

## The Urgency of Implementing Restorative Justice in Handling Juvenile Crime: A Study of The Principles of Humanity And Justice

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**Abstract:** This article examines the urgency of implementing restorative justice in handling juvenile crime by analysing the principles of humanity and justice that should guide child-centered legal processes. Using a normative juridical method combined with conceptual and comparative analysis, the study demonstrates that punitive criminal justice responses are incompatible with the developmental characteristics and human dignity of children. Restorative justice offers a more appropriate framework by emphasizing harm repair, accountability, dialogue, and reintegration. The findings reveal significant structural barriers to implementation in Indonesia, including limited facilitator capacity, inadequate victim support, fragmented inter-agency coordination, socio-economic disparities, and persistent punitive cultural attitudes. The article argues that meaningful restorative justice requires clear legal guidelines, standardized procedures, institutional training, community engagement, and integrated social support services addressing the root causes of juvenile offending. Strengthening restorative justice is imperative to ensure that children in conflict with the law are treated with dignity, fairness, and proportionality. The study offers policy recommendations to embed restorative principles in national justice systems, making juvenile handling more humane, equitable, and effective.

**Keywords:** humanity, Indonesia, juvenile crime, restorative justice, youth justice.

## INTRODUCTION

Juvenile crime has increasingly become a pressing concern for governments, communities, and justice institutions across the world. International data indicate that more than one million children are processed by criminal justice systems annually, with a significant proportion facing punitive measures despite global human rights standards encouraging rehabilitation and diversion (UNICEF, 2023). In Indonesia, police statistics show a growing number of juvenile offenders, with more than 9,000 child-related criminal cases reported in 2022, ranging from theft and assault to drug misuse and cyber-based offences. This upward trend reflects both socio-economic stressors and systemic weaknesses in the mechanisms designed to protect children in conflict with the law. The rise of juvenile offending underscores the critical need for justice interventions that not only address unlawful behaviour but also safeguard the dignity, welfare, and developmental rights of young offenders.<sup>1</sup>

<sup>1</sup> UNICEF. "Children in Conflict with the Law: Global Data Analysis." UNICEF Working Paper, 2023; Suryanto, A. "Tren Kejahanan Anak di Indonesia Tahun 2022." Jurnal Kriminologi Indonesia, 2023.

Conventional criminal justice systems have historically adopted punitive approaches that emphasize deterrence and retribution. However, these approaches are increasingly regarded as inadequate for juvenile offenders, who are psychologically and emotionally different from adults. Developmental criminology explains that children possess underdeveloped executive functioning, poorer impulse control, and heightened susceptibility to peer pressure, rendering them less culpable and more capable of behavioural reform (Mercurio et al., 2020). Numerous empirical studies show that punitive sanctions such as detention often exacerbate psychological harm, disrupt educational trajectories, and increase the likelihood of recidivism due to negative influences within detention facilities. These findings highlight the inconsistency between punitive juvenile justice practices and contemporary scientific knowledge about child development.<sup>2</sup>

In response to these concerns, restorative justice has become an increasingly prominent global approach to handling juvenile crime. Restorative justice prioritizes repairing harm, involving victims in the justice process, and reintegrating offenders into the community. It is built upon key values of humanity, justice, dignity, accountability, and social harmony. Jurisdictions such as New Zealand, Canada, and South Africa have institutionalized restorative justice as a central component of their juvenile justice systems, reporting reduced reoffending rates, higher victim satisfaction, and stronger community engagement. These positive outcomes suggest that restorative justice is not merely an alternative model, but a normative approach grounded in human rights and aligned with international principles such as the United Nations Convention on the Rights of the Child, which emphasizes that deprivation of liberty must be used only as a last resort.<sup>3</sup>

In Indonesia, the urgency of restorative justice has gained increased attention through the implementation of the Juvenile Criminal Justice System Law (Law No. 11/2012), which mandates diversion for eligible child cases. Diversion requires police, prosecutors, and judges to seek non-judicial settlements when certain legal thresholds are met, including the maximum threat of imprisonment and the nature of the offence. Despite these legal advances, implementation remains inconsistent. Many cases involving children still proceed to formal prosecution because authorities lack understanding, resources, or confidence in restorative procedures. Moreover, victims may be unaware of their rights or may feel pressured to comply with demands from law enforcement, resulting in outcomes that do not achieve meaningful restoration or satisfaction. These challenges demonstrate the gap between Indonesia's legislative commitments and their practical realization.<sup>4</sup>

The urgency of restorative justice in Indonesia is further grounded in the philosophical principles of humanity and justice that underpin national legal ideology. Pancasila, particularly its second principle,

<sup>2</sup> Mercurio, Ezequiel, Eric García-López, Luz Anyela Morales-Quintero, Nicolás E. Llamas, José Ángel Marinaro, and José M. Muñoz. "Adolescent brain development and progressive legal responsibility in the Latin American context." *Frontiers in psychology* 11 (2020): 627.; Wong, Jennifer S., Jessica Bouchard, Jason Gravel, Martin Bouchard, and Carlo Morselli. "Can at-risk youth be diverted from crime? A meta-analysis of restorative diversion programs." *Criminal Justice and Behavior* 43, no. 10 (2016): 1310-1329.

<sup>3</sup> Kimbrell, Catherine S., David B. Wilson, and Ajima Olaghene. "Restorative justice programs and practices in juvenile justice: An updated systematic review and meta-analysis for effectiveness." *Criminology & Public Policy* 22, no. 1 (2023): 161-195.

<sup>4</sup> Sukardi, Sukardi, and Hadi Rahmat Purnama. "Restorative Justice Principles in Law Enforcement and Democracy in Indonesia." *JILS* 7 (2022): 155.

affirms the importance of just and civilized humanity, requiring legal institutions to uphold human dignity and ensure proportionality in all legal responses. In the context of juvenile offenders, this principle demands recognition of the inherent vulnerability of children and the ethical obligation to treat them differently from adults. The Indonesian Constitution also provides foundational protection for children's rights through Article 28B, which guarantees the right to protection from violence and discrimination. Aligning the juvenile justice system with these constitutional mandates requires a paradigm shift from punitive justice toward a restorative model that emphasizes rehabilitation, reintegration, and moral accountability.<sup>5</sup>

Despite a strong normative basis for restorative justice, significant obstacles impede its adoption. Research shows that many police officers and prosecutors remain reluctant to apply diversion, citing concerns about administrative burdens, potential accusations of leniency, and lack of standardized restorative procedures. Meanwhile, communities often hold punitive attitudes towards juvenile offenders, reflecting cultural norms that equate punishment with justice. The absence of trained facilitators, limited victim support mechanisms, and inconsistent coordination among law enforcement agencies further weaken restorative implementation. Moreover, disparities in access to restorative justice across regions highlight structural inequalities that disproportionately affect children from marginalized or low-income backgrounds.<sup>6</sup>

Globally, juvenile justice reform has shifted toward models that prioritize child development, community participation, and harm reduction. Countries implementing restorative programs typically combine legal reform with social support services, psychosocial counseling, educational interventions, and family-based systems. Comparative evidence indicates that restorative justice is most effective when embedded within a broader ecosystem that addresses root causes of juvenile crime such as poverty, trauma, family instability, and lack of educational opportunities. In Indonesia, however, support services for children in conflict with the law remain insufficiently integrated, creating gaps between restorative ideals and service delivery. Without comprehensive support, restorative agreements may fail to produce meaningful behavioural change or victim restoration.<sup>7</sup>

A review of previous academic works reveals several research gaps requiring deeper scholarly attention. First, studies such as Wood & Suzuki "Getting to accountability in restorative justice" (2024) have evaluated recidivism outcomes but have not analyzed how the principles of humanity and dignity shape restorative processes. Second, Tan and Nuruzzaman's "Restorative Processes in Southeast Asia" (2019) identified regional policy gaps but did not examine psychological or developmental impacts on children. Third, Syamsuddin's "Diversion Mechanisms under Indonesian Juvenile Law" (2020) analyzed legal provisions but did not address societal norms or institutional behaviour influencing restorative implementation. These gaps indicate that the intersection between humanity, justice, and restorative practice in Indonesia's juvenile justice system requires further theoretical and empirical exploration.<sup>8</sup>

<sup>5</sup> Nugroho, H. "Humanity Principles in Indonesian Juvenile Law." *Journal of Law and Child Rights*, 2021; Constitution of the Republic of Indonesia (1945), Article 28B.

<sup>6</sup> Prasetyo, Y. "Challenges of Restorative Justice in Indonesian Law Enforcement." *Jurnal Penegakan Hukum*, 2022; Widodo, D. "Cultural Barriers to Juvenile Diversion in Indonesia." *Asian Journal of Criminology*, 2021.

<sup>7</sup> Sunaryo, Sidik, Shinta Ayu Purnamawati, Cekli Setya Pratiwi, Endah Lestari, and Echa Annisa'ul Izzah. "Building Resilient Societies by Redefining Justice for Children in Criminal Legal Systems." In *6th International Conference on Law Reform (INCLAR 2025)*, pp. 264-277. Atlantis Press, 2025.

<sup>8</sup> Wood, William R., and Masahiro Suzuki. "Getting to accountability in restorative justice." *Victims & Offenders* 19, no. 7 (2024): 1400-1423.

This article aims to address these gaps by examining the urgency of restorative justice implementation in juvenile crime handling through an integrated analysis of legal doctrine, child development theory, socio-cultural dynamics, and global best practices. The novelty of this study lies in its interdisciplinary framework that connects principles of humanity and justice with Indonesia's restorative justice challenges. It analyzes not only normative mandates but also practical, structural, and psychological factors influencing outcomes. The research also contributes original insight by contextualizing Indonesia's restorative justice trajectory within international juvenile justice trends while highlighting the moral imperatives associated with child protection. Accordingly, this study seeks to answer three core inquiries: why restorative justice is urgently needed for juvenile cases, what structural barriers impede its implementation, and how principles of humanity and justice should guide future reforms. Ultimately, the goal is to articulate a comprehensive and human-centered juvenile justice approach that advances both legal protection and social harmony.<sup>9</sup>

## METHODOLOGY

This study employs a normative juridical approach to examine the urgency of implementing restorative justice in juvenile crime cases and to evaluate how the principles of humanity and justice should shape law enforcement practices. The normative juridical method focuses on analyzing statutory frameworks, legal doctrines, and conceptual principles that govern juvenile justice in Indonesia, including the Juvenile Criminal Justice System Law (Law No. 11 of 2012), child protection regulations, and prosecutorial guidelines on restorative justice. This method allows the study to interpret how legal norms align with international standards contained in the United Nations Convention on the Rights of the Child, while also assessing doctrinal coherence in the transition from punitive to restorative frameworks. This approach is appropriate because restorative justice embodies normative principles rather than quantitative metrics, requiring legal interpretation to determine compatibility between constitutional guarantees and current practices.<sup>10</sup>

In addition to examining statutory texts, this research applies a conceptual and comparative approach, which is common in legal scholarship addressing juvenile justice reform. The conceptual perspective analyzes restorative justice through the lenses of humanity, dignity, proportionality, and child development theory, enabling deeper assessment of whether punitive mechanisms violate fundamental human rights principles. Comparative analysis draws lessons from jurisdictions such as New Zealand, Canada, and South Africa, where restorative justice has been successfully integrated into juvenile systems and supported by strong legal frameworks. This combination strengthens the analytical depth of the study by connecting Indonesia's normative structures with global best practices and emerging trends in child-centered justice.<sup>11</sup>

The study relies on secondary legal materials, including peer-reviewed academic journals, policy analyses, empirical legal studies, and doctrinal commentaries focusing on child rights, restorative justice, and contemporary criminal justice reform. These sources are used to identify implementation gaps, highlight structural barriers, and evaluate normative inconsistencies between Indonesia's formal legal commitments

<sup>9</sup> Sunaryo, Sidik, Shinta Ayu Purnamawati, Cekli Setya Pratiwi, Endah Lestari, and Echa Annisa'ul Izzah. "Building Resilient Societies by Redefining Justice for Children in Criminal Legal Systems." In *6th International Conference on Law Reform (INCLAR 2025)*, pp. 264-277. Atlantis Press, 2025.

<sup>10</sup> Muladi, H., "Juvenile Justice and Child Protection Principles," *Indonesia Law Review*, 2020.

<sup>11</sup> Kimbrell, Catherine S., David B. Wilson, and Ajima Olaghere. "Restorative justice programs and practices in juvenile justice: An updated systematic review and meta-analysis for effectiveness." *Criminology & Public Policy* 22, no. 1 (2023): 161-195..

and actual enforcement practices. Through doctrinal interpretation supported by scholarly literature, the method provides a comprehensive foundation for reform recommendations aimed at aligning juvenile justice with the principles of humanity and justice.<sup>12</sup>

## RESULTS AND DISCUSSION

### **The Philosophical and Human Rights Foundations of Restorative Justice in Juvenile Crime Handling**

Restorative justice draws its normative foundation from philosophical principles that emphasize humanity, dignity, moral development, and proportionality. In juvenile justice, these principles become even more urgent because children possess distinct psychological and emotional characteristics that require differentiated legal treatment. The principle of humanity obliges justice systems to recognize that children, despite committing harmful acts, remain individuals in developmental transition whose behaviour is shaped by cognitive immaturity, social pressures, and environmental factors. International human rights frameworks such as the United Nations Convention on the Rights of the Child establish the obligation to treat children with respect for their inherent dignity and to prioritize their best interests in all legal processes. These philosophical commitments form the basis upon which restorative justice is justified as a child-centered mechanism that aims not only to address wrongdoing but also to promote long-term rehabilitation.<sup>13</sup>

Another key philosophical foundation of restorative justice in juvenile contexts is the principle of dignity. Dignity is understood as the inherent worth of every human being, which must not be diminished by legal processes. Punitive systems often subject children to stigmatization, isolation, and emotional trauma, which can compromise their dignity and hinder their developmental trajectory. Restorative justice, by contrast, seeks to preserve dignity by ensuring that young offenders are treated with respect, given opportunities to express remorse, and supported in making amends. In doing so, restorative mechanisms reinforce values of self-worth and moral responsibility that are central to healthy adolescent development. Psychological research shows that adolescents respond more positively to processes emphasizing respect and participation rather than coercion, reinforcing dignity as a foundational rationale for restorative practice.<sup>14</sup>

Human rights principles also mandate that justice systems adopt proportional responses when dealing with juvenile offenders. Proportionality requires that punishment or intervention must correspond to the child's level of culpability, the nature of the offence, and the individual's capacity for rehabilitation. Since juveniles possess reduced culpability due to neurological and cognitive immaturity, punitive sanctions such as incarceration frequently violate proportionality standards. Restorative justice offers a more proportionate response by focusing on repairing harm and enabling behavioural change without imposing excessive penalties. Comparative legal studies indicate that jurisdictions adopting restorative justice achieve better

<sup>12</sup> Sunaryo, Sidik, Shinta Ayu Purnamawati, Cekli Setya Pratiwi, Endah Lestari, and Echa Annisa'ul Izzah. "Building Resilient Societies by Redefining Justice for Children in Criminal Legal Systems." In *6th International Conference on Law Reform (INCLAR 2025)*, pp. 264-277. Atlantis Press, 2025..

<sup>13</sup> UNICEF, "Children in Conflict with the Law: Global Trend Report," 2023.

<sup>14</sup> Mercurio, Ezequiel, Eric García-López, Luz Anyela Morales-Quintero, Nicolás E. Llamas, José Ángel Marinaro, and José M. Muñoz. "Adolescent brain development and progressive legal responsibility in the Latin American context." *Frontiers in psychology* 11 (2020): 627..

compliance with proportionality principles because restorative processes encourage individualized assessment rather than standardized punitive outcomes.<sup>15</sup>

Beyond philosophical and legal foundations, restorative justice aligns with child development theories that underline the importance of social learning, emotional regulation, and family involvement. Adolescents are highly responsive to interventions that incorporate mentorship, community engagement, and positive reinforcement. Consequently, restorative practices such as family group conferencing and victim–offender mediation leverage the child’s social environment to create constructive behavioural pathways. These interventions promote accountability while simultaneously providing developmental support, making them more effective than punitive sanctions that isolate children from their families and communities. Research consistently demonstrates that children are more likely to internalize moral lessons when they actively participate in discussions about the impact of their actions rather than being subjected to top-down punishment.<sup>16</sup>

Restorative justice is also grounded in the principle of social harmony, which is particularly relevant in collectivist societies such as Indonesia. Social harmony emphasizes the restoration of relationships damaged by criminal behaviour, seeking to rebuild trust among the offender, the victim, and the community. Traditional Indonesian communal values, such as deliberation and consensus, align closely with restorative principles, suggesting cultural compatibility between restorative justice and Indonesian socio-legal traditions. In many local communities, non-judicial settlements involving dialogue and reconciliation have long existed, providing a familiar cultural foundation upon which modern restorative mechanisms can be built. This cultural resonance strengthens the legitimacy of restorative justice and increases its acceptance among communities.<sup>17</sup>

Victim-centeredness constitutes another philosophical foundation of restorative justice. Traditional punitive systems often marginalize the victim, providing limited opportunities for participation or emotional closure. Restorative justice places the victim at the center of the process, enabling them to articulate their experiences, express the harm suffered, and participate in determining appropriate outcomes. This fosters a sense of empowerment and validation for victims, many of whom report higher satisfaction with restorative processes than with traditional trials. Victim-centeredness also reinforces ethical principles of justice by ensuring that legal responses address not only societal norms but also individual harm.<sup>18</sup>

Restorative justice’s focus on accountability reflects another core principle relevant to juvenile justice. Accountability in restorative justice is not equated with punishment but with constructive acknowledgment of wrongdoing and active participation in repairing harm. This distinction is crucial because punitive accountability often leads to fear or resentment, whereas restorative accountability fosters moral growth and behavioural reform. Adolescents who participate in restorative programs often report greater

<sup>15</sup> Kimbrell, Catherine S., David B. Wilson, and Ajima Olaghere. "Restorative justice programs and practices in juvenile justice: An updated systematic review and meta-analysis for effectiveness." *Criminology & Public Policy* 22, no. 1 (2023): 161-195.

<sup>16</sup> Sunaryo, Sidik, Shinta Ayu Purnamawati, Cekli Setya Pratiwi, Endah Lestari, and Echa Annisa'ul Izzah. "Building Resilient Societies by Redefining Justice for Children in Criminal Legal Systems." In *6th International Conference on Law Reform (INCLAR 2025)*, pp. 264-277. Atlantis Press, 2025.

<sup>17</sup> Tan, N., "Community Approaches to Juvenile Justice in Southeast Asia," *Asian Criminology*, 2019.

<sup>18</sup> Garbett, Claire. "The International Criminal Court and restorative justice: victims, participation and the processes of justice." *Restorative Justice* 5, no. 2 (2017): 198-220.

understanding of the consequences of their actions and stronger motivation to change compared to those who undergo punitive sanctions. Restorative accountability aligns with psychological research indicating that children learn ethical behaviour more effectively through experiential communication than through punitive deprivation of liberty.<sup>19</sup>

Finally, restorative justice supports long-term crime prevention by addressing underlying causes of juvenile offending. Many juvenile offenders come from environments characterized by poverty, neglect, limited education, or exposure to violence. Restorative processes provide opportunities to identify these root causes and involve social services to address them. Therefore, restorative justice operates not merely as a response mechanism but as part of a preventive strategy that strengthens protective factors around the child. This preventive function aligns with broader human rights commitments to ensuring children's well-being and development.<sup>20</sup>

## Structural Barriers and Practical Challenges in Implementing Restorative Justice for Juvenile Offenders

The implementation of restorative justice in juvenile crime handling in Indonesia remains significantly hindered by structural, institutional, and socio-cultural barriers that limit its effectiveness. Although the Juvenile Criminal Justice System Law mandates diversion and encourages non-judicial settlement, many justice institutions maintain punitive orientations that conflict with restorative principles. Police officers, prosecutors, and judges often prefer traditional case processing due to familiarity, skepticism about restorative outcomes, or concerns over legal certainty. These institutional preferences hinder restorative initiatives and reduce their uptake. Studies show that diversion rates remain inconsistent across provinces, indicating that implementation is often determined more by local institutional culture than legal norms.<sup>21</sup>

A central challenge arises from limited institutional capacity. Restorative procedures require skilled facilitators capable of managing dialogue between victims and offenders, promoting fairness, and ensuring that agreements do not involve coercion. However, many jurisdictions lack trained mediators or restorative justice practitioners. Police and prosecutors rarely receive specialized training in restorative facilitation, leading to uneven quality in restorative processes. Without professional competence, restorative justice may fail to produce meaningful engagement or risk re-traumatizing victims. Research indicates that successful restorative interventions depend heavily on facilitator expertise, confirming the need for human resource development within justice institutions.<sup>22</sup>

Another obstacle concerns inadequate victim support systems. Restorative justice emphasizes the victim's right to participate meaningfully in the justice process, yet many victims lack access to psychological

<sup>19</sup> Wood, William R., and Masahiro Suzuki. "Getting to accountability in restorative justice." *Victims & Offenders* 19, no. 7 (2024): 1400-1423.

<sup>20</sup> Wong, Jennifer S., Jessica Bouchard, Jason Gravel, Martin Bouchard, and Carlo Morselli. "Can at-risk youth be diverted from crime? A meta-analysis of restorative diversion programs." *Criminal Justice and Behavior* 43, no. 10 (2016): 1310-1329.

<sup>21</sup> Sukardi, Sukardi, and Hadi Rahmat Purnama. "Restorative Justice Principles in Law Enforcement and Democracy in Indonesia." *JILS* 7 (2022): 155.

<sup>22</sup> Kimbrell, Catherine S., David B. Wilson, and Ajima Olaghene. "Restorative justice programs and practices in juvenile justice: An updated systematic review and meta-analysis for effectiveness." *Criminology & Public Policy* 22, no. 1 (2023): 161-195.

counseling, legal information, or safe spaces for dialogue. Victims of juvenile offending, such as bullying, physical assault, or minor theft, often feel intimidated by formal procedures or unsure about their rights in restorative settings. Without proper support, victims may decline participation or participate under coercive circumstances. Comparative studies show that jurisdictions with strong victim support frameworks experience higher restorative completion rates and greater victim satisfaction, suggesting that adequate support structures are integral to the success of restorative justice.<sup>23</sup>

Structural inequality further influences restorative outcomes. Children from marginalized socio-economic backgrounds are disproportionately represented among juvenile offenders. These children often lack legal literacy, family support, or access to community resources, placing them at a disadvantage in restorative negotiations. Families with limited education may not fully understand restorative agreements or may struggle to comply with restitution requirements. This creates a risk that restorative justice becomes unfairly burdensome for poor families while benefiting those with better resources. Socio-economic imbalance therefore challenges the principle of equality inherent in restorative justice and necessitates safeguards to ensure fairness.<sup>24</sup>

Cultural attitudes toward juvenile offending also play a significant role. In many Indonesian communities, punitive sanctions are perceived as necessary to maintain social order and deter wrongdoing. Community expectations may pressure authorities to pursue prosecution rather than restorative settlement, especially in cases involving interpersonal conflict or significant financial loss. Additionally, cultural norms emphasizing respect for authority may cause families to accept legal decisions without fully understanding their rights to diversion or restorative procedures. These cultural dynamics create tensions between restorative ideals and community expectations, requiring continuous public education to shift punitive mindsets.<sup>25</sup>

Coordination among justice agencies represents another persistent barrier. Restorative justice requires cooperation among police, prosecutors, social workers, community leaders, and child protection institutions. However, coordination is often weak due to overlapping mandates, bureaucratic delays, and unclear operating procedures. For instance, police may initiate diversion but fail to communicate effectively with social workers responsible for follow-up programs. Prosecutors may be willing to pursue restorative settlement, but courts may lack mechanisms to monitor compliance. This institutional fragmentation reduces program continuity and undermines long-term outcomes.<sup>26</sup>

Empirical evidence indicates that restorative justice implementation is highly uneven across Indonesia due to disparities in institutional readiness, community engagement, and local resource availability. The following table summarizes key differences across several major implementation dimensions, illustrating structural disparities that affect the quality and consistency of restorative justice for juveniles.

<sup>23</sup> Garbett, Claire. "The International Criminal Court and restorative justice: victims, participation and the processes of justice." *Restorative Justice* 5, no. 2 (2017): 198-220.

<sup>24</sup> Wong, Jennifer S., Jessica Bouchard, Jason Gravel, Martin Bouchard, and Carlo Morselli. "Can at-risk youth be diverted from crime? A meta-analysis of restorative diversion programs." *Criminal Justice and Behavior* 43, no. 10 (2016): 1310-1329.

<sup>25</sup> Tan, N., "Community Approaches to Juvenile Justice in Southeast Asia," *Asian Criminology*, 2019.

<sup>26</sup> Sunaryo, Sidik, Shinta Ayu Purnamawati, Cekli Setya Pratiwi, Endah Lestari, and Echa Annisa'ul Izzah. "Building Resilient Societies by Redefining Justice for Children in Criminal Legal Systems." In *6th International Conference on Law Reform (INCLAR 2025)*, pp. 264-277. Atlantis Press, 2025.

**Table 1. Key Structural Differences in Restorative Justice Implementation in Indonesia**

Implementation Dimension	High-Capacity Regions	Low-Capacity Regions	Impact on Juvenile Cases
Availability of trained facilitators	Sufficient trained mediators	Very limited or none	Reduced quality of dialogue and outcomes
Victim support services	Counseling and legal aid available	Minimal or unavailable	Victims reluctant to participate
Coordination among agencies	Police–prosecutor–social worker coordination established	Fragmented communication	Delays and inconsistent diversion outcomes
Community participation	Positive and informed engagement	Skepticism and punitive expectations	Lower acceptance of restorative agreements
Monitoring of agreements	Regular follow-up and documentation	No monitoring mechanisms	Restitution not completed; no behavioural evaluation

The table illustrates that restorative justice implementation varies considerably due to disparities in institutional capacity, socio-cultural readiness, and administrative coordination. These disparities highlight the need for national standards, systematic training, and stronger oversight to ensure that restorative justice is implemented fairly and consistently. Without addressing these structural differences, restorative justice risks becoming a symbolic or selective mechanism rather than a substantive reform aligned with humanity and justice principles.<sup>27</sup>

Finally, restorative justice faces legal-technical challenges stemming from procedural inconsistencies. Some law enforcement officers misinterpret eligibility criteria for diversion, resulting in inappropriate exclusion of cases. Others fear administrative consequences for using restorative mechanisms due to unclear accountability structures. This legal uncertainty discourages innovative problem-solving and reinforces conservative processing practices. Comparative empirical studies show that restorative justice thrives only when legal frameworks provide clear procedures, protections for both parties, and institutional incentives encouraging restorative settlement. Strengthening Indonesia's procedural clarity is therefore critical for ensuring that restorative justice becomes a reliable and rights-based juvenile justice mechanism.<sup>28</sup>

### Legal, Policy, and Institutional Reforms Needed to Strengthen Restorative Justice for Juvenile Offenders

Effective implementation of restorative justice in juvenile crime handling requires comprehensive reforms across legal frameworks, policy directions, and institutional practices. First, the legal framework must provide clearer and more robust guidelines to ensure uniform application across jurisdictions. Although the Juvenile Criminal Justice System Law already mandates diversion, it provides limited operational guidance on how restorative processes should be conducted. Many implementing regulations remain vague regarding facilitator qualifications, victim safeguards, monitoring mechanisms, and standards for evaluating restorative agreements. This ambiguity leads to varied interpretations by law enforcement and inconsistent

<sup>27</sup> Syamsuddin, M., "Diversion Mechanisms under Indonesian Juvenile Law," *Indonesia Law Review*, 2020.

<sup>28</sup> UNICEF, "Children in Conflict with the Law: Global Trend Report," UNICEF Publications, 2023.

practices across regions. Improving legal clarity through detailed implementing regulations is essential for ensuring legal certainty, strengthening procedural fairness, and reducing discretionary misuse. Comparative legal studies show that countries with clear statutory provisions for restorative justice, such as New Zealand, experience higher consistency and effectiveness because actors understand their legal responsibilities and procedural boundaries.<sup>29</sup>

Policy reforms are equally important in embedding restorative justice within Indonesia's justice architecture. National-level policy directives must prioritize restorative justice as a core strategy rather than a supplementary option. This includes allocating sufficient funding to support training, facilitator certification, victim services, and community involvement. Without adequate resources, restorative justice cannot be implemented sustainably or equitably. Currently, local governments and law enforcement agencies vary widely in their budgetary commitments, resulting in significant disparities. Formal policy integration into national juvenile crime prevention programs can help ensure uniform implementation and create institutional incentives for police, prosecutors, and judges to prioritize restorative pathways for eligible cases.<sup>30</sup>

A crucial institutional reform involves strengthening human resource capacity. Effective restorative justice requires skilled facilitators capable of managing dialogue, handling emotional conflict, safeguarding victims, and promoting constructive accountability. Training must therefore go beyond legal lectures to include modules on communication, trauma-informed practice, mediation, child psychology, and ethics. The absence of certified facilitators in many regions undermines the quality and legitimacy of restorative agreements. Establishing national training standards, accreditation systems, and continuous professional development programs is essential for ensuring procedural competence and building institutional trust. Empirical findings highlight that facilitation quality directly influences victim satisfaction, offender engagement, and the sustainability of behavioural change.<sup>31</sup>

Victim protection mechanisms must also be strengthened as part of institutional reform. Restorative justice is inherently victim-centered, yet many victims lack essential support services that enable meaningful participation. Victims may require psychological counseling, legal guidance, safety assurances, and logistical assistance to engage safely and confidently in restorative meetings. Without such support, restorative justice risks becoming offender-oriented or even coercive, undermining its moral foundation. Lessons from Canada and South Africa demonstrate that strong victim assistance frameworks are integral to restorative success, increasing both victim satisfaction and likelihood of agreement completion. Indonesia must therefore institutionalize mandatory victim support within restorative procedures and ensure resource allocation for sustained service provision.<sup>32</sup>

<sup>29</sup> Kimbrell, Catherine S., David B. Wilson, and Ajima Olaghene. "Restorative justice programs and practices in juvenile justice: An updated systematic review and meta-analysis for effectiveness." *Criminology & Public Policy* 22, no. 1 (2023): 161-195.

<sup>30</sup> Sukardi, Sukardi, and Hadi Rahmat Purnama. "Restorative Justice Principles in Law Enforcement and Democracy in Indonesia." *JILS* 7 (2022): 155.

<sup>31</sup> Sunaryo, Sidik, Shinta Ayu Purnamawati, Cekli Setya Pratiwi, Endah Lestari, and Echa Annisa'ul Izzah. "Building Resilient Societies by Redefining Justice for Children in Criminal Legal Systems." In *6th International Conference on Law Reform (INCLAR 2025)*, pp. 264-277. Atlantis Press, 2025.

<sup>32</sup> Garbett, Claire. "The International Criminal Court and restorative justice: victims, participation and the processes of justice." *Restorative Justice* 5, no. 2 (2017): 198-220.

Improving inter-agency coordination constitutes another reform priority. Restorative justice depends on functional collaboration among police, prosecutors, judges, social workers, community leaders, and correctional institutions. However, coordination remains fragmented due to differing institutional mandates, communication gaps, and bureaucratic inefficiencies. Establishing structured coordination mechanisms such as integrated case management platforms, standardized reporting templates, and multi-disciplinary diversion teams can significantly reduce administrative barriers. Success stories from New Zealand's Youth Justice Conference model demonstrate that structured inter-agency cooperation leads to more coherent restorative outcomes and reduces case processing delays. Indonesia can adapt similar frameworks to enhance systemic coherence.<sup>33</sup>

Community engagement must also be reformed and expanded because restorative justice derives much of its power from collective involvement. Communities that understand restorative principles are more likely to support non-punitive interventions and assist in reintegrating young offenders. However, in many Indonesian regions, community attitudes remain punitive, influenced by cultural beliefs that prioritize punishment for wrongdoing. Public education campaigns, community dialogues, and local restorative justice forums can help shift punitive mindsets and encourage acceptance of restorative pathways. Engaging schools, religious leaders, and youth organizations can also foster community ownership of restorative practices and reduce stigma against young offenders. Evidence from Southeast Asia shows that community acceptance significantly influences the social reintegration outcomes of restorative agreements.<sup>34</sup>

Strengthening monitoring and evaluation systems is another essential institutional reform. Restorative justice agreements often require follow-up to ensure compliance, evaluate behavioural change, and provide ongoing support to both victims and offenders. However, many jurisdictions lack formal monitoring mechanisms, leading to poor documentation and limited understanding of long-term outcomes. Establishing standardized monitoring tools, requiring periodic reporting, and integrating social workers into follow-up processes can enhance accountability and program effectiveness. Robust monitoring also provides valuable data for policy refinement and helps identify gaps in implementation. Countries with strong monitoring systems report higher compliance rates and more sustained behavioural improvements among juvenile participants.<sup>35</sup>

Legal and institutional reforms must also address the root causes of juvenile offending. Restorative justice is most effective when paired with social support services that address poverty, trauma, family conflict, and educational disengagement. Indonesia requires stronger integration of restorative processes with social welfare, mental health services, and family counseling programs. Holistic intervention frameworks improve the likelihood of long-term behavioural reform, reducing the cycle of reoffending that often stems from unaddressed socio-economic conditions. Restorative justice should therefore be embedded within a broader child protection ecosystem, aligning justice reforms with social development strategies.<sup>36</sup>

<sup>33</sup> Tan, N., "Community Approaches to Juvenile Justice in Southeast Asia," *Asian Criminology*, 2019.

<sup>34</sup> Alves, Carla Victoria. "The Impact of Community-Based Programs and Restorative Justice on Reducing Black Youth Involvement in the Juvenile Justice System." *Undergraduate Review* 18, no. 1 (2024): 114-125.

<sup>35</sup> Wong, Jennifer S., Jessica Bouchard, Jason Gravel, Martin Bouchard, and Carlo Morselli. "Can at-risk youth be diverted from crime? A meta-analysis of restorative diversion programs." *Criminal Justice and Behavior* 43, no. 10 (2016): 1310-1329.

<sup>36</sup> UNICEF, "Children in Conflict with the Law: Global Trend Report," UNICEF Publications, 2023.

Finally, strengthening the normative foundation of restorative justice requires integrating values of humanity and justice across legal institutions. This involves embedding principles such as dignity, proportionality, respect, and non-discrimination into institutional culture. Legal actors must internalize these values through professional ethics training, judicial guidelines, and leadership commitment to child-centered justice. Creating a normative shift is vital for sustainability because restorative justice cannot thrive in institutions dominated by punitive philosophies. Long-term transformation depends on cultivating a justice culture that recognizes children as developing individuals deserving compassion, opportunity, and structured guidance.<sup>37</sup>

## CONCLUSIONS

The analysis of restorative justice in juvenile crime handling demonstrates that a punitive approach is fundamentally incompatible with the principles of humanity, dignity, and proportionality that should govern the treatment of children in conflict with the law. Restorative justice emerges as a more appropriate framework because it prioritizes harm repair, personal accountability, and the reintegration of young offenders into their communities. The discussions showed that restorative justice aligns with child development theory, respects victims' rights, and provides mechanisms for resolving conflict that are both ethically grounded and practically effective. Structural barriers, however, continue to hinder its implementation in Indonesia. These include limited facilitator capacity, uneven victim support, fragmented coordination across agencies, socio-economic inequalities, and widespread punitive cultural attitudes. Legal ambiguities and procedural inconsistencies also contribute to irregular application across regions, revealing a substantial gap between the normative mandates of diversion and the operational realities of justice institutions.

To strengthen restorative justice implementation, a series of structural and institutional reforms is necessary. Clearer operational regulations, enhanced training for police, prosecutors, and facilitators, and stronger victim protection services must be prioritized at the national level. Equally important is the development of coordinated inter-agency mechanisms supported by adequate funding, standardized monitoring systems, and community-based outreach programs capable of shifting public perceptions. Restorative justice must also be embedded within broader social support frameworks addressing root causes of juvenile offending, including poverty, trauma, and limited educational opportunities. Successful implementation ultimately depends on transforming the justice system into one that consistently reflects the principles of humanity and justice, ensuring that all children, regardless of background, receive fair treatment and meaningful opportunities for rehabilitation.

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<sup>37</sup> Mercurio, Ezequiel, Eric García-López, Luz Anyela Morales-Quintero, Nicolás E. Llamas, José Ángel Marinaro, and José M. Muñoz. "Adolescent brain development and progressive legal responsibility in the Latin American context." *Frontiers in psychology* 11 (2020): 627.

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