

Beyond Procedural Correctness: Legal Formalism and the Search for Justice in Indonesian Criminal Law

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ABSTRACT:

Background: Indonesian criminal law enforcement frequently privileges procedural accuracy as the clearest sign of justice. Yet decisions that satisfy formal requirements may still be experienced as unfair when they disregard social context and the substance of harm.

Aims: This article explores how a procedure-centered mindset narrows the meaning of justice in Indonesian criminal law and considers how restorative justice can help broaden justice beyond a strictly formal reading of legality.

Methods: The study uses normative legal research with a conceptual and analytical design. Statutory provisions, doctrinal reasoning, and key scholarly debates are examined through close legal interpretation and critical assessment to map the effects of formalism and to situate restorative justice as a justice-oriented framework.

Result: The analysis indicates that an overreliance on procedural correctness can turn criminal law into an exercise in compliance, where legality is treated as an endpoint rather than a means to achieve fairness. In this setting, the interests of victims, offenders, and communities risk being handled in a fragmented way, because the process is valued more than the repair of harm. Read as a framework rather than a mere policy tool, restorative justice offers a way to reconnect accountability with relationships, context, and proportional outcomes.

Conclusion: The article argues that justice in Indonesian criminal law cannot be exhausted by procedural validity alone. A more adequate approach requires interpretation that is attentive to social realities, with restorative justice functioning as a conceptual bridge toward substantive justice.

Keyword: Indonesian criminal law; legal formalism; procedural correctness; restorative justice; substantive justice;

INTRODUCTION

Criminal law is often understood as the primary instrument through which the state seeks to realize justice by means of binding rules and structured procedures (Kuemlangan et al., 2023; Widjajanto et al., 2025). In the practice of criminal law enforcement in Indonesia, this understanding is frequently manifested in a strong emphasis on procedural correctness. As long as legal stages are carried out in accordance with formal rules, a process or decision is generally regarded as having satisfied the demands of justice. While this approach supports legal certainty and maintains institutional consistency, it has also produced situations in which a gap emerges between legal

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validity and the sense of justice experienced by society (Carlsson, 2025; McAuliffe, 2021). Decisions that are lawful in procedural terms are not always perceived as just when they fail to capture social context, the relationships between parties, and the tangible consequences of criminal conduct.

This condition suggests that justice in criminal law cannot be reduced solely to procedural compliance, but is also shaped by how law interprets and responds to social realities (Demarest, 2021; Roy, 2021). Legal formalism, which places rules and procedures at the center of legal evaluation, tends to treat justice as an automatic outcome of correct legal application. Within such a framework, criminal law risks losing its reflective dimension and becoming an administrative mechanism that measures success through procedural neatness rather than through the substantive meaning of justice produced (Maslen & Paine, 2024).

Debates over the limits of formalistic approaches have long occupied legal theory and criminal law scholarship (Miller, 2022; Preuß, 2023). Numerous legal thinkers have emphasized that certainty and order are essential, yet they were never intended to constitute the ultimate purpose of justice. Critiques of legal formalism highlight its tendency to obscure social context, disregard power relations, and reduce criminal conflict to mere rule violations. At the same time, restorative justice has developed as an approach that conceives justice as a process of repair, placing victims, offenders, and communities within dialogical relationships (Kirkwood, 2022). Nevertheless, in both practice and scholarship, restorative justice is often reduced to a policy instrument or an alternative procedure, leaving its conceptual potential to challenge formalistic assumptions of justice insufficiently explored.

It is at this point that an analytical gap becomes apparent within criminal law discourse (Jeßberger & Steinl, 2022). Studies on legal formalism and studies on restorative justice frequently evolve along separate trajectories. The former often stops at theoretical critiques of legal certainty, while the latter tends to focus on institutional design and implementation effectiveness. In the Indonesian context, discussions of legal certainty and substantive justice are likewise often positioned side by side without explaining how the dominance of procedural correctness itself constrains the pursuit of justice (Riswandi et al., 2023). Consequently, there remains a limited body of scholarship that explicitly situates restorative justice as a conceptual response to the boundaries of legal formalism in criminal law enforcement.

Against this background, this article aims to reexamine the relationship between legal formalism and justice in Indonesian criminal law. It proceeds from the view that the core problem lies not in the existence of procedure, but in the tendency to treat procedural correctness as the final measure of justice (Bublitz, 2024; O'Donohue & Fisher, 2023). By positioning restorative justice as a conceptual framework rather than a mere policy tool, this article seeks to demonstrate how the search for justice can move beyond formal compliance without abandoning the importance of legal certainty. This approach is expected to contribute to academic debates on criminal justice and to open interpretive space for understandings of justice that are more responsive to social context (Butler et al., 2022; Schultz et al., 2021).

METHOD

Research Design

This article employs a normative legal research design with a conceptual and analytical orientation. The study does not seek to test hypotheses through empirical measurement, but rather to examine how justice is constructed, justified, and limited within criminal law reasoning. The research design is deliberately chosen to address the core problem of the study, namely the dominance of procedural correctness in criminal law enforcement and its implications for substantive justice. By engaging with legal concepts and normative assumptions, the research aims to clarify how legal formalism shapes the meaning of justice in the Indonesian criminal law context. To maintain analytical clarity, the research process follows a structured sequence of reasoning, moving from problem identification to normative interpretation. This sequence reflects the logic of doctrinal and conceptual legal analysis rather than data-driven empirical inquiry.

Participant

This study does not involve human participants or field-based subjects. Instead, the analysis focuses on legal and scholarly sources that constitute the discourse of criminal law. These sources include statutory provisions, authoritative legal doctrines, and academic writings on legal formalism, criminal justice, and restorative justice. Such materials are treated as the primary sites where assumptions about justice, legality, and procedure are articulated and contested.

Instrument

The principal instrument of this research is interpretive legal reasoning supported by conceptual analysis. Legal texts and scholarly works were examined through close reading to identify underlying assumptions, recurring arguments, and patterns of reasoning related to procedural correctness and justice. Conceptual distinctions, such as those between legality and substantive justice or between formalism and restorative approaches, were employed as analytical lenses rather than rigid categories. This interpretive process enabled a critical examination of how certain legal meanings are privileged within criminal law reasoning.

Data Analysis

Data analysis was conducted through doctrinal and conceptual analysis. Legal materials were first examined to identify how procedural correctness is positioned as a benchmark of justice within criminal law interpretation. The analysis then proceeded to a critical engagement with restorative justice literature to assess its capacity to address the limitations inherent in formalistic reasoning. This process was iterative and reflective, involving continuous movement between legal texts and theoretical considerations to refine interpretations and strengthen argumentative coherence. Through this approach, the study develops a normative account of justice that moves beyond procedural compliance while remaining attentive to the importance of legal certainty.

RESULTS AND DISCUSSION

Result

The analysis indicates that criminal law enforcement in Indonesia is predominantly structured around procedural correctness as the principal reference point for evaluating justice. Legal reasoning

within criminal proceedings tends to prioritize adherence to formal rules, stages, and statutory requirements, with the assumption that compliance with these procedures is sufficient to establish the legitimacy and fairness of legal outcomes. Within this framework, justice is frequently equated with legality, leaving limited space for interpretive engagement with the social context of crime, the relational dimensions of harm, or the lived experiences of those affected by criminal acts.

A closer examination of legal reasoning patterns reveals that legal formalism functions not merely as a technical approach, but as an underlying orientation that shapes how justice is understood and assessed. Procedural correctness becomes the dominant benchmark against which decisions are evaluated, while considerations of substantive fairness are often treated as secondary or external to the legal process. This orientation produces a form of justice that emphasizes institutional consistency and predictability, yet may appear detached from societal perceptions of fairness when legal outcomes fail to resonate with broader notions of moral accountability.

At the same time, the analysis shows that restorative justice occupies an ambivalent position within criminal law discourse. While it is increasingly acknowledged, restorative justice is commonly framed as an alternative procedure or supplementary mechanism rather than as a conceptual challenge to formalistic understandings of justice. As a result, its deeper implications for rethinking the meaning of justice beyond procedural validity remain underexplored within dominant legal narratives.

To clarify the conceptual distinctions emerging from this analysis, Table 1 presents a structured comparison between justice as understood through procedural correctness and justice as articulated within a restorative framework. The table summarizes the key dimensions along which these two orientations diverge, reflecting the core findings of the normative analysis rather than empirical measurement.

Table 1. Conceptual comparison between procedural correctness and restorative justice in criminal law

Analytical Dimension	Procedural Correctness (Legal Formalism)	Restorative Justice (Conceptual Orientation)
Primary focus of justice	Compliance with legal rules and procedures	Repair of harm and restoration of relationships
Understanding of fairness	Formal validity of legal outcomes	Substantive fairness grounded in context
Role of victims	Marginal or indirect	Central and participatory
Orientation of accountability	Institutional and rule-based	Relational and dialogical
Treatment of social context	Secondary to procedure	Integral to justice assessment
Measure of justice	Procedural correctness	Meaningful resolution and repair

The comparison highlights that the divergence between procedural correctness and restorative justice is not merely a matter of methodological preference, but reflects fundamentally different conceptions of what justice is and how it should be realized. Legal formalism constructs justice as an outcome secured through faithful adherence to established rules and procedures, assuming that fairness naturally follows from procedural validity. Within this framework, the legitimacy of legal decisions is primarily assessed through institutional consistency and formal compliance, often leaving questions of moral responsibility and social impact outside the core legal evaluation.

By contrast, restorative justice situates justice within processes of acknowledgment, responsibility, and repair, emphasizing the relational dimensions of harm and accountability. Justice is not treated as an endpoint guaranteed by correct procedure, but as a dynamic process that unfolds through dialogue among affected parties and recognition of the broader social context. This orientation challenges the assumption that legality alone can exhaust the meaning of justice, particularly in cases where procedural outcomes fail to resonate with societal perceptions of fairness.

This conceptual divergence is further illustrated in Figure 2, which visualizes the analytical shift identified in this study from a procedure-centered understanding of justice toward a restorative orientation that foregrounds substantive outcomes. The figure depicts how justice moves beyond legality as a final destination and instead becomes a relational and contextual process, shaped by the needs of victims, the responsibilities of offenders, and the interests of the community. In doing so, it captures the core finding of this study: that the search for justice in criminal law requires more than procedural correctness, demanding a framework capable of engaging with the lived realities of harm and accountability.

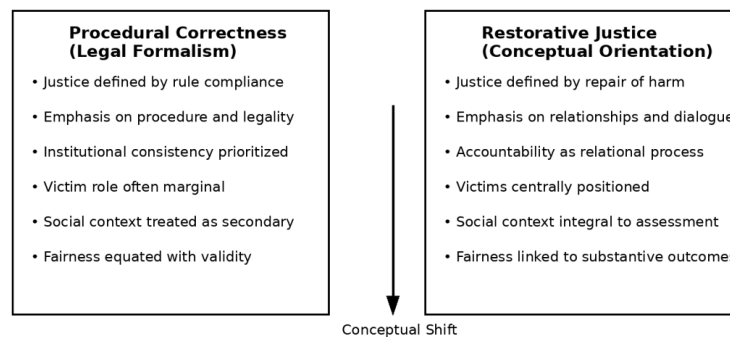


Figure 2. Conceptual orientation of justice in criminal law

Discussion

This study suggests that the persistent friction around justice in Indonesian criminal law is less about missing rules than about how the legal system has learned to treat rules Faisal et al. (2024). Procedural correctness has gradually become more than a safeguard; it has turned into a benchmark that quietly claims the final word on justice. Once the required steps are satisfied and the formal requirements are met, the process is often treated as complete in a moral sense as well (Luichies et al., 2021; Okpala & Korzeniowska, 2023). The problem is not that procedure is unimportant, but that procedure is frequently asked to do more than it can, namely to stand in for a fuller evaluation of harm, responsibility, and social meaning.

Seen from this angle, legal formalism is not simply a method of legal reasoning but a way of organizing attention Ricca (2023). It determines what counts as relevant, what must be proven, and what can be set aside without appearing unreasonable. When legal validity is primarily demonstrated through procedural compliance, questions that do not fit neatly into procedural categories relational harm, unequal social positions, the ripple effects of punishment tend to remain outside the center of legal justification. The result is a form of justice that may be internally consistent yet experienced as thin or incomplete by those who live with its consequences.

This is the sense in which the argument “beyond procedural correctness” should be understood. It does not call for relaxing due process or weakening legal certainty, both of which are

essential to limiting arbitrary power. Instead, it challenges a particular habit of thought: the tendency to treat procedural success as if it were equivalent to justice itself Legg & Reynolds (2022). Moving beyond procedural correctness means recognizing that legality can secure order without necessarily capturing the moral substance that makes legal outcomes feel just. It asks criminal law to retain its procedural discipline while recovering a capacity for normative reflection.

Within this landscape, restorative justice matters most as a conceptual reorientation rather than as a menu of alternative procedures Mpofu et al. (2024). Its central claim is that justice cannot be fully described by institutional closure alone. By emphasizing acknowledgment of harm, responsibility that is expressed through dialogue, and the possibility of repair, restorative justice reframes justice as something that must be assessed in relation to those affected by wrongdoing. It shifts the focus from whether the legal system has properly completed its tasks to whether the response to crime has meaningfully addressed the harm that brought the parties into conflict.

Yet the study also points to a risk that is easy to miss Rogers et al. (2021). If restorative justice is adopted mainly as an administrative option, it can be absorbed into the same procedural mindset it is supposed to unsettle. Dialogue can become scripted, participation can be reduced to formal presence, and repair can be judged by completion rather than by substance (Ta et al., 2023; Windsor et al., 2024). In that scenario, restorative justice becomes another procedural track, and the underlying conception of justice remains unchanged. The conceptual promise of restoration depends on resisting this reduction and preserving its role as a lens through which criminal law rethinks what it treats as relevant to justice.

In the Indonesian context, the implications are not merely theoretical (Munandar & Newton, 2021; Sukirman & Kabilan, 2023). Discussions of legal certainty and substantive justice are often placed alongside one another as parallel ideals, but the dominance of procedural reasoning is rarely examined as a structural constraint on substantive justice. By reading restorative justice as a response to the conceptual limits of legal formalism, this study links two bodies of scholarship that are frequently discussed separately. It suggests that the search for justice in criminal law requires more than technical refinement; it requires a shift in how justice is defined, evaluated, and justified within legal reasoning.

Taken together, the discussion supports a restrained but firm conclusion: procedural correctness remains indispensable, yet it cannot plausibly serve as the final horizon of justice. Legal certainty must be accompanied by an interpretive openness to context, relational harm, and moral accountability. Restorative justice, understood beyond its procedural expressions, offers a way to articulate that openness without abandoning the rule-of-law commitments that procedure is designed to protect Lenta (2023).

Implications

The analysis presented in this study has implications that extend beyond technical debates about criminal procedure. At the conceptual level, the findings suggest that procedural correctness should no longer be treated as the ultimate horizon of justice in criminal law, but rather as a necessary condition that requires further normative evaluation. By revealing how legal formalism shapes what is recognized as legally relevant, this study contributes to a deeper understanding of why justice may appear formally sound yet socially contested. The implications are particularly significant for legal reasoning, as they invite judges, scholars, and policymakers to reflect on the assumptions that guide assessments of fairness and legitimacy. Rather than calling for the

abandonment of procedure, the study encourages a more reflective use of procedural rules—one that remains attentive to context, harm, and responsibility. In this sense, restorative justice offers value not primarily as a policy instrument, but as a conceptual resource for rethinking how justice is imagined and justified within criminal law.

Limitations

Several limitations frame the scope of this study and should be acknowledged openly. The research adopts a normative and conceptual approach, which means that its findings are grounded in analysis of legal reasoning and theoretical discourse rather than in empirical observation of court practices or case outcomes. As a result, the study does not claim to describe how criminal justice actors behave in practice, but rather how justice is constructed at the level of legal thought. In addition, the focus on Indonesian criminal law inevitably situates the analysis within a specific legal and institutional context, which may differ from other jurisdictions in meaningful ways. Finally, while restorative justice is examined as a conceptual framework, the study does not explore the design or effectiveness of particular restorative justice programs. These limitations do not diminish the study's contribution, but they clarify that its primary aim is interpretive rather than descriptive or evaluative.

Suggestions

Future research could extend the arguments developed in this study through complementary approaches. Empirical research examining judicial reasoning, prosecutorial discretion, or the lived experiences of victims and offenders would provide valuable insight into how procedural correctness and restorative justice interact in practice. Comparative studies across legal systems could also deepen understanding of how different traditions negotiate the tension between legal certainty and substantive justice. On the theoretical side, further work is needed to explore how restorative justice can retain its critical force when incorporated into formal legal frameworks, without being reduced to another procedural option. Such inquiries would help advance a more nuanced and grounded understanding of how criminal law might move beyond procedural correctness while remaining committed to the rule of law.

CONCLUSION

This article argues that the recurring problem in Indonesian criminal law is not a shortage of rules, but the quiet assumption that following the rules is enough to settle the question of justice. Procedural correctness remains essential for protecting legal certainty and restraining arbitrary power, yet it becomes problematic when it is treated as the destination rather than the discipline of criminal adjudication. The analysis shows how legal formalism can produce outcomes that are formally valid but socially unconvincing, especially when harm, responsibility, and context are kept at the edges of legal reasoning. Read in this light, restorative justice matters less as a procedural option than as a way of rethinking what justice should attend to and how it should be justified. Moving beyond procedural correctness, therefore, does not mean abandoning legality, but recovering a thicker account of justice that remains legally grounded while being responsive to the lived realities that criminal law inevitably touches.

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AUTHOR CONTRIBUTION STATEMENT

Luthfia Rahmadani was solely responsible for the conceptualization of the study, development of the research design, data analysis, and drafting of the manuscript. Wahidin provided academic supervision, critical feedback, and conceptual guidance throughout the research process, particularly in refining the theoretical framework and strengthening the analytical coherence of the article. All final interpretations and conclusions presented in this manuscript remain the responsibility of the author.

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