

Comparison of The Katarungang Pambarangay System in The Philippines With The Concept of Restorative Justice in Indonesia in Community-Based Dispute Resolution

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Abstract : *This study aims to analyze the comparison of dispute resolution mechanisms in the Katarungang Pambarangay system in the Philippines with the concept of restorative justice in Indonesia, as well as assess the effectiveness of both in resolving community disputes. This study uses normative legal methods with statutory approaches, conceptual approaches, and comparative approaches. The results of the study show that the Katarungang Pambarangay system regulated in Republic Act No. 7160 (Local Government Code of 1991) is a community-based mechanism that is mandatory and structured through the stages of mediation, conciliation, and arbitration by the Tagapamayapa Board. Meanwhile, restorative justice in Indonesia is an integrated approach in the formal criminal justice system based on Law Number 20 of 2025 concerning the Criminal Code, which is implemented through the authority to terminate investigations and prosecutions. In terms of effectiveness, both systems show positive results in dispute resolution. Katarungang Pambarangay has proven to be effective in increasing community participation and reducing the burden on the courts, while restorative justice in Indonesia has shown a significant increase in the number of case settlements, victim satisfaction, and the potential to suppress recidivism. The main difference lies in the nature of obligations and implementing actors, where the Philippines emphasizes the role of the community, while Indonesia relies on law enforcement officials. The study concludes that both systems have their advantages and that the integration between community-based approaches and state institutional support can be an ideal model for more effective and equitable dispute resolution.*

Keywords : *Katarungang Pambarangay, Restorative Justice, dispute resolution, comparative law, effectiveness*



Abstrak : Penelitian ini bertujuan untuk menganalisis perbandingan mekanisme penyelesaian sengketa dalam sistem Katarungang Pambarangay di Filipina dengan konsep keadilan restoratif di Indonesia, serta menilai efektivitas keduanya dalam menyelesaikan sengketa di masyarakat. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan, pendekatan konseptual, dan pendekatan komparatif. Hasil penelitian menunjukkan bahwa sistem Katarungang Pambarangay yang diatur dalam Republic Act No. 7160 (Local Government Code of 1991) merupakan mekanisme berbasis masyarakat yang bersifat wajib dan terstruktur melalui tahapan mediasi, konsiliasi, dan arbitrase yang dilaksanakan oleh Tagapamayapa Board. Sementara itu, keadilan restoratif di Indonesia merupakan pendekatan yang terintegrasi dalam sistem peradilan pidana formal berdasarkan Undang-Undang Nomor 20 Tahun 2025 tentang Kitab Undang-Undang Hukum Pidana, yang diterapkan melalui kewenangan penghentian penyidikan dan penuntutan. Dari sisi efektivitas, kedua sistem menunjukkan hasil positif dalam penyelesaian sengketa. Katarungang Pambarangay terbukti efektif dalam meningkatkan partisipasi masyarakat dan mengurangi beban perkara di pengadilan, sedangkan keadilan restoratif di Indonesia menunjukkan peningkatan signifikan dalam jumlah penyelesaian perkara, kepuasan korban, serta potensi untuk menekan angka pengulangan tindak pidana (residivisme). Perbedaan utama kedua sistem terletak pada sifat kewajiban dan aktor pelaksananya, di mana Filipina lebih menekankan peran komunitas masyarakat, sedangkan Indonesia lebih bergantung pada peran aparat penegak hukum. Penelitian ini menyimpulkan bahwa kedua sistem memiliki keunggulan masing-masing, dan integrasi antara pendekatan berbasis masyarakat dengan dukungan kelembagaan negara dapat menjadi model ideal untuk menciptakan mekanisme penyelesaian sengketa yang lebih efektif dan berkeadilan.

Kata kunci : Katarungang Pambarangay, Keadilan Restoratif, Penyelesaian Sengketa, Perbandingan Hukum, Efektivitas

Introduction

Dispute resolution is one of the main functions of the law in maintaining social order, ensuring justice, and creating stability in social life. The national legal system positions the litigation pathway as the main foundation on which society relies on the hope of resolving disputes fairly in accordance with applicable law, although in practice justice seekers often feel trapped in a confusing process.¹ Disputes that are not managed properly have the potential to cause prolonged conflicts that damage social relations, so formal mechanisms are provided as the main means of enforcing legal certainty for the parties.

Reality shows that dispute resolution through litigation has various significant limitations. The judicial process in Indonesia is often criticized as ineffective and expensive because of its very formal and technical examination

¹ Siswajanthry, F., Rohaedi, E., & Abid, H. (2019). Mediation as an alternative dispute resolution in religious court systems in Indonesia. *International Journal of Multicultural and Multireligious Understanding*, 6(5). <https://doi.org/10.18415/ijmmu.v6i5.1121>, p. 370)

procedures that take a very long time and risk giving rise to new problems.² This procedural complexity causes people, especially economically weaker groups, to feel intimidated about accessing justice due to the perception that the court system is too complicated and financially burdensome.³ This situation has led to the development of simpler, faster, and more affordable dispute resolution alternatives for ordinary people.

Community-based dispute resolution is present as an alternative that emphasizes deliberation and the restoration of social relations through local wisdom. In traditional villages such as Tengger, Baduy, and Samin, the conflict resolution model is carried out through consensus deliberation under the full control of indigenous leaders, where communities voluntarily hand over decisions to traditional leaders to reach consensus.⁴ In addition, practices such as *packing things* in the Dayak Tobag community show the effectiveness of negotiations in resolving land disputes by prioritizing community harmony and social cohesion rather than simply winning for one party.⁵ This approach results in more sustainable solutions because it involves the active participation of the parties in maintaining social balance.

The Philippines is one of the countries that has systematically developed a community-based dispute resolution mechanism through a system called Katarungang Pambarangay. This system is a non-litigation forum at the village level where petty disputes and minor criminal offenses must be resolved peacefully through mediation by barangay leaders in the absence of lawyers to maintain the authenticity of the social process.⁶ The existence of this system has been empirically proven to provide significant benefits in preserving relations between citizens, faster resolution of problems, and economic efficiency because it avoids the high cost of litigation in formal courts.⁷

The main character of Katarungang Pambarangay lies in its nature as mandatory to take action before a certain case is submitted to the court to reduce the burden of accumulating cases (*court congestion*) experienced by the Philippine judiciary.⁸ The effectiveness of this conciliation process depends heavily on the quality of decision-making by a peacemaker, where structure, transparency, and good communication have a significant positive correlation to the achievement of peaceful agreements at the community level.⁹ This

² Wibowo, S. A., & Wijaya, M. R. (2021). Implementation of the small claims court in dispute case settlement in Indonesia. *Lex Scientia Law Review*, 5(1). <https://doi.org/10.15294/lesrev.v5i1.42859>, p. 174

³ Fakhriah, E. L., & Afriana, A. (2023). Cross border of jurisdiction between arbitration and district court in business dispute settlement under the Indonesian legal system. *Fiat Justisia: Jurnal Ilmu Hukum*, p. 288

⁴ Utami, N. S., Katharina, R., & Asrori. (2024). Conflict resolution in the customary village governance administration of Baduy, Tengger, and Samin ethnic groups in Indonesia. *Journal of Infrastructure Policy and Development*, 8(8), 6371. <https://doi.org/10.24294/jipd.v8i8.6371>

⁵ Seko, S., & Soa, A. H. (2025). Revitalizing tradition: The role of pakat perkara in resolving land disputes within the Dayak Tobag community. *Legal Issues*, 54(1), 47–56. <https://doi.org/10.14710/mmh.54.1.2025.47-56>, p. 47

⁶ (Truth, 2024: 205)

⁷ (Metillo et al., 2022: 190)

⁸ (Kochar et al., 2020, p. 26)

⁹ Asis, J. M., Baja, A. J. E., Eduardo, G. L., Wenceslao, P. D., & Aya-ay, A. M. (2022). The relationship of quality decision-making and effectiveness of conciliation process of a barangay-based justice system. *Journal of Legal Subjects*, 3(1), 1–5. <https://doi.org/10.55529/jls.31.1.5>, p. 1

system reflects the recognition of the ability of communities to resolve conflicts independently through a non-adversarial approach that prioritizes mutually acceptable solutions.

Indonesia has also developed a similar approach through the concept of *restorative justice*, which is formally regulated through Prosecutor's Regulation No. 15 of 2020 and Police Regulation No. 8 of 2021. In contrast to the retributive approach that focuses on punishment, RJ in Indonesia prioritizes restoration to its original state by involving perpetrators, victims, and families to jointly seek a fair settlement that emphasizes the balance of interests.¹⁰ This approach is specifically applied to misdemeanors, cases of children, and women facing the law, as well as certain narcotics cases where peace outside the courts is recognized as the basis for the termination of prosecution for the sake of the law.¹¹

Implementation of *restorative justice* in Indonesia shows a sharp increase in the trend; National Police data recorded an increase in case settlement through RJ from 11,811 cases in 2021 to 18,175 cases in 2023.¹² However, this implementation still faces challenges, as data from the Attorney General's Office in 2023 shows that of the 2,784 cases filed for the termination of RJ-based prosecutions, only about 62% have succeeded in reaching a peaceful agreement.¹³ This suggests that although law enforcement institutions have widely adopted the policy, its success depends heavily on the will of the parties and the cultural support of deliberative processes on the ground.

A comparison between Katarungang Pambarangay in the Philippines and *Restorative Justice* in Indonesia shows that there is a similarity in the goal, which is peaceful, community-based dispute resolution. The fundamental difference lies in the institutional form, implementation mechanism, and position in the legal system of each country. Katarungang Pambarangay has a clear and integrated institutional structure within the local Government system. *Restorative Justice* in Indonesia functions more as an approach or method applied within the framework of the existing justice system.

These differences in characteristics raise questions about how each system's mechanism is in resolving disputes and the extent of its effectiveness in practice. The effectiveness of a dispute resolution system is not only measured by speed and cost efficiency but also by its ability to create justice, restore social relations, and prevent recurring conflicts. Comparative studies are important to understand the advantages and disadvantages of each system comprehensively.

Katarungang Pambarangay shows excellence in terms of closeness to the community and its institutional and structured nature. *Restorative justice* in Indonesia has flexibility in application as well as the potential to be integrated in various types of cases. Comparative analysis of the two systems is expected

¹⁰ (Nasution et al., 2022: 38)

¹¹ (Nasution et al., 2022: 39)

¹² Bawono, B. T., & Glaser, H. (2023). The urgency of restorative justice regulation on hate speech. *Bestuur*, 11(2), p. 371

¹³ Nagara, A. S., Adi, E. A., & Maulana, R. (2025). The impact of the implementation of the termination of prosecution based on restorative justice for victims and perpetrators. *Journal of Law, Society, and Islamic Civilization*, p. 162.

to provide a clearer picture of the ideal community-based dispute resolution model.

This research is relevant to be carried out, considering the importance of developing a more effective, efficient, and fair dispute resolution system. The results of the research are expected to make an academic contribution to the development of legal science, especially in the field of alternative dispute resolution. The findings of the research are also expected to be considered by policymakers in formulating a dispute resolution model that is more responsive to the needs of the community.

Based on this description, this study will examine the comparison between the Katarungang Pambarangay system in the Philippines and the concept of *restorative justice* in Indonesia in community-based dispute resolution, focusing on the implementation mechanism and its effectiveness in practice. This study is expected to provide a deeper understanding of the two systems and their contribution to realizing justice oriented to recovery and social harmony.

Based on the above background, the Author formulates the following problem formulation: 1) How does the dispute resolution mechanism in the Katarungang Pambarangay system in the Philippines compare with the concept of *restorative justice* in Indonesia? 2) How effective are the Katarungang Pambarangay and *Restorative Justice* systems in resolving community disputes?

Methods

This research is a normative legal study that aims to find legal rules, legal principles, and legal doctrines to answer the legal issues faced. The approaches used in this study include the statute approach, the conceptual approach, and the comparative approach. The statute approach is carried out by examining all laws and regulations related to the legal issues being studied in order to find the legal basis and norm structure that governs community-based dispute resolution.¹⁴ The conceptual approach is used by examining the views, doctrines, and legal concepts that develop in legal science so as to build legal arguments that are relevant to the concept of *restorative justice* and community dispute resolution.¹⁵

The comparative approach in this study is carried out by comparing the legal system of Katarungang Pambarangay in the Philippines with the concept of *restorative justice* in Indonesia, both in terms of mechanism and effectiveness.¹⁶ This approach aims to find similarities and differences between the two legal systems, while also identifying their advantages and disadvantages as a community-based dispute resolution model. The use of these three approaches is carried out in an integrated manner so that the analysis produced is comprehensive, systematic, and able to provide strong legal arguments on the issue being studied so that it can answer the formulation of

¹⁴ Peter Mahmud Marzuki, 2011, Legal research methods. Kencana, Jakarta, p. 133

¹⁵ *Ibid.*, p. 135

¹⁶ *Ibid.*, p. 136

the problem appropriately and in-depth.

Result And Discussion

Comparison of Dispute Resolution Mechanisms in the Katarungang Pambarangay System in the Philippines and the *Restorative Concept of Justice* in Indonesia

Community-based dispute resolution cannot be separated from the development of a legal paradigm that increasingly emphasizes substantive justice, community participation, and the restoration of social relations. The modern legal system is no longer solely a condemn-oriented one but has also begun to accommodate a more humanistic and dialogical approach. In this context, various alternative dispute resolution models have emerged in various countries, including the Katarungang Pambarangay system in the Philippines and the concept of *restorative justice* in Indonesia. Both systems reflect efforts to present a dispute resolution mechanism that is closer to the community, simple, and able to create a fair and sustainable settlement.

A comparative study of the two systems is important to understand the characteristics, mechanisms, and effectiveness of each in practice. This comparison focuses not only on the normative aspects or legal basis but also on how the dispute resolution process is carried out and the actors involved in it. This analysis is expected to provide a comprehensive overview of the advantages and disadvantages of each system as a community-based dispute resolution model. Therefore, both the dispute resolution system in the Katarungang Pambarangay system in the Philippines and the concept of *restorative justice* in Indonesia can be shown in the following comparison table:

Table 1. Comparison Table

No	Indicator	Katarungang Pambarangay (Philippines)	<i>Restorative of Justice</i> (Indonesia)
1	Legal Basis	RA 7160 (Local Government Code 1991)	Law No. 20 of 2025 concerning the Criminal Procedure Code
2	Properties	Mandatory before going to court	Not mandatory, discretionary
3	Implementers	Punong Barangay & Lupon	Police, Prosecutors, Judges
4	Stages	Mediation → Conciliation → Arbitration	Penal mediation in the judicial process
5	Pendekatan	Komunitas (community-based)	Integrated in the justice system
6	Purpose	Peace and social harmony	Recovery of victims and responsibility of perpetrators

7	Legal Strength	Deals are executable	Relying on law enforcement officials
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The Katarungang Pambarangay system in the Philippines has a primary legal basis in *Republic Act No. 7160, or the Local Government Code of 1991*. Arrangements regarding this mechanism are contained in detail in Article 399, which regulates the establishment of the *Tagapamayapa Board* as a dispute resolution institution at the barangay level. In practice, this system effectively functions as local leaders as mediators without the involvement of lawyers in order to maintain the authenticity of social processes in society.¹⁷ The obligation to go through the barangay mechanism before submitting a case to the court is affirmed in Article 412, which has been empirically proven to be able to significantly reduce the burden of accumulating cases in formal judicial institutions.¹⁸

Community-based dispute resolution approaches in Indonesia through *restorative justice* obtain legal legitimacy in the latest regulation that emphasizes the restoration of original conditions through dialogue between perpetrators and victims.¹⁹ These provisions, as in Articles 109 and 140 of the Criminal Code Law, provide room for the termination of the investigation as long as it meets the conditions of a fair peace for both parties. Empirical data show an increasing trend in the use of restorative justice in Indonesia, where the number of cases resolved through this mechanism increased from 11,811 cases in 2021 to 18,175 cases in 2023.²⁰

The mechanism in the *Katarungang Pambarangay Justice* system begins with a complaint to the *Punong Barangay* in accordance with Article 410 of *Republic Act No. 7160*. This process ensures that each party has an equal opportunity to be heard in a participatory mediation forum. The success of this early stage is highly dependent on the quality of the mediator's communication, where transparency and a good decision-making structure are positively correlated with the achievement of a peace agreement.²¹ This confirms that community initiatives are the main foundation of the effectiveness of the village justice system in the Philippines.

The mediation stage by the *Punong Barangay* aims to reach an agreement without formal court intervention in a flexible, informal setting. The mediator functions as a neutral party who facilitates communication without imposing a decision, in accordance with the spirit of Article 410 of *Republic Act No. 7160*. Studies show that this non-adversarial approach results in higher community satisfaction because of the focus on a mutually beneficial "middle room" rather than simply winning one side.²²

A mediation deadline of fifteen days is applied to ensure efficiency and legal certainty so that conflicts do not drag on. The resulting written agreement has

¹⁷ Verdad, J. (2024). Mediating disputes in the barangays: The work world of lupon chiefs. *International Journal of Law and Politics Studies*, 6(5), 205–225. <https://doi.org/10.32996/ijlps.2024.6.5.11>, p. 15

¹⁸ Metillo et al., *op ., cit.*, p. 12

¹⁹ Nasution et al., *op ., cit.*, p. 45

²⁰ Bawono & Glaser, *op ., cit.*, p. 8)

²¹ Asis et al. , *op ., cit.*, p. 24

²² Metillo et al. , *op ., cit.*, p. 14

binding legal force and is equivalent to a court decision if it is executed according to procedure. The implementation of the village justice system has proven to be an important instrument in maintaining social stability through independent and rapid conflict resolution at the local level.²³

The failure of mediation in the early stages led to the establishment of the *Pengerkasundo Rank* as a tiered mechanism to maximize peace opportunities. This structure suggests that the system is designed to provide layered opportunities for communities to solve problems internally before entering the realm of formal law. In Indonesia, although it does not have a formal level like the Philippines, the success of *restorative justice* also relies heavily on mediation involving community leaders to achieve sustainable consensus.²⁴

The conciliation stage through the *Pengerkasundo* is regulated in Article 410, paragraph (c), and Article 411 of *Republic Act No. 7160*. If an agreement remains unreached, the parties may opt for arbitration as the final settlement route at the barangay level. Under Article 416, any arbitration agreement or award has strong executory power, making it the main *filter* that keeps the formal judicial system unburdened by minor disputes.

The *restorative justice mechanism* in Indonesia is implemented within the framework of the criminal justice system through the stages of investigation, prosecution, and examination in court. The investigation stage by the police allows for a peaceful settlement of cases between the perpetrator and the victim facilitated by investigators, which is related to the authority to terminate the investigation in Article 109 of Law Number 20 of 2025 concerning the Criminal Code. This provision provides room for investigators not to continue the case if a peace agreement has been reached that meets the requirements of justice and legal interests. Further implementation of this approach is strengthened through the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice, especially in Article 6 and Article 7 of Police Regulation Number 8 of 2021, which regulate the material and formal requirements for the implementation of *restorative justice*. At this stage, the police play the role of the main facilitator who brings together the perpetrator and the victim in a deliberative forum to reach an agreement, with the characteristics of a more flexible, fast, and solution-oriented process outside the court.

The prosecution stage gives the prosecutor the authority to stop the prosecution based on certain considerations as stipulated in Article 140 of Law Number 20 of 2025 concerning the Criminal Code, including in the context of the *restorative justice* approach. This authority is affirmed in the Prosecutor's Regulation of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecution Based on *Restorative Justice*, especially in Article 3 and Article 5 of the Prosecutor's Regulation Number 15 of 2020, which require that there be peace between the victim and the perpetrator, that the losses that have been recovered, and that the consideration of the interests of the

²³ Anavesa, J. M. (2024). Village justice system implementation and performance among selected villages in Southern Leyte Province, Philippines. *International Journal of Advanced Multidisciplinary Research and Studies*, 4(3). <https://doi.org/10.62225/2583049X.2024.4.3.2795>, p. 10

²⁴ Nagara et al., *op. cit.*, p. 7

community. The role of the prosecutor in this stage is not only as a public prosecutor but also as a case controller (*dominus litis*) who determines whether a case is worthy of being continued to court or resolved through a restorative approach. The mechanism at the prosecutor's level is more formal than that of the police because it involves stricter juridical evaluation and public interest considerations.

The examination stage in the court also opens up space for the application of *restorative justice*, albeit in a more limited scope. The judge has the authority to consider the existence of peace between the perpetrator and the victim as a mitigating factor in the verdict and, in certain circumstances, can encourage settlement through a restorative approach. The normative basis is related to the principle of fair and proportionate case examination in Article 183 and Article 184 of Law Number 20 of 2025 concerning the Criminal Code, which provides space for judges to assess all facts and circumstances revealed at trial. In addition, the application of *restorative justice* in the judicial environment is also supported by Supreme Court policies, such as Supreme Court Regulation Number 2 of 2012 concerning the Adjustment of Limits on Misdemeanor Crimes, which implicitly encourages the settlement of minor cases more proportionately and oriented towards substantive justice.

Comparisons between stages show that there are significant differences in characteristics. The implementation of *restorative justice* at the police level is the most flexible and preventive because it is carried out at an early stage before the case progresses further, with a focus on speedy resolution through penal mediation. The application at the prosecutor's level is more selective and measurable because it considers the evidentiary aspects and the public interest before stopping the prosecution. Implementation at the court level tends to be repressive and limited because the case has entered the adjudication process, so *restorative justice* functions more as a consideration in judgments rather than as the main mechanism for dispute resolution. This difference shows that the higher the stage in the criminal justice system, the more limited the space for the implementation of *restorative justice*, but it still has an important role in realizing restorative-oriented justice.

Comparisons show that the mechanism of Katarungang Pambarangay regulated in the various provisions of *Republic Act No. 7160 (Local Government Code of 1991)* is mandatory and community-based, with the Tagapamayapa Board as the main actor. The system in Indonesia, based on Law Number 20 of 2025 concerning the Criminal Procedure Code, places law enforcement officials such as police, prosecutors, and judges as the main implementers of the *restorative justice* approach. The board in the Philippine system reflects the empowerment of the community directly as stipulated in Article 399 of *Republic Act No. 7160 (Local Government Code of 1991)*, while the Indonesian system still places the state as the dominant actor in dispute resolution.

Both systems comparatively show that the Philippine system has advantages in clear institutional aspects, procedural obligations, and proximity to the community. The Indonesian system has an advantage in legal certainty because it is within the formal framework of criminal procedural law, but its application depends on the discretion of the authorities as reflected in the provisions of Article 109 and Article 140 of Law Number 20 of 2025 concerning the Criminal Code. The comparison provides an idea that the integration between a structured community approach and formal legal system support

could be an ideal model for the development of community-based dispute resolution in the future.

The Effectiveness of the Katarungang Pambarangay and Restorative Justice System in Resolving Community Disputes

The effectiveness of a dispute resolution system is an important aspect in assessing the success of the implementation of legal mechanisms in society. The assessment of effectiveness is not only seen from the system's ability to resolve disputes quickly and efficiently but also from the extent to which the system is able to create substantive justice, restore social relations, and prevent recurring conflicts. An effective dispute resolution system is expected not only to produce a decision or agreement but also to provide satisfaction for the parties and maintain harmony in community life.

The Katarungang Pambarangay system in the Philippines has a number of advantages that demonstrate its effectiveness as a community-based dispute resolution mechanism. One of its main advantages lies in its mandatory nature as stipulated in Republic Act No. 7160 (Local Government Code of 1991), especially Section 412 of Republic Act No. 7160 (Local Government Code of 1991), which requires the parties to first go through a settlement process at the barangay level before filing a case in court. This provision is able to significantly reduce the burden of cases in judicial institutions and encourage peaceful and fast dispute resolution. Another advantage lies in the proximity of this system to the community, where the Tagapamayapa Board, as stipulated in Section 399 of Republic Act No. 7160 (Local Government Code of 1991), consists of community leaders who understand the local social conditions. The dispute resolution process becomes more participatory, flexible, and deliberation-oriented so as to be able to maintain social harmony. The simple mechanism and relatively low cost are also a plus, as the community does not need to go through complex formal legal procedures.

However, the Katarungang Pambarangay system also has some weaknesses. The limited capacity and competence of the members of the Tagapamayapa Board can affect the quality of dispute resolution, especially in cases that have high legal complexity. The potential for subjectivity and bias can also arise because the mediator comes from the same community environment as the parties, so neutrality is not always guaranteed. The legal force of the resulting agreement, although recognized as stipulated in Section 416 of Republic Act No. 7160 (Local Government Code of 1991), in practice still faces obstacles in implementation if one of the parties does not act in good faith. In addition, not all types of cases can be resolved through this mechanism, so its effectiveness is limited to certain disputes.

The concept of restorative justice in Indonesia also has a number of advantages as an approach to solving criminal cases. This approach emphasizes the recovery of victim losses, the responsibility of the perpetrator, and the restoration of social relations so that it reflects more substantive justice than the retributive approach. The legal basis for its application is contained in Article 109 and Article 140 of Law Number 20 of 2025 concerning the Criminal Code, which provides space for the termination of investigations and prosecutions. Flexibility in implementation is an advantage in itself because

this approach can be used in various stages of the criminal justice process, at the police, prosecutor's office, and court levels. Processes that emphasize dialogue and agreement also provide a more direct sense of justice for victims and perpetrators and have the potential to prevent recurring conflicts in society.

The weakness of the concept of restorative justice in Indonesia lies in its non-mandatory nature and is highly dependent on the discretion of law enforcement officials. The provisions in Article 109 and Article 140 of Law Number 20 of 2025 concerning the Criminal Procedure Code do not explicitly require the application of a restorative approach, so its implementation is uneven throughout the region. Differences in understanding and capacity of law enforcement officials can also affect the consistency of implementation. In addition, because it remains within the framework of the formal justice system, the restorative justice process in Indonesia tends to be more bureaucratic than community-based systems such as those in the Philippines. The potential pressure on victims to agree to peace is also one of the weaknesses that need to be considered, especially in cases involving unbalanced power relations. This condition shows that although it has great potential, the implementation of restorative justice in Indonesia still needs to be strengthened in terms of regulation and implementation so that it can run more effectively and consistently.

A study of the effectiveness of the Justice Pambarangay System in the Philippines and the concept of *restorative justice* in Indonesia is important to understand the extent to which these two mechanisms are able to respond to the needs of the community in dispute resolution. This comparison not only highlights the normative and procedural aspects but also assesses their implementation and impact in practice. The effectiveness analysis will include various indicators, such as the success rate of dispute resolution, time and cost efficiency, stakeholder participation, and sustainability of settlement outcomes.

The effectiveness of the Justice Pambarangay System in resolving community disputes can be seen from the level of implementation, community acceptance, and success in resolving conflicts at the community level. The results of the research conducted by Noveloso et al. show that all barangays have been able to implement the Katarungang Pambarangay system well; even one of the areas, namely Ortega Village, has achieved a "very good" implementation level with a score of 3.99.²⁵ This achievement reflects that the mechanisms regulated in *Republic Act No. 7160 (Local Government Code of 1991)*, especially Sections 399 to 422 of Republic Act No. 7160 (Local Government Code of 1991), can be effectively implemented in practice. The level of public acceptance, which reaches around 3.50, shows that the community has a good enough understanding of this system so that the dispute resolution process through mediation and conciliation can take place optimally. The high level of public knowledge of the Katarungang Pambarangay system is an important factor in

²⁵ Noveloso, J. P. N., Nebrida, A. P., Badua, R. B., Calica, C. C. R. M., Diza, P. B. A. D., Ragonton, V. N., & Chatoy, T. A. (2024). Harmonizing community justice: Evaluating the effectiveness of Katarungang Pambarangay in Bacnotan, La Union. *International Research Journal of Science, Technology, Education, and Management*, 4(2), <https://doi.org/10.5281/zenodo.12730292>, p. 58

supporting the success of implementation, as it encourages the active participation of the parties in resolving conflicts peacefully.

This effectiveness can also be seen from the smooth running of the procedural stages in the Katarungang Pambarangay system, starting from receiving complaints, sending summonses, and implementing mediation by *the Punong Barangay* to the conciliation stage through *the Tagapagkasundo Rank*. This systematic process is in accordance with the provisions of Section 410 and Section 411 of Republic Act No. 7160 (Local Government Code of 1991), which regulate the stages of dispute resolution in stages. Support for the settlement of unresolved cases in court also shows that this system is capable of functioning as an effective alternative mechanism. However, the study also noted that there are obstacles, especially related to the limitations of facilities and infrastructure in some areas, such as what happened in Barangay Arosip. The limitations of such infrastructure suggest that the effectiveness of the system depends not only on legal norms but also on the support of facilities and institutional capacity at the local level.

Another finding that strengthens the effectiveness of this system was put forward by Al-Ghani D. Mohammad, who showed that quantitatively the success rate of resolving cases through *the Katarungang Pambarangay System* reached eighty percent (80%), where the majority of respondents stated that their disputes could be resolved through the mechanism.²⁶ The level of public satisfaction is also relatively high, with around seventy-five percent (75%) of respondents stating that they are satisfied or quite satisfied with the service and results of dispute resolution. This data shows that the Katarungang Pambarangay system is not only procedurally effective but also able to provide a sense of justice that is accepted by the community. This success reflects that a community-based approach that prioritizes dialogue, deliberation, and restoration of social relations can be a relevant solution in dispute resolution at the local level.

Analysis of these findings shows that a combination of a clear legal framework, simple and structured mechanisms, and a high level of public participation and trust determines the effectiveness of the Katarungang Pambarangay System. The success of this system in resolving most disputes without having to go through the litigation process also has an impact on the efficiency of the justice system as a whole. Although there are still obstacles in terms of infrastructure and capacity in some regions, in general the Katarungang Pambarangay System can be considered as a model of community-based dispute resolution that is effective and worthy of being a reference in the development of similar mechanisms in other countries.

The effectiveness of *restorative justice* in resolving community disputes and criminal cases in Indonesia can be seen from the development of its implementation, which shows a significant increasing trend over time. The development of the implementation of *restorative justice* in Indonesia shows a significant increase over time. Data from the Indonesian National Police shows that the number of case settlements through this approach increased from

²⁶ Mohammad, A.-G. D. (2024). Effectiveness of barangay justice system in Zamboanga City: An assessment. *International Journal of Multidisciplinary Research and Publications (IJMRAP)*, 7(1), p. 195

11,811 cases in 2021 to 18,175 cases in 2023.²⁷ However, its implementation still faces a number of obstacles. Data from the Attorney General's Office in 2023 shows that of the total 2,784 cases filed for *restorative justice*-based termination of prosecutions, only about 62% have managed to reach a peace agreement.²⁸

Data from the Attorney General's Office shows that the number of cases resolved through restorative approaches continues to increase consistently. In 2020, the number of cases successfully resolved through *restorative justice* was recorded at 192 cases, with 44 cases not approved. This figure increased in 2021 to 388 cases that were successfully resolved, with only 34 cases being rejected. A more drastic increase occurred in 2022, with 1,456 cases resolved and only 65 cases rejected. This trend continued in 2023, with 2,407 cases successfully resolved through a restorative approach and only 38 cases being disapproved.²⁹ This increase shows that the implementation of *restorative justice* is increasingly accepted by law enforcement officials and the public and is supported by the strengthening of regulations such as Article 109 and Article 140 of Law Number 20 of 2025 concerning the Criminal Procedure Code, which provides room for the termination of cases based on the restorative justice approach.

The effectiveness of *restorative justice* is also reflected in its impact on perpetrators and victims. This approach has been proven to be able to reduce recidivism rates and provide a higher level of satisfaction compared to the conventional justice system.³⁰ The main principle of restorative justice, which emphasizes the restoration of the relationship between the perpetrator and the victim, plays an important role in creating reconciliation and eliminating resentment. Research shows that when the perpetrator provides restitution or compensation to the victim, it directly helps reduce the victim's suffering, both materially and psychologically.³¹ The active involvement of victims in the case settlement process also provides space for victims to express their experiences and hopes, thus creating a more substantive sense of justice than the traditional justice system that tends to ignore the victim's position.

This effectiveness is further strengthened by the significantly increased level of victim satisfaction in the *restorative justice* process. Victims feel more valued because they are directly involved in the dispute resolution process, in contrast to the conventional justice system, which is more oriented towards the perpetrator and the state. This involvement has a positive psychological impact on victims, as they get the opportunity to express their feelings, get explanations from the perpetrators, and achieve real recovery. This condition shows that *restorative justice* not only functions as a mechanism for resolving cases but also as a means of more comprehensive social recovery.

The application of restorative justice in Indonesia has been proven to increase victim satisfaction significantly. The results of the study showed that when victims were involved in the settlement process, they felt more valued and recognized as part of the legal process. In the traditional justice system, often the victim's voice is ignored, which can lead to a sense of dissatisfaction and

²⁷ Bawono & Glaser, *Op cit.*, p. 371

²⁸ Nagara et al., *Op cit.*, p. 162

²⁹ Arifullah, 2025: 164–165

³⁰ *Ibid.*, p. 161

³¹ Saputra, 2025: 380

frustration. However, in KR, victims are given the opportunity to talk about their experiences and expectations for the perpetrator, which creates a greater sense of justice.³²

Analysis of these findings shows that *restorative justice* in Indonesia has a high level of effectiveness in resolving community disputes and criminal cases, both in terms of the quantity of case settlement and the quality of the results achieved. This approach is able to create more positive outcomes for all parties involved and support the creation of more humane and sustainable justice.³³ The prospect of implementing *restorative justice* in Indonesia also shows great potential for expansion in the criminal justice system, in line with increasing public trust and policy support from the state. This condition confirms that *restorative justice* can be an effective alternative in realizing a legal system that not only upholds the law but also restores social relations in society.

Conclusion

A comparison of dispute resolution mechanisms shows a fundamental difference between the Katarungang Pambarangay system in the Philippines and the concept of *restorative justice* in Indonesia. The Katarungang Pambarangay system is a structured, community-based, and mandatory mechanism as stipulated in Republic Act No. 7160 (*Local Government Code of 1991*), especially through the stages of mediation by *the Punong Barangay*, conciliation by *the Tukang Kasundo*, and the possibility of arbitration. The entire process is carried out at the local level by directly involving the community through *the Tagapamayapa Board*. The concept of *restorative justice* in Indonesia is more flexible and integrated in the formal criminal justice system, which is carried out through the stages of investigation, prosecution, and examination in court. The main role in this mechanism remains with law enforcement officials such as police, prosecutors, and judges, so that the restorative approach does not stand as a standalone system but rather as part of the criminal justice process.

The effectiveness of both systems shows that each has advantages in its context. The Katarungang Pambarangay system has proven to be effective in resolving disputes at the community level with high levels of success and satisfaction, supported by active community participation, simple procedures, and its mandatory nature. This system is able to reduce the burden on the courts and strengthen social cohesion. The concept of *restorative justice* in Indonesia also shows significant effectiveness, characterized by an increase in the number of cases resolved every year, a high level of victim satisfaction, and its ability to reduce recidivism. However, the effectiveness of *restorative justice* in Indonesia still faces obstacles due to its non-mandatory nature and depends on the discretion of law enforcement officials, so its implementation is not evenly distributed. Overall, both systems are equally effective at resolving disputes, but with different approaches and characteristics.

³² Hasibuan, S. A., Tarigan, C. A. P., Meliala, N. M. S., & H. R. A. C. (2024). Restorative justice as a progressive legal form in Indonesian laws and regulations. *Indonesian Journal of Business Finance and Accounting*, 1(36), p. 45

³³ Aziz, A., Maksun, G., & Mutakin, A. (2023). Restorative justice approach in the settlement of domestic violence crimes. *Alashriyyah*, 9(2), p. 99

Recommendation

Strengthening the Katarungang Pambarangay system in the Philippines needs to focus on increasing the capacity of human resources, especially *members of the Tagapamayapa Board*, to be able to handle more complex disputes and maintain neutrality in the mediation and conciliation process. Support for facilities and infrastructure at the barangay level also needs to be increased to ensure that the effectiveness of the implementation of the mechanism in all regions can run evenly.

The development of the concept of *restorative justice* in Indonesia needs to be directed towards the formation of more comprehensive and binding regulations so that it does not only depend on the discretion of law enforcement officials. Standardization of implementation at the police, prosecutor's office, and court levels is important to ensure consistency and legal certainty. Increasing public and law enforcement officials' understanding of the principle of restorative justice also needs to be done so that this approach can be applied optimally.

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