated as design variables. Its main drawback is its limited involvement with the redistribution of power: power is often treated as an external constraint rather than an internal structural problem. As a result, victims can be formally included while being substantively restricted, and outcomes may reflect institutional or communal priorities rather than victims' needs.

Therefore, the main obstacle to victim-centered restorative justice is not participation itself, but the structural conditions under which participation is regulated and interpreted. Therefore, conceptual reforms are needed to align restorative justice with its normative claims, especially by refocusing power as the determinant of victim agents and the legitimacy of

¹⁶ Maitland, S. (2019). Is interpreting 'stealing' the opposite? A translational perspective on power and restorative justice. *International Journal of Translation and Interpretation Research*, 11(1), 22–42. <https://doi.org/10.12807/ti.111201.2019.a02>

¹⁷ Davies, R., & Bartels, L. (2020). The challenges of effective communication in the criminal justice process: Findings from interviews with victims of sexual crime in Australia. *Law*, 9(4), Article 31. <https://doi.org/10.3390/laws9040031>

¹⁸ Farman, E., Suherman, S., Maskur, M., Syamsuddin, S., & Musmuliyadin, M. (2025). The application of restorative justice in cases involving corporate actors. *International Journal of Law, Crime and Justice*, 2(2), 276–293. <https://doi.org/10.62951/ijlcj.v2i2.679>

outcomes. On this basis, the next section examines the relationship of power and its concrete effects on the victim's capacity to articulate loss, negotiate outcomes, and understand justice.

Power Dynamics and Their Impact on Restorative Justice Outcomes

Power dynamics serve as determinants that determine the outcome of restorative justice, operating not only as background conditions but as structural forces that shape participation, interaction, and resolution. In the restorative process, power is unevenly distributed among victims, perpetrators, and institutional actors, directly influencing how harm is framed and how justice is realized. Therefore, restorative arrangements cannot be assumed to operate as neutral forums. Instead, they often reproduce broader social and institutional hierarchies. As a result, restorative outcomes are inseparable from the power relationships embedded in the process. Evaluating the effectiveness of restorative justice thus requires explicit attention to how power is exercised and managed.

Power in restorative justice is manifested through formal authority, social position, and cultural legitimacy. Victims often enter restorative encounters with fewer symbolic and institutional resources than perpetrators or justice officials. These asymmetries form the initial procedural stages, including agenda-setting and framing of hazards. The dominant actor can implicitly define what is considered to be relevant hazards and appropriate resolutions. As a result, the perspective of the victim is at risk of being subordinated from the start. Therefore, power formulates the orientation of the process and substantive outcomes.

One of the most direct consequences of power asymmetry is evident in the victim's ability to articulate danger. When the victim is confronted with a perpetrator or facilitator who has greater authority or confidence, narrative expression can become limited. Victims may have difficulty communicating the emotional, relational, and long-term dimensions of their experiences. This limitation reduces the accuracy recognized by the hazard. Restorative outcomes that rely on incomplete articulation run the risk of misrepresenting the nature of the error. Thus, the victim agent is closely related to communicative power.

Institutional norms further mediate how harm can be articulated in the restorative process. Victims are often expected to present their experiences in a controlled, rational, and procedurally acceptable manner. Emotionally charged or contextually complex narratives may not be subtly recommended. Such expectations reflect institutional strengths rather than victim-centered priorities. As a result, the victim may censor himself to conform to procedural expectations. Power here operates through normalization rather than outright coercion.

Negotiations are another important site where power asymmetry shapes the outcome of restorative justice. Victims often enter negotiations from structurally weaker positions, especially where social hierarchies are firmly entrenched. Differences in legal knowledge, trust, and perceived legitimacy directly affect bargaining capacity. This condition can pressure the victim to accept results that are not in accordance with their sense of justice. Negotiation thus becomes a mechanism by which inequality is reproduced. The asymmetry of power directly affects the substance of the restorative treaty.

The perception of justice is deeply shaped by the dynamics of this negotiation. Victims judge fairness not only from the content of the agreement, but from whether they experience respect, recognition, and influence during the process. When negotiations are dominated by offenders or institutional actors, the outcome is often perceived as unfair. Such perceptions erode belief in restorative mechanisms. Therefore, justice emerges as a relational and process-dependent construct. Power relations shape how justice is experienced and evaluated.

Institutional actors play a decisive role in structuring these power relations. Facilitators, mediators, and justice officials have discretionary authority that influences participation and outcome formation. When done without sensitivity to the victim's vulnerability, this authority can exacerbate imbalances rather than reduce them. Institutional dominance can marginalize the victim's perspective even in formal participatory settings. Power thus operates simultaneously at the interpersonal and structural levels. Institutional design critically conditions restorative outcomes.

Beyond individual gatherings, power dynamics influence broader perceptions of legitimacy. The community assesses restorative justice based on whether the process appears fair and inclusive. The marginalization of visible victims undermines trust not only among participants but also among observers. When restorative justice is considered a privilege of the dominant actor, its legitimacy deteriorates. Public trust depends on the management of power in the restorative process. Therefore, power-sensitive practices increase institutional credibility.

Social and cultural structures further reinforce the asymmetry of power in restorative justice. Historical patterns of authority, gender relations, and social stratification shape who is heard and who is suspended. Marginalized groups often face systemic barriers that limit meaningful participation. These barriers persist even where restorative procedures appear to be formally neutral. Therefore, the power imbalance is embedded structurally rather than situationally. The restorative results reflect this broader condition.

Strengthening unequal positions of power increases the risk of secondary victimization. Victims may experience new dangers when their voices are minimized, questioned, or sidelined

during restorative meetings. Such experiences are contrary to the purpose of healing restoration. The power gap reinforces vulnerability and emotional distress. Secondary victimization thus arises as a consequence of procedural imbalances. Overcoming power is essential for victim protection.

Secondary victimization is particularly prominent where the victim has no control over decision-making. Restorative processes that prioritize consensus without protecting victim agents risk replicating dominance. Feelings of helplessness can intensify trauma rather than alleviate it. This result undermines the normative foundations of restorative justice. Therefore, power relations affect not only the outcome, but also the well-being of the victim himself. A protection mechanism is indispensable.

Contextual conditions further shape how power operates in restorative justice. In community-based or customary-based settings, social authority can overshadow formal equality. Victims may face intense pressure to conform to communal expectations or norms of harmony. Such pressure limits individual agency and silences dissent. Power here is exercised through social norms rather than institutional rules. Therefore, context-sensitive safeguards are needed to protect victims.¹⁹

The dynamics of power are increasingly complicated in the plural legal environment. The coexistence of formal and informal justice systems creates overlapping authority and ambiguous accountability. Victims may have difficulty navigating these layered structures. The force is scattered but unbalanced. This fragmentation undermines the clarity and legitimacy of the results. Therefore, structural coherence is required.²⁰

Taken together, these findings suggest that power dynamics permeate all stages of restorative justice. From articulating and negotiating harm to the legitimacy and well-being of victims, power shapes experiences and outcomes. Participation alone is not enough to secure justice. Without explicit attention to power, restorative justice risks reproducing inequality under the guise of inclusion. Therefore, a power-sensitive design is indispensable for substantive justice.

This section establishes that the outcome of restorative justice is essentially conditioned by how power is distributed and exercised in the restorative process. The victim's agent, perception of justice, and legitimacy depend on the management of power relations. Ignoring

¹⁹ Umi Rozah, U. (2019). The contribution of restorative justice practices in the reform of the Baduy cultural criminal justice system. *Proceedings of the International Conference on Law, Governance and Public Policy*. <https://doi.org/10.4108/eai.10-9-2019.2289438>

²⁰ Manikis, M. (2019). Compare the emergence of victim movements in the United States and England and Wales. *Society*, 9(2), Article 35. <https://doi.org/10.3390/soc9020035>

these dynamics undermines the transformative potential of restorative justice. Therefore, a rigorous understanding of power is essential to evaluate restorative effectiveness. Only by confronting structural inequality can restorative justice move beyond symbolic participation toward substantive justice.²¹

Reconceptualizing the Rebalancing of Power in the Restorative Justice System

Previous analyses established that the marginalization of victims in restorative justice cannot be addressed through procedural participation alone. The core flaw lies in the systemic failure to correct the entrenched power asymmetry that constitutes the restorative process in the first place. Therefore, restorative justice must be reconceptualized not as a participatory technique, but as a justice system deliberately designed to redistribute power. This shift positions the rebalancing of power as a basic structural principle rather than an ethical supplement. Without such reconceptualization, restorative justice remains vulnerable to absorption in conventional sentencing logic. Thus, the analytical focus must move decisively from inclusion to power regulation.

Reconceptualizing the balance of power requires a paradigmatic departure from state-centered justice toward justice based on the experiences of affected subjects. In the conventional criminal justice system, normative authority is monopolized by the state, while the victim functions primarily as a source of information. Restorative justice that simply layers participatory procedures into this structure fails to disrupt the underlying logic. Therefore, the rebalancing of power begins with redefining who holds normative authority over the meaning and outcome of justice. The victim should be positioned as a decisive subject and win justice rather than a conditional participant.²²

A further requirement of the power rebalancing is an explicit recognition of the initial unequal position between the victim and the perpetrator. These inequalities are multidimensional, encompassing psychological trauma, social marginalization, economic vulnerability, and institutional disadvantage. A restorative justice system that considers procedural neutrality risks reproducing dominance under the guise of equality. Therefore, reconceptualization must depart from the presumption of inequality rather than formal parity.

²¹ Rohmah, E. (2024). Power dynamics in the resolution of interreligious conflicts. *Scientific Journal of Ushuluddin Science*, 22(2), 157–169. <https://doi.org/10.18592/jiiu.v22i2.11517>

²² Sinaga, R., & Saragih, Y. M. (2025). Reform of Indonesia's criminal law: A critical review of the 2023 Criminal Code. *Media Throne*.

In this context, neutrality operates not as justice, but as a mechanism that entrenches pre-existing power.²³

Therefore, the rebalancing of power cannot be reduced to the facilitation of dialogue. Dialogue without structural correction only results in the appearance of equality, not its substance. The victim's willingness to speak does not automatically translate into the capacity to influence the outcome. Therefore, restorative justice must ensure that the victim's voice has normative weight in the decision-making process. Such weight should be institutionally guaranteed rather than relying on the discretion of the facilitator or the good intentions of the violator.

This reconceptualization also requires a fundamental reorientation of legitimacy in restorative justice. Legitimacy cannot be measured solely by the achievement of an agreement, but by whether the outcome reflects a meaningful correction of power asymmetry. Agreements reached under structurally unequal conditions cannot be considered substantively fair. Therefore, legitimacy must be tied to the distribution of power throughout the process and outcome. It reframes the evaluation of fairness from procedural compliance to structural justice.

Instilling restorative justice within constitutional and human rights frameworks is a further dimension of the rebalancing of power. Without such restraint, restorative justice remains vulnerable to discretionary application and institutional substitution. Rights-based frameworks assert the victim as a right-holder rather than a beneficiary of the virtue, thus limiting state dominance. This integration strengthens the autonomy of restorative justice as a coherent justice system. The rebalancing of power thus acquires constitutional significance.²⁴

Institutional design is essential to operationalize power redistribution. Restorative justice institutions must be equipped to protect victims from coercion, manipulation, and forced compromise. Weak institutional architecture makes the restorative process vulnerable to bureaucratic efficiency and managerial priorities. Therefore, the rebalancing of power requires explicit mandates, enforceable standards, and oversight mechanisms. The institutional structure becomes an active instrument of justice rather than a neutral administrative forum.²⁵

Importantly, the rebalancing of power does not imply a reduction in the accountability of violators. In contrast, structurally unequal systems often insulate strong offenders from

²³ Sumarni, F., & Saragih, Y. M. (2025). *The 2023 Criminal Code in judicial practice: Guidelines for judges, prosecutors, and advocates*. Media Throne.

²⁴ Amancik, A., Saifulloh, P., Masyhar, A., Nur, A., & Barus, S. (2024). Breaking the cycle of injustice: Revolutionizing the resolution of human rights violations through the 1945 Constitution. *Lex Scientia Law Review*, 8(2), 777–816. <https://doi.org/10.15294/lslr.v8i2.7460>

²⁵ Advitama, D., Wibowo, B. R., Christiawan, R., & Widjaja, G. (2025). Criminal law and freedom of opinion in the era of digital democracy (case study in Indonesia). *Eduvest–Journal of Universal Studies*, 5(5), 5108–5120.

meaningful responsibility. Reconceptualized restorative justice should prevent perpetrators from exploiting procedural flexibility to avoid accountability. The accountability mechanism must be calibrated with the perpetrator's relative strength and capacity to cause harm. In this sense, restorative justice serves as a corrective rather than permissive framework.

This concern is particularly acute in cases involving actors with significant economic or institutional power. In such a context, volunteers alone are not enough to rebalance power relations. Systemic reconceptualization requires proportionate coercive mechanisms to ensure substantive justice. Without such a mechanism, restorative justice risks legitimizing inequality under the rhetoric of reconciliation. Therefore, the rebalancing of power must be responsive to the nature of the danger and the structural position of the perpetrator.²⁶

A further rebalancing of power requires a redefinition of the role of actors in the restorative system. Facilitators cannot be understood as passive neutral intermediaries. Within a reconceptualized framework, facilitators assume normative responsibility for identifying and correcting power asymmetry. Their role goes beyond process management to protect victim agents. This shift demands a reconceptualization of facilitation professionalism based on an awareness of power.

The evaluation mechanism must also be recalibrated to reflect power-sensitive criteria. Indicators that are based solely on satisfaction or closure of cases fail to capture substantive justice. Restorative justice must be evaluated based on whether the victim is acknowledged, controlled, and protected. Power redistribution thus becomes a measurable dimension of effectiveness. Such an evaluative framework deepens institutional accountability.

Further reconceptualization rejects the one-size-fits-all model of restorative justice. Power rebalancing must be context-sensitive and responsive to variations in the severity of hazards and vulnerability of victims. Rigid models risk reinforcing inequities rather than fixing them. Therefore, flexibility should be oriented towards victim protection rather than institutional convenience. Context becomes a structural determinant rather than peripheral considerations.

Normatively, reconceptualizing the balance of power positions restorative justice as a project of systemic transformation rather than procedural reform. It does not aim to soften existing systems, but to remedy their fundamental injustices. Under this framework, restorative justice acquires an identity as an autonomous justice system. Its autonomy stems from its

²⁶ Farman, E., Suherman, S., Maskur, M., Syamsuddin, S., & Musmuliyadin, M. (2025). The application of restorative justice in cases involving corporate actors. *International Journal of Law, Crime and Justice*, 2(2), 276–293. <https://doi.org/10.62951/ijlcj.v2i2.679>

distinctive approach to governing power. This fundamentally distinguishes it from hybrid or auxiliary models.

The implications of this reconceptualization underscore the need for coherence between values, structures, and practices. When one of these elements deviates, the power rebalancing collapses. Therefore, restorative justice should be understood as an integrated system rather than a collection of techniques. Systemic coherence is a prerequisite for sustainability. Without coherence, innovation remains fragile.

In short, the rebalancing of power should be embedded as the basic principle that governs the design, legitimacy, and effectiveness of the restorative justice system. Reconceptualization asserts that restorative justice that fails to govern power only reproduces inequality in alternative forms. These findings consolidate restorative justice as a project of reconstruction of the justice system rather than procedural adjustments. Through this framework, restorative justice gains the capacity to realize structurally grounded, victim-centered substantive justice.

CONCLUSION

This study shows that the persistent failure of restorative justice to realize victim-centered substantive justice is rooted not in the absence of victim participation, but in the structural conditions that govern such participation. Findings suggest that restorative justice practices remain constrained by legal subordination, institutional marginality, symbolic inclusion, and entrenched power asymmetry that limits victims' capacity to influence outcomes. As a result, restorative justice often reproduces existing hierarchies rather than fixes them, undermining its normative promise as an alternative justice paradigm. By reframing restorative justice through the rebalancing of power, this study clarifies that victim-centered justice can only be achieved when power redistribution is treated as a basic structural principle rather than a procedural supplement.

The study contributes theoretically by advancing a structural conception of victim-centered justice that moves beyond participation-based models toward an empowerment-oriented, outcome-sensitive, and context-aware framework. This reconceptualization repositions power as the core determinant of justice outcomes and challenges procedural approaches that equate inclusion with justice. In practical terms, the findings imply that the restorative justice system must be institutionally redesigned to protect victim agents, regulate negotiation dynamics, and evaluate legitimacy based on substantive justice rather than formal consensus. These implications reinforce the view of restorative justice as a potential

autonomous justice system rather than an additional mechanism within the sentencing framework.

This research is limited by its conceptual and normative design, which does not empirically assess the implementation of power rebalancing in certain restorative justice practices. Therefore, future research should examine how structurally embedded power-sensitive mechanisms operate in concrete institutional settings and how victims experience justice within a rebalanced restorative framework. Empirical and comparative studies in a wide range of legal and cultural contexts will be invaluable in testing and refining the normative models proposed in this study.

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