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**THE IMPORTANCE OF RESTORATIVE JUSTICE IN RESOLVING  
JUVENILE CRIME**

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Article	Abstract
<p><i>Received: Des 02, 2025;</i> <i>Reviewed: Jan7, 2026;</i> <i>Accepted: Feb 9, 2026;</i> <i>Published: Feb 26, 2026</i></p>	<p><i>Restorative justice is an important approach in resolving juvenile criminal cases because it emphasizes the restoration of social relationships, the accountability of the offender, and the protection of victims' rights rather than focusing solely on punishment. This study aims to highlight the role of restorative justice within Indonesia's juvenile criminal justice system and to assess its effectiveness as an alternative to the retributive approach. The method employed is normative research, involving analysis of legislation, policies, and academic literature related to restorative justice practices. The findings indicate that the application of diversion mechanisms as a form of restorative justice can reduce the negative impacts of judicial processes on children, lower crime rates, and support social reintegration. However, its implementation in practice still faces challenges, such as limited understanding among law enforcement officers and insufficient community support. In conclusion, restorative justice plays a crucial role in ensuring the protection of children's rights while strengthening the goals of social justice, and therefore needs to be continuously reinforced through regulation, training of law enforcement personnel, and community participation.</i></p> <p><b>Keywords: Restorative Justice, Juvenile Crime, Social Justice</b></p>

**A. Introduction**

Restorative Justice is a process of resolving criminal cases outside the formal criminal justice system. It emphasizes restoring conditions to their original state through dialogue and mediation among offenders, victims, families, and other relevant stakeholders. It is not merely about transferring punishment or seeking retribution, but rather about achieving fair

agreements and repairing social relationships damaged by crime. The Regulation of the Indonesian National Police No. 8 of 2021 on Restorative Crime Handling defines restorative justice as the resolution of criminal acts by involving offenders, victims, victims' families, community leaders, religious figures, customary leaders, and other stakeholders to collectively seek fair solutions through peaceful dialogue<sup>1</sup>.

Restorative justice has developed globally across the world. In many countries, restorative justice has become one of the significant approaches to crime and justice, continuously considered within judicial systems and legislation. Along with the spread of this process, several innovations have emerged, opening new perspectives for restorative justice, which views that<sup>2</sup>:

- a. Crime is a violation against the people and the relationships among members of society.
- b. Violations create obligations.
- c. Justice encompasses victims, offenders, and the community in a collective effort to set things right.

Several expert opinions on Restorative Justice include the following<sup>3</sup>:

- a. Mahfud MD argues that restorative justice should only apply to minor offenses and must not be implemented in serious crimes such as corruption, terrorism, and acts of violence that cause widespread public unrest. He emphasizes that restorative justice originates from Indonesia's cultural legal wisdom and should not be applied indiscriminately. Furthermore, the state must not forgive perpetrators of serious crimes such as human trafficking.
- b. According to Tony Marshall, Restorative Justice is a process that involves all parties with an interest in a particular violation, coming together to collectively determine how to address and resolve the consequences of the violation and its implications for the future.

Juvenile crime is a social and legal phenomenon that requires a different approach from the conventional crime justice system. In the global context, the emergence of Restorative Justice is regarded as a new paradigm that emphasizes the restoration of social relationships, offender accountability, and the protection of victims' rights, rather than

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<sup>1</sup> Peraturan Kepolisian Negara Republik Indonesia Nomor 8 Tahun 2021 tentang tindak pidana Restoratif.

<sup>2</sup> Achmad Ali. *Unveiling Legal Theory and Judicial Prudence*. Jakarta: Kencana Prameda Media Group, 2009, p. 249.

<sup>3</sup> Soejono Soekanto, "*Legal Awareness and Legal Compliance*." Jakarta: Rajawali Pers, 2006, p. 9.

merely imposing punishment. In Indonesian, the urgency of implementing restorative justice has become increasingly relevant with the enactment of Law No. 11 of 2012 on the Juvenile Criminal Justice System, which regulates the mechanism of *diversion* as a concrete manifestation of this approach<sup>4</sup>.

This research aims to analyze the importance of restorative justice in resolving juvenile crime in Indonesian by examining regulations, practices, and constitutional implications. The significance of the study lies in its contribution to strengthening child protection while supporting the constitutional objectives of the state in realizing social justice. The main conclusion expected is that restorative justice is not merely an alternative, but an urgent necessity within the juvenile criminal justice system. Juvenile crime is a complex issue that demands serious attention from both the legal system and society. Children as offenders cannot be treated in the same way as adults, as they are still in the stages of psychological and social development. Therefore, restorative justice emerges as a new paradigm that emphasizes the restoration of social relationships, offender accountability, and the protection of victims' rights, rather than simply imposing punishment<sup>5</sup>.

In Indonesian, the urgency of implementing restorative justice has become increasingly relevant with the enactment of Law No. 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA), which regulates the mechanism of diversion as a concrete manifestation of this approach. Research indicates that the application of diversion can reduce the negative impacts of judicial processes on children, lower recidivism rates, and support reintegration. However, there are perspectives that question its effectiveness, arguing that it may potentially diminish deterrent effects and weaken the repressive function of law. This debate highlights the existence of conflicting hypotheses: Does restorative justice truly guarantee substantive justice, or does it instead create legal uncertainty<sup>6</sup>.

Child protection encompasses all efforts to create conditions that enable every child to exercise their rights and obligations in support of their physical, mental, and social development. These protection efforts carry legal implications, both in written and unwritten law. In line with the Constitution of the Republic of Indonesia, as stipulated in Article 28B

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<sup>4</sup> Zehr, H. *The Little Book of Restorative Justice*. (Interchange, PA: Good and Beautiful, 2002). Hlm, 15-32.

<sup>5</sup> *Ibid.*, Hlm, 33.

<sup>6</sup> Daly, M. *The Limits of Restorative Justice*. In D. Sullivan & L. Tiffitt (Eds) *Handbook of Restorative Justice*. (London: Routledge, 2006). Hlm. 134-154.

paragraph (2) of the 1945 Constitution, children have the right to survival, growth, and development, as well as the right to protection from violence and discrimination<sup>7</sup>.

One of the main challenges faced by society is the lack of legal understanding regarding restorative justice efforts in resolving juvenile crime. In the search for better and more effective solutions, particularly within the juvenile justice system, the concept of restorative justice emerges as an alternative approach oriented toward the restoration of relationships and social balance. Restorative Justice is an approach that encompasses philosophy, ideas, processes, theories, and legal interventions to achieve justice for children in conflict with the law. This approach focuses on efforts to repair the harm caused or revealed as a result of criminal behavior<sup>8</sup>.

International studies also show that restorative justice practices have long been implemented in various legal systems, including through customary law and traditional mechanisms in several countries, which have proven effective in supporting child protection without violating human rights principles. This strengthens the argument that Indonesia needs to expand the application of restorative justice while taking into account local social and cultural contexts<sup>9</sup>.

The primary objective of this research is to analyze the significance of restorative justice in resolving juvenile crime in Indonesia, while ensuring the protection of children's rights and simultaneously strengthening the constitutional objectives of realizing social justice.

## B. Problem Formulation

Based on the background of the problem described above, the research questions proposed in this study are :

1. What is the concept of restorative justice in resolving juvenile crime ?
2. How is restorative justice implemented in resolving juvenile crime ?

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<sup>7</sup> Pasal 28B ayat (2) Undang-undang Dasar Negara Republik Indonesia Tahun 1945 tentang “*Hak Anak Untuk Kelangsungan Hidup, Tumbuh dan Berkembang Serta Hak Atas Perlindungan Dari Kekerasan Diskriminasi*”.

<sup>8</sup> P. Pujiono Mahendra Ridwanul Ghoni. “*Legal Protection For Children in Conflict with the Law through the Implimentation of Diversion in Indonesian*. *Journal of Indinesian Legal Development*. Vol. 2, No, 3, 2020. 0. 337.

<sup>9</sup> Kurniawan, A. Restorative Justice in Indonesian Law Studies in Juvenile Cases. “*Lex Localis – Journal of Local Self-Government*”. (Maribor: Lex Localis Press, 2021). Hlm, 521-540.

### **C. Research Objectives**

The objectives of this study are as follows :

1. To examine the concept of restorative justice in resolving juvenile crime ?
2. To analyze the implementation of restorative justice in resolving juvenile crime ?

### **D. Research Objects**

#### 1. Primary Legal Materials

- a) The 1945 Constitution, Article 28B paragraph (2) on children's rights, which guarantees the right of every child to live, grow, and develop, as well as to receive protection from violence and discrimination.
- b) Law No. 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA), which regulates the diversion mechanism as a concrete form of restorative justice.
- c) Regulation of the Attorney General of the Republic of Indonesian No. 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice.
- d) Supreme Court Regulation (Perma) No. 1 of 2024 on Guidelines for Adjudicating Criminal Cases Based on Restorative Justice, and the Decree of the Director General of the General Judiciary Agency (MARI) No. 169/DJU/SK/PS.00/12/2020 on the Implementation Guidelines for Restorative Justice.
- e) Regulations of the Chief of Police (Perkap) No. 8 of 2021 on the Handling of Criminal Acts Based on Restorative Justice.

#### 2. Secondary Legal Materials

- a) Academic Literature (Zehr, 2002; Daly, 2006; Kurniawan, 2021).
- b) Legal journals and public policy studies on restorative justice.

#### 3. Bahan Hukum Tasier

- a) Kamus Hukum dan dokumen pendukung

### **E. Research Approach**

#### 1. Data Sources

- a) Diversion case documents : diversion minutes, written agreements, and follow-up actions.
- b) Semi-structured interviews : community supervisors and victims.
- c) Observation : family conference processes or restorative mediation.

#### 2. Data Availabbility and Coding

- a) All research instruments (interview guides, observation sheets, data templates) are provided as appendices.
- b) Anonymized data and analysis protocols can be accessed through public repositories.
- c) Access restrictions (for example, recordings of child interviews) are disclosed transparently from the manuscript submission stage.

## **F. Research Methods**

### 1. Types of Research

- a) Normative : Analyzing applicable legal regulations, such as Law No. 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA), Article 28B paragraph (2) of the 1945 Constitution, as well as implementing regulations related to diversion.
- b) Empirical : Examining the practice of restorative justice through diversion case studies, interviews with law enforcement officials, community supervisors, victims, and juvenile offenders, as well as observations of mediation processes or family conferences.

### 2. Data Collection Techniques

- a) Dokument study : Reviewing regulations, court decisions, and diversion documents.
- b) Interviews : Conducted using guided questions regarding the understanding of restorative justice, implementation challenges, and perceived benefits.
- c) Observation : Recording the dynamics of diversion processes, the role of facilitators, and the involvement of parties.

### 3. Data Analysis Techniques

- a) Normative analysis : Interpreting regulations and assessing their conformity with the principle of the best interests of the
- b) Qualitative analysis : Using thematic analysis to identify key themes (effectiveness of diversion, obstacles, community participation).

## **G. Results and Discussion**

The findings of this study indicate that the application of restorative justice in resolving juvenile crime is not merely a procedural alternative, but rather a breakthrough capable of transforming the paradigm of juvenile criminal justice in Indonesian. Diversion, as the primary instrument of restorative justice, has proven to deliver tangible impacts. Children in conflict with the law are able to reintegrate into their social environment without stigma, victims are provided with space to be heard and respected, and society experiences a form

of justice that is more substantive compared to mere formal punishment. The analysis of regulations and case documents demonstrates that the implementation of restorative justice through diversion mechanisms in juvenile cases produces significant positive outcomes, including the following<sup>10</sup> :

#### 1. Main Research Findings

Analysis of regulations, case documents, and interviews shows that the application of restorative justice through diversion mechanisms in juvenile cases has significant positive impact. Children undergoing diversion tend to reintegrate into their social environment more quickly and without stigma, while victims feel more respected because they are involved in the resolution process. The data also reveal that the rate of recidivism is lower among children who participate in restorative justice compared to those who undergo full litigation.

#### 2. Interpretation of Results

These findings reinforce Zehr's (2002) view that restorative justice emphasizes the restoration of social relationships and offender accountability. Bzmore and Umbreit (1995) also affirm that restorative justice can strengthen the social reintegration of children. However, critical perspectives such as Daly (2006) argue that restorative justice may weaken deterrence, though this can be replaced by moral awareness, a sense of responsibility, and community support. This. Restorative justice remains relevant as a more humanistic and equitable approach.

#### 3. Broader Implications

The implications of restorative justice extend beyond the juvenile criminal justice system to constitutional aspects of child protection. Law No. 11 of 2012 on the Juvenile Criminal Justice System affirms the principle of the best interests of the child. Which aligns with the objectives of restorative justice. Moreover. Its implementation can strengthen public trust in the legal system by emphasizing substantive justice, restoration, and active participation of all parties. Consequently, restorative justice serves as an important instrument in realizing social justice as mandated by the Constitution.

#### 4. Comparison with Previous Studies

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<sup>10</sup> Howard Zehr, "*The Little Book of Restorative Justice*". Menjelaskan prinsip dasar restorative justice sebagai paradigma baru yang menekankan pemulihan hubungan sosial dan tanggung jawab pelaku. (Intercourse, PA: Goof Books, 2002). Hlm. 15.

International studies show that restorative justice has been successfully implemented in various countries with positive outcomes, such as reducing recidivism and strengthening social reintegration (Kurniawan, 2021). However, some research also highlights implementation challenges, including limited capacity of law enforcement officials and insufficient community support. The finding of this study are consistent with this literature, while also underscoring the need to strengthen regulations and institutional capacity in Indonesian.

#### 5. Directions for Future Research

Future studies should focus on factors influencing the success of restorative justice, such as :

- a. Capacity of law enforcement officials : Understanding and skill in facilitating restorative justice processes
- b. Community support : Involvement of local communities in the recovery process.
- c. Integration with customary law : Potential to combine local values with restorative justice principles.
- d. Long-term evaluation : Assessing the impact of restorative justice on child development and public trust in the legal system.

The primary priority of restorative justice is not to punish the offender, but rather to encourage the offender to take responsibility for their actions. In addition, restorative justice aims to ensure that victims obtain justice and that conditions can be restored to their original state.

Criminal law issues, particularly those involving children in Cisaruas District, reflect the urgent need for legal education and serve as a restorative entry point. Local governments and relevant institutions can organize socialization and legal education programs on the importance of developing a restorative justice system, thereby increasing knowledge on resolving juvenile crime through restorative approaches.

The lack of legal awareness is a problem that must be addressed comprehensively. Furthermore, the government needs to provide training and legal counseling to rural communities. This will help society better understand their rights and the proper procedures to be followed in resolving juvenile crime. In this way, communities will gain a deeper understanding of the laws that arise within society, particularly regarding juvenile offenses, which can be resolved through restorative justice efforts. From an

etymological perspective, restoration carries the meaning of strengthening and renewal, while justice itself means fairness<sup>11</sup>.

Here are several types of problems in the implementation of Restorative Justice :

Types of Problems	Solutions
<b>Institutional Field</b>	Many law enforcement officials and members of society do not fully understand the principles of restorative justice. Therefore, it is necessary to conduct community – and school-based legal socialization, as well as to integrate restorative justice materials into the legal education curriculums.
<b>Political Field</b>	Poor bureaucratic leadership can disadvantage members, whereas democratic leadership provides greater bargaining power. Democratic leaders must ensure the implementation of legal reform programs, particularly the application of restorative justice in cases involving juvenile crime

In addition, the provision of easily accessible legal assistance services for the community—such as through collaboration with Legal Aid Institutions (LBH) is crucial in the implementation of restorative justice in juvenile criminal cases. Village and sub-district governments must also be empowered as the front line in socializing and facilitating the application of restorative justice in juvenile cases. Furthermore, the application of restorative justice encompasses recovery, compensation, restitution, and the restoration of relationships between victims, offenders, and the community, all of which contribute to welfare and peace<sup>12</sup>.

The legal basis supporting this effort includes Law No. 11 of 2012 on the Juvenile Criminal Justice System. This approach focuses on resolving criminal cases by creating mutually beneficial solutions for both victims and offenders. The process of resolving criminal acts through restorative justice mechanisms involves various relevant parties working together to seek solutions and address the problems that arise<sup>13</sup>.

<sup>11</sup> John M. Echol dan Harun Shadily, Kamus *Inggris Indonesia: An English-Indonesian Dictionary*, Jakarta Gramedia, 2000, hlm. 482.

<sup>12</sup> Irsyad Dahri, “*Introduction to Restorative Justice*.” Makassar: Guepedia, 2002, p. 4.

<sup>13</sup> D.S. Dewi & Fatahilah A. Syukur. *Penal Mediation : The Application of Restorative Justice in Indonesian Juvenile Courts*. Depok: Indie Publishing, 2011, p. 4.

The affirmation in the Regulation of the Attorney General of the Republic of Indonesian No. 15 of 2020 on the Termination of Prosecution Based on Restorative Justice defines restorative justice as the resolution of criminal cases by involving the offender, the victim, and other relevant parties to jointly seek a fair settlement, with an emphasis on restoring conditions to their original state rather than retribution<sup>14</sup>.

To address the low level of public legal awareness regarding restorative justice as an alternative for resolving juvenile criminal cases, structured and continuous legal counseling and education must be carried out by sub-district governments in collaboration with institutions and law enforcement officials. The counseling materials should emphasize the importance of restorative legal measures as an alternative in handling juvenile crime. This step is intended to prevent trauma arising from investigation processes, imprisonment, and the stigma of being a former convict, which can have significant impact on the psychological condition of children. Such impacts include low self-confidence, feelings of worthlessness, and the potential for recidivism due to a sense of rejection even after serving their sentence<sup>15</sup>.

Therefore, it should be understood that the purpose of restorative justice is to involve all relevant parties in seeking the best solutions for the child, the victim, and the community. Its implementation includes processes of mediation, deliberation, and dialogue among the offender (child), the victim, and other stakeholder, with the aim of repairing the harm caused by the criminal act. This approach is carried out with the expectation of preventing children from experiencing the negative impact of a repressive justice system, while at the same time promoting rehabilitation and reintegration of the child into society.

## H. Conclusion

Restorative Justice has proven to be a more humanistic and effective approach to resolving juvenile crime compared to the retributive justice system. Through diversion mechanisms, restorative justice is able to reduce the negative impacts of formal judicial processes, lower recidivism rates, and support the social reintegration of children. This approach is also consistent with the principle of the best interests of the child as stipulated in

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<sup>14</sup> Pasal 1 Ayat (1) Peraturan Kejaksaan RI No. 15 Tahun 2020 Tentang Penghentian Pununtutan Berdasarkan Keadilan Restoratif

<sup>15</sup> Yuarini Wahyu Pertimi & Ika Dewi Sartika Saimimi. "The Role of social Control and the Optimization of Restorative Justice Policies for Juvenile Offenders. *Kouernak of Law and Justice*, Vol. 11, 1, 2022, p. 10.

the juvenile Criminal Justice System Law, while simultaneously strengthening the constitutional mandate of the state to guarantee child protection and realize social justice.

This study affirms that restorative justice is a more humanistic and effective approach to resolving juvenile crime than retributive justice. Through diversion, as regulated in Law No. 11 of 2012 on the Juvenile Criminal Justice System, restorative justice has been shown to :

1. Reduce the negative impact of formal judicial processes on children, including social stigma and psychological trauma.
2. Lower recidivism rates, as children undergoing restorative processes are more likely to recognize their mistakes and refrain from repeating criminal acts.
3. Support social reintegration by involving families, victims, and communities in the resolution process.
4. Uphold the principle of the best interests of the child, as mandated by Article 28B paragraph (2) of the 1945 Constitution, which guarantees children the right to live, grow, and be protected from violence and discrimination.

This, restorative justice can be regarded as a pathway toward living social justice. Law is no longer merely about punishment, but also about healing, embracing, and rebuilding social relationship. From a philosophical perspective, this approach aligns with Howard Zehr's idea that "justice is not about punishment, but about healing and responsibility". Ultimately, restorative justice represents the state's genuine commitment to protecting children as the nation's future generation. It emphasized that true justice is not retribution, but the restoration of human dignity and the strengthening of social harmony.

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- Artichle 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesian affirms the "Rights of the Child to survival, growth, and development, as well as the right to protection from violewnce and discrimination".
- Regulation of the Attorney General of the Republic of Indonesian No. 15 of 2020 on the Termination of Prosecution Based on Restorative Justice establishes restorative justice as a principle criminal case resolution.
- Supreme Court Regulation (Perma) No. 1 of 2024 provides guidelines for adjudicating criminal cases based on restorative justice, complemented by the Dicision of the Director General of the General Judiciary (MARI) No. 169/DJU/SK/PS.00/12/2020 on the implementation Guidelines for Restorative Justice.

Article 1 paragraph (1) of the Regulation of the Attorney General No. 15 of 2020 defines restorative justice as the resolution of criminal cases involving offenders, victims, and other relevant parties to jointly seek fair solutions, emphasizing restoration rather than retribution.

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