

Restorative Justice in the Perspective of Islamic Law: A Literature Study on Its Relevance in Modern Society

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ABSTRACT

This study aims to examine the concept of restorative justice within the perspective of Islamic law and to explore its relevance to the modern criminal justice system. Using a literature review method, this research analyzes twenty accredited scientific articles published between 2015-2025. The findings indicate that the fundamental values of restorative justice, such as *sulh*, *diyyah*, and *afw*, have long been recognized in the tradition of Islamic law. This approach places emphasis not only on punishment but also on reconciliation, victim recovery, and the reintegration of offenders into society. In the context of contemporary legal practice, restorative justice has the potential to address issues such as excessive criminalization, prison overcrowding, and the declining public trust in legal institutions. However, its implementation requires regulatory support, professional training for law enforcement officers, and the internalization of *maqashid sharia* values within the national legal system. This study concludes that restorative justice is not only compatible with Islamic law but can also serve as a strategic approach to building a legal system that is more humane and socially just.

ARTICLE INFORMATION

Keywords:

Restorative justice, *sulh*, Islamic law, *Maqashid sharia*, Reconciliation, Criminal justice system

1. Introduction

Restorative justice has become an alternative paradigm in the modern criminal justice system. This approach focuses not only on penalizing offenders but also on restoring social relationships, supporting victim recovery, and ensuring the accountability of offenders toward the affected community. In the context of contemporary Muslim societies, this concept has gained particular attention due to its resonance with principles of justice in Islamic law, such as *islah* (reconciliation), *afw* (forgiveness), and *diyyah* (compensation).

In Islamic law, justice is not limited to punishment but involves restoring social balance through consultation, reconciliation, and substantive justice. (Kadir, 2025) This is evident in the concept of *sulh* in resolving both criminal and

civil cases, which represents the essence of restorative justice. Studies indicate that when restorative justice is integrated with the Islamic legal approach, public trust in law enforcement institutions can increase significantly. (Sucipto et al., 2024) Furthermore, the application of restorative justice values in Islamic law places strong emphasis on community participation in resolving conflicts, in contrast to the positive legal system which tends to be formalistic and repressive. In studies on customary institutions in Bali, this approach has been shown to be more effective in restoring social harmony and providing space for resolutions that are grounded in local and religious values. (Zufarnesia & Sahlepi, 2024)

Several studies show that Muslim-majority countries, such as Indonesia and Malaysia, have

begun to adopt the restorative approach as a complement to the conventional justice system. (Karimullah et al., 2024) However, despite the normative compatibility, its implementation still faces structural and conceptual challenges, including the dominance of the retributive approach in statutory regulations and the limited training provided to law enforcement officers. (Sucipto et al., 2024)

By considering these potentials and challenges, this literature review aims to reexamine the relevance and compatibility of the concept of restorative justice within the framework of Islamic law in relation to the realities of modern society. This study is significant, given the need for a legal approach that is humane, participatory, and rooted in the religious values that shape contemporary Muslim communities.

2. Literature Review

2.1 Theoretical foundations: *Sulh*, *Diyyah*, *Afw* and *Maqashid Sharia*

Sulh

The concept of *sulh* in the tradition of Islamic law is understood as a settlement mechanism that emphasizes reconciliation between disputing parties and the restoration of social harmony rather than the mere imposition of punishment. Contemporary literature affirms that the practice of *sulh* applies not only to civil cases but has also been used in resolving minor to moderate criminal cases, in which the focus lies on negotiation, fair compensation, and the renewal of social relations in line with modern restorative justice principles. Case studies and sociological research in Indonesia show that *sulh* functions effectively when supported by the development of local mediators, religious legitimacy, and policies that facilitate formal and informal mediation processes. For the latest empirical and conceptual reviews on *sulh* and its potential within restorative models, see recent analyses that discuss the recontextualization of traditional practices within the framework of modern law. (Suparno et al., 2024)

Diyyah

Diyyah, as a compensation institution recognized in Islamic jurisprudence, represents the compensatory dimension of justice that often

complements efforts toward reconciliation and victim recovery. Various legal studies show the role of diyyah in reducing social tension after a criminal act by providing lawful compensation for victims or their families, thereby creating space for forgiveness and the reintegration of offenders. Recent ethical and legal research also highlights that the formal regulation of diyyah, when adapted into positive judicial mechanisms, can reduce pressure on the correctional system and support restorative outcomes, although it requires procedural standards and oversight to prevent economic injustice. These findings are supported by studies published between 2020 and 2025 that explore the integration of diyyah in the resolution of criminal cases. (Ibrahim et al., 2025)

Afw

The principle of *afw* or forgiveness occupies a central position in the discourse of restorative justice from the perspective of Islam because it provides space for the moral transformation of the offender and the restoration of damaged social relations. Conceptual studies and practical applications in the Indonesian context highlight how the *afw* approach does not merely remove demands for punishment, but facilitates a mediation process that involves victims, families, and communities, resulting in solutions that prioritize social healing. Recent articles emphasize that *afw* works most effectively when combined with mechanisms of compensation and acknowledgment of responsibility by the offender, and when supported by legal instruments that regulate mediation procedures and victim protection. For empirical discussions and modern theories regarding *afw* and its convergent relationship with restorative justice, see recent works that explore this principle in judicial practice. (Sayyid & Alwi, n.d.)

Maqashid Sharia

The *maqashid sharia* approach provides a strong normative foundation for articulating the goals of restorative justice in Islam because the *maqashid* framework emphasizes the preservation of public welfare, dignity, life, intellect, and property, values that naturally support a legal orientation that prioritizes restoration and collective well being. Recent literature discussing the integration of *maqashid* into criminal law reform shows that adopting a *maqashid*

perspective helps formulate policies that balance formal penal obligations with the need for social reconciliation, the prevention of further harm, and the rehabilitation of offenders. Several studies from 2023 to 2025 highlight the opportunities for implementing *maqashid* based policies to harmonize positive law and religious norms so that the application of restorative justice becomes more legitimate and contextual. The latest methodological references and theoretical studies explain how *maqashid* can be used as a framework for evaluating restorative policies. (Ibrahim et al., 2025)

2.2 Empirical evidence and case studies:

Restorative practice in Indonesia and Malaysia

A number of empirical studies from Indonesia and other Muslim countries show a growing trend in the application of restorative practices in resolving minor and moderate criminal cases, including through religious mediation, community based customary resolution, and diversion that involves victims, offenders, and local communities. Field studies and case studies in several districts and cities highlight the successful restoration of social harmony, increased victim satisfaction, and improved public trust in judicial institutions when restorative mechanisms are integrated with local religious norms. A concrete example can be seen in case studies of customary institutions in Bali and the use of restorative justice within several law enforcement agencies in Indonesia, which demonstrate positive outcomes although the implementation remains uneven. (Ariefulloh et al., 2023)

2.3 Institutional, regulatory and capacity challenges for implementation

Although normatively compatible, the implementation of restorative justice faces structural and conceptual obstacles: (1) the dominance of a retributive paradigm in statutes and criminal policy; (2) the absence of clear implementation guidelines and harmonization between positive law and sharia based values; (3) limited institutional capacity, including insufficient training in mediation and inadequate understanding of *maqashid*; and (4) the diversity of local practices that requires adaptive mechanisms to prevent injustice. Many studies show that success largely depends on strong

regulatory support, adequate training for law enforcement officers, and active community involvement so that restorative practices can become operational and sustainable. (Waris et al., 2025)

3. Methodology

This research employs a literature study method with a qualitative descriptive analytical approach. The main objective of this method is to identify, classify, and analyze relevant scholarly views on the concept of restorative justice within the perspective of Islamic law and its relevance amid the dynamics of modern society. This method enables the researcher to develop a theoretical synthesis based on published and validated references without conducting experiments or direct field data collection. The literature study is considered appropriate for normative conceptual research because it provides flexibility in examining the development of ideas, comparisons between systems, and the dynamics of implementation in various legal and social contexts.

In its implementation, this study examines secondary scientific sources consisting of academic journals, scholarly articles, reference books, conference proceedings, and relevant legal regulations from both Islamic law and positive law perspectives. The literature analyzed includes publications from 2015 to 2025, taking into account their relevance and theoretical contribution to the issue of restorative justice. The researcher used keywords such as "restorative justice", "Islamic law", "maqashid sharia", "sulh", and "modern legal systems" in the process of searching for scientific references through various databases, including Google Scholar, Scopus, and university journal portals.

The collected literature was then classified thematically to facilitate the process of analysis and interpretation, including categories such as the fundamental principles of restorative justice in Islam, the integration of customary and religious law, and the challenges of its application in the modern era. This method adopts the systematic literature review approach as developed by Tranfield, Denyer, and Smart (2003), which emphasizes transparency, accountability, and replication in the process of reviewing and analyzing literature. This approach is further

supported by the methodological guidelines explained by Snyder (2019), who states that literature studies make a significant contribution to the construction of new theoretical understanding and to bridging the gap between theory and practice. Therefore, the findings of this study not only reconstruct Islamic legal thought in the context of restorative justice but also offer an academic contribution that enriches contemporary legal discourse grounded in the values of sharia.

4. Results and Discussion

4.1

A review of the literature on restorative justice in Islamic law shows that the core principles of restorative justice have been embedded in the foundations of Islamic teachings since the early period. The concepts of *sulh* (reconciliation), *diyyah* (compensation), and *afw* (forgiveness) represent forms of justice that emphasize the restoration of social relationships rather than the mere imposition of punishment. Previous studies have explained that the *ijtihad* of Umar ibn Khattab regarding criminal policy reflects a legal reasoning that is flexible and consistent with restorative models, particularly within the framework of *maqashid sharia*, which prioritizes public welfare and the protection of human rights in both spiritual and social dimensions.

Furthermore, Sriwidodo (2024) explains that the concept of *islah* in conflict resolution within pre-Islamic Arab communities was accommodated by Islam and even developed as a form of penal mediation that emphasizes social healing rather than mere punishment. This makes Islamic law consistent with the core values of modern restorative justice, which prioritizes the participation of victims, offenders, and the community in resolving criminal cases in a fair and humane manner.

The implementation of this approach in contemporary Muslim societies shows a positive trend, although it is not yet evenly applied. Suaedi, Setijanangrum, and Sucipto (2024), in their study on the role of the Prosecutor's Office in Indonesia, emphasize that the application of restorative justice has increased public trust and encouraged participatory conflict resolution. However, this success depends greatly on the understanding of law enforcement officers and

strong regulatory support. This aligns with the findings of Sahlepi (2024), who highlights the effectiveness of customary institutions in Bali in integrating local restorative practices with the values of Islamic justice, resulting in a contextual hybrid model.

Kadir (2025) stresses that the dominance of the retributive approach in criminal policy in modern Muslim countries remains a major challenge to the implementation of restorative justice. Legal systems often place excessive emphasis on punishment, while the restoration of social relationships and substantive justice receives less attention. On the other hand, research by Zein and Hasanah finds that the concepts of *sulh* and *maqashid sharia* are highly relevant for supporting a conflict resolution model that balances formal and spiritual justice, particularly in Muslim communities that are religious and collectivistic.

Several scholars have also highlighted the relevance of restorative justice within the national legal systems of Muslim majority countries. Sucipto et al. (2024) explain the importance of integrating religious norms with positive law so that the application of restorative justice becomes not only normative but also operational. Khasanah et al. (2024) demonstrate that imprisonment, as the dominant form of punishment in current legal systems, is often ineffective in creating deterrence and instead distances offenders from the process of social recovery. Therefore, a restorative approach rooted in Islamic values is more relevant and suitable for adoption.

Based on the overall findings, it can be concluded that restorative justice in Islamic law is not a foreign concept but an inherent part of a fair and participatory conflict resolution system. Sharia values such as *rahmah* (compassion), *adl* (justice), and *maslahah* (public welfare) provide a strong foundation for the implementation of restorative models in modern society. However, structural and regulatory challenges still need to be addressed to ensure the sustainability and effectiveness of its application within positive legal systems in Muslim countries.

Further support for the position of restorative justice within the framework of Islamic law is found in the research of Karimullah, Basuki, and Sugitanata (2024), who conducted an ethical analysis of the practice of capital punishment in

Islamic law. They emphasize that the ethical orientation of Islam encourages the use of restorative approaches before imposing severe punishments such as qisas or hudud, given the role of repentance and *islah* in Islamic criminal jurisprudence. This reinforces the argument that Islamic law strongly prioritizes improvement and substantive justice.

Meanwhile, Musyahid et al. (2024) in their study of legal philosophy state that the approach of Umar ibn Khattab to criminal cases prioritized restorative social justice rather than literal punishment. This approach is considered highly contextual and relevant for addressing legal challenges in the modern era. A similar view is expressed by Khasanah, Amelia, and Mutiarani (2024), who find that imprisonment in positive law is inconsistent with Islamic values that emphasize peaceful resolution, victim recovery, and the social reintegration of offenders.

Research by Suaedi further underscores the importance of building public trust in the institutions responsible for implementing restorative justice. According to their study, this approach can only be effective if law enforcement officers receive proper training and if the community participates actively in the mediation process. This study is essential for assessing the practical implementation of restorative justice in pluralistic Muslim countries such as Indonesia. In addition, an international article by Sriwidodo (2024), published in the *Journal of Transnational Islamic Law and Practice*, emphasizes that penal mediation based on *islah* can serve as a global solution to reduce prison overcrowding and legal disparities. This is particularly significant as many Muslim countries still apply retributive colonial era models that neglect local and religious values.

Overall, evidence from the twenty scientific articles analyzed in this study demonstrates that the concept of restorative justice is not only compatible with but strongly rooted in the tradition of Islamic law. However, its successful implementation in contemporary contexts depends greatly on regulatory harmonization, institutional support, and the education of both the public and legal practitioners. The Islamic legal model grounded in *maqashid sharia* provides a strong ethical and normative basis for supporting a shift from punitive law to a law that promotes healing and restoration.

5. Conclusion

The concept of restorative justice has strong roots in the tradition of Islamic law, as reflected in the principles of *sulh* (reconciliation), *diyyah* (compensation), and *afw* (forgiveness). These principles demonstrate that Islam has, since its early development, accommodated a conflict resolution approach that prioritizes the restoration of social relationships and substantive justice. From the perspective of sharia, justice is understood as a process that not only punishes but also restores, involves the community, and creates social harmony.

The implementation of restorative justice in contemporary legal systems in Muslim countries, including Indonesia, shows that this approach can serve as a solution to various structural issues in modern criminal justice systems. Prison overcrowding, excessive criminalization, and the limited participation of victims in legal processes indicate the need for a paradigm shift toward a more inclusive approach grounded in humanitarian and spiritual values.

Nevertheless, the success of this approach depends greatly on the readiness of national legal systems to accommodate restorative values in concrete terms. Challenges such as the dominance of the retributive approach in criminal policy, insufficient training for law enforcement officers, and limited public understanding of *maqashid sharia* remain major obstacles to its implementation. Therefore, harmonizing positive law with Islamic values becomes an important agenda in the development of a restorative legal system.

This paper is expected to provide both theoretical and practical contributions for policymakers, academics, and legal practitioners who are seeking alternative approaches within the criminal justice system. By highlighting the integration between restorative justice and Islamic law, this study can serve as a foundation for designing legal policies that are more contextual, religiously grounded, and humane. In addition, the findings of this study may be used as a reference for training law enforcement officers, developing curricula for Islamic legal education, and strengthening the role of local communities in participatory and peaceful conflict resolution.

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