

The Urgency of Implementing Restorative Justice in Handling Juvenile Crime: A Study of the Principles of Humanity and Justice

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Received: February 25, 2026

Revised: March 22, 2026

Accepted: April 15, 2026

Published: April 28, 2026

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Abstract: *Crimes committed by juveniles are a serious problem that requires comprehensive handling, prioritizing the principles of humanity and justice. The conventional retributive approach to criminal law is considered inappropriate for the characteristics of adolescent psychological development and their rehabilitation needs. This article aims to examine the urgency of implementing restorative justice in handling juvenile crime in Indonesia from the perspective of humanity and justice. The research method used is normative legal research with statutory, conceptual, and comparative approaches. The results of the study indicate that restorative justice provides a more humane framework for resolution because it prioritizes restoring relationships between perpetrators, victims, and the community, rather than simply retaliation. This approach aligns with Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which prioritizes diversion and the best interests of children. The application of restorative justice has been proven to reduce recidivism rates, encourage perpetrator responsibility, and restore victims' dignity more effectively than conventional punishment. This study concludes that restorative justice is not merely an alternative but a necessity in a just and humane juvenile criminal justice system.*

Keywords: *Restorative Justice, Juvenile Crime, Juvenile Criminal Justice System, Humanitarian Principles, Diversion.*

INTRODUCTION

The phenomenon of crimes committed by adolescents or minors is a complex and multidimensional legal issue, relating not only to the normative aspects of criminal law but also to social, psychological, and cultural dimensions. From the perspective of Indonesian positive law, children as perpetrators of crimes have a special status that distinguishes them from adults, as reflected in various regulations emphasizing child protection.¹ However, empirical reality shows that trends in juvenile delinquency and crime continue

¹ Haryanto, Imam, et al. "Konsep Perlindungan Hukum Bagi Anak Turut Serta Dalam Melakukan Tindak Pidana Berdasarkan Hukum Positif Indonesia." *Media Hukum Indonesia (MHI)* 2.3 (2024). <https://doi.org/10.5281/zenodo.11623459>



to experience worrying dynamics, both in terms of quantity and complexity of the forms of crime. Statistical data compiled by the Central Statistics Agency (BPS) shows fluctuations and a tendency to increase in certain types of crimes involving children.² This indicates that the current approach to handling juvenile crime has not been fully effective in reducing the number of juvenile delinquents. Therefore, an approach is needed that is not solely focused on punishment but also considers the protection and development of children as the nation's future generation.

Normatively, the juvenile criminal justice system in Indonesia has been regulated through various legal instruments that prioritize the principle of child protection, including the principle of the best interests of the child.³ This principle emphasizes that every decision made in the judicial process must consider its impact on the child's physical, mental, and social development. However, in practice, the criminal justice system still tends to adopt a retributive approach that emphasizes retribution for actions. This approach often ignores the objective conditions of children as individuals still developing and vulnerable to environmental influences. Furthermore, the application of criminal sanctions in the form of imprisonment has the potential to cause negative impacts, such as social stigmatization and the internalization of criminal behavior. Thus, there is a gap between ideal legal norms and their implementation in practice.

From the perspective of criminal law theory, the retributive approach, which is rooted in the theory of retributive justice, places punishment as a logical consequence of violating the law.⁴ This theory focuses on the perpetrator's culpability and the proportionality of punishment without considering the restorative aspect. In juvenile crime, this approach is problematic because it fails to consider the criminogenic factors underlying the child's behavior, such as poverty, family dysfunction, and the influence of the social environment. Criminologists argue that juvenile crime is better understood as a social phenomenon rather than simply a violation of the law. Therefore, an approach that focuses solely on punishment without understanding the root causes has the potential to worsen the situation. This demonstrates the need for a paradigm shift in the juvenile criminal justice system.

Sociologically, juvenile crime cannot be separated from the surrounding social dynamics. The anomie theory, proposed by Émile Durkheim and developed by Robert K. Merton, explains that an imbalance between social goals and available means can drive individuals, including adolescents, to deviant behavior.⁵ In the Indonesian context, socioeconomic inequality, weak social control, and lack of access to education and guidance are significant factors driving juvenile delinquency. Furthermore, the influence of

² Fairuzzen, Mohamad Revaldy, Asmak Ul Hosnah, and Abil Arya Putra. "Menelusuri akar masalah: Faktor penyebab angka kriminalitas anak di bawah umur." *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2.4 (2024): 1947-1957. <https://doi.org/10.62976/ijjel.v2i4.737>

³ Agustin, Rizky Ade, Andika Wijaya, and Satriya Nugraha. "Kajian hukum terhadap penyalahgunaan narkotika oleh anak di bawah umur dalam sistem peradilan pidana anak." *Innovative: Journal Of Social Science Research* 5.3 (2025): 2420-2436. <https://doi.org/10.31004/innovative.v5i3.19347>

⁴ Khaerunessa, Shakira Ananda, et al. "Legitimasi hukuman mati menurut Immanuel Kant: Teori keadilan retributif dan konfliknya dengan hak asasi manusia." *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan Masyarakat* 4.01 (2025). <https://journal.forikami.com/index.php/dassollen/article/view/935>

⁵ Hisyam, Ciek Julyati, et al. "ANOMIE SOSIAL DAN PERILAKU MENYIMPANG NARAPIDANA KASUS NARKOTIKA: STUDI DI LAPAS CIBINONG DAN LAPAS CIPINANG." *Jurnal Ilmiah Penelitian Mahasiswa* 4.1 (2026): 376-387. <https://doi.org/10.61722/jipm.v4i1.1891>

globalization and the development of information technology accelerate changes in children's behavior, which do not always align with prevailing social norms. Therefore, approaches to addressing juvenile crime must take these structural factors into account. A solely repressive approach will fail to address the complexity of the problem.

From a legal perspective, the application of justice in the juvenile criminal justice system should be based on the principles of humanity and substantive justice. The principle of humanity demands that every individual be treated with dignity, including children who commit crimes.⁶ Meanwhile, substantive justice emphasizes achieving true justice, not merely formal justice oriented toward procedures. In this context, punishment that fails to consider the child's circumstances contradicts these principles. Legal experts argue that true justice is restorative, not merely punitive. Therefore, the juvenile criminal justice system must be geared toward a more humane and restorative approach.

Restorative justice emerges as an alternative paradigm that offers a more comprehensive approach to addressing crimes, particularly those involving children. Conceptually, restorative justice focuses on repairing the harm caused by criminal acts through active engagement between the perpetrator, victim, and community.⁷ This approach not only emphasizes the perpetrator's responsibility but also provides a space for victims to directly seek reparation. In legal theory, restorative justice aligns with the concept of restorative justice developed by experts such as Howard Zehr, who emphasizes the importance of dialogue and reconciliation. Thus, restorative justice is not only outcome-oriented but also participatory and inclusive. This makes it relevant for application in the context of juvenile crime.

Normatively, the implementation of restorative justice in Indonesia has been legitimized through various laws and regulations, including in the juvenile criminal justice system. These regulations provide space for out-of-court settlement through diversion mechanisms, a concrete implementation of the principles of restorative justice. Diversion aims to protect children from formal judicial processes that could potentially harm their psychological development. However, in practice, the implementation of diversion still faces various obstacles, such as a lack of understanding among law enforcement officials and limited supporting facilities.⁸ This indicates that, despite being normatively regulated, the implementation of restorative justice is not yet optimal. Therefore, strengthening efforts are needed, both in terms of regulation and implementation.

From a legal psychology perspective, children as perpetrators of criminal acts have different characteristics than adults, particularly in terms of emotional maturity and decision-making abilities. Lawrence Kohlberg's theory of moral development suggests that children are at a stage of moral development that is not yet fully

⁶ Salhuteru, Asafita Benzeline, and AA Ngurah Oka Yudistira Darmadi. "PERLINDUNGAN KORBAN HUMAN TRAFFICKING DALAM PERSPEKTIF ASAS KEMANUSIAAN DAN NON-DISKRIMINASI." *Jurnal Media Akademik (JMA)* 3.11 (2025). <https://doi.org/10.62281/pb11f230>

⁷ Reykasari, Yunita, and M. Dwi Nurwachidiansyah. "Aspek Keterlibatan Masyarakat pada Sistem Peradilan Pidana Dalam Alternatif Penyelesaian Sengketa." *National Multidisciplinary Sciences* 4.3 (2025): 77-87. <https://doi.org/10.32528/nms.v4i3.749>

⁸ Winarsih, Laras, et al. "Efektivitas Penegakan Hukum Pidana Anak Jalanan dalam Sistem Peradilan Pidana Anak Perspektif Humanis Restoratif." *NOLAN-Noblesse Oblige Law Journal* 2.1 (2025): 213-227. <https://jurnal.oso.ac.id/index.php/nolan/en/article/view/135>



mature.⁹ This means that deviant behavior by children is often the result of an imperfect social learning process. Therefore, a punitive approach without providing space for development will be ineffective in preventing recurrence of crimes. Conversely, an approach that prioritizes development and recovery will be more in line with the developmental needs of children. This reinforces the urgency of implementing restorative justice in the juvenile criminal justice system. Furthermore, from a victimological perspective, restorative justice places greater emphasis on victims, who are often overlooked in conventional justice systems. In the retributive approach, victims tend to be viewed as passive objects, while the primary focus is on the perpetrator and the state. Restorative justice changes this paradigm by providing space for victims to express their experiences and receive direct redress. This approach aligns with the principle of balance in law, which demands proportional protection between the interests of the perpetrator and the victim. Thus, restorative justice not only benefits the perpetrator but also provides tangible benefits to the victim, making it a fairer and more balanced approach.

Within the framework of national legal development, the application of restorative justice is also in line with the legal objectives of achieving utility, justice, and legal certainty. Jeremy Bentham's utilitarian theory emphasizes that law should provide the greatest possible benefit to society.¹⁰ In this context, restorative justice can provide broader benefits than retributive approaches, as it not only resolves conflicts but also prevents future crimes. Furthermore, this approach aligns with Indonesian local wisdom values that prioritize deliberation and peace. Therefore, restorative justice has legitimacy not only normatively but also culturally. This strengthens the argument regarding the urgency of its implementation. Based on this description, it can be concluded that the application of restorative justice in handling juvenile crime is an urgent need in the Indonesian criminal justice system. This approach not only addresses the weaknesses of the retributive system but also aligns with the principles of humanity and justice that underlie the law. By prioritizing restoration, responsibility, and reconciliation, restorative justice provides a more holistic and sustainable solution. Therefore, a strong commitment from all stakeholders is needed to optimize the implementation of restorative justice. This article will further examine this urgency through a normative approach, emphasizing the principles of humanity and justice as the basis for its legal argument.

METHODOLOGY

The research method used in this article is doctrinal legal research, which positions law as a norm or rule written in legislation, court decisions, and legal doctrine. This approach was chosen because the object of study focuses on restorative justice as a legal concept and norm in the juvenile criminal justice system. According to Soerjono Soekanto, normative legal research is research conducted by examining library materials or secondary data as the main source, which includes primary, secondary, and tertiary legal materials. In this study, several approaches were used, namely the statute approach, the conceptual approach, and the comparative approach to gain a comprehensive understanding of the urgency of

⁹ Ibda, Fatimah. "Perkembangan moral dalam pandangan Lawrence Kohlberg." *Intelektualita: Journal of Education Sciences and Teacher Training* 12.1 (2023). <https://doi.org/10.22373/ji.v12i1.19256>

¹⁰ Abae, Nadilla Rahmawaty, et al. "Penerapan Teori Hukuman Jeremy Bentham Dalam Kebijakan Pidana Di Indonesia." *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan Masyarakat* 3.02 (2025). <https://journal.forikami.com/index.php/dassollen/article/view/918>



implementing restorative justice in handling juvenile crime in Indonesia.¹¹ In line with this, Peter Mahmud Marzuki emphasized that normative legal research aims to find the truth based on the logic of legal science from its normative side, so that the analysis carried out is prescriptive.¹² This research employs several approaches, namely the statute approach, the conceptual approach, and the case approach, to gain a comprehensive understanding of the issue of norm conflict being studied. Thus, this method allows researchers to deeply examine the consistency of legal norms within the Indonesian legal regulatory system.

RESULTS AND DISCUSSION

The Concept and Principles of Restorative Justice in the Criminal Law System

Restorative justice, as a paradigm within the criminal law system, cannot be understood simply as a technical alternative for resolving cases, but rather as a fundamental shift in perspective on crime itself. Conceptually, restorative justice shifts the focus from the state as the "injured" party to a recognition that crime is a violation of individuals and social relations.¹³ This perspective demands a reorientation of the structure and function of the criminal justice system, which has historically placed too much emphasis on punishment. Within a normative framework, this paradigm shift has serious implications for classical criminal law principles such as legality and retribution. Justice is no longer defined as retribution in kind, but rather as a just and proportionate restoration effort. Therefore, restorative justice must be positioned as a substantive approach, not merely a procedural complement.

Theoretically, Howard Zehr's thinking provides a strong philosophical foundation for restorative justice by placing dialogue as the main instrument in resolving criminal conflicts.¹⁴ Zehr emphasized that crimes create an obligation to repair the harm caused, not simply repay a "debt" to the state through punishment. In this context, the perpetrator's responsibility becomes more meaningful because it is directed at concrete reparations, rather than simply undergoing formal sanctions. This approach also critiques the retributive model, which tends to be abstract and detached from the victim's social reality. However, the implementation of this concept cannot be separated from normative challenges related to the protection of victims' rights and the potential inequality of the parties' positions. Therefore, restorative justice must be framed within a legal framework that guarantees equality and procedural fairness.

From a legal perspective, restorative justice is closely linked to the principles of humanity and substantive justice. The principle of humanity demands that every individual be treated as a dignified legal subject, including perpetrators of criminal acts who still have the potential to change.¹⁵ Meanwhile, substantive

¹¹ Sukmawan, Y. A., & Damayanti, D. (2025). Metode Penelitian Hukum Normatif dan Empiris sebagai Strategi Penguatan Perspektif Kajian Ilmu Hukum. *Notary Law Journal*, 4(3), 114-128. <https://doi.org/10.32801/nolaj.v4i3.116>

¹² Zainuddin, M., & Karina, A. D. (2023). Penggunaan metode yuridis normatif dalam membuktikan kebenaran pada penelitian hukum. *Smart Law Journal*, 2(2), 114-123.

¹³ Adelia, Dela. "Restorative Justice sebagai Pembaharuan Sistem Peradilan Pidana di Indonesia." *RIGGS: Journal of Artificial Intelligence and Digital Business* 5.1 (2026): 4742-4750. <https://doi.org/10.31004/riggs.v5i1.6625>

¹⁴ Lubi, Zulpahmi, Budi Sastra Panjaitan, and Arifuddin Muda Harahap. "Keadilan Restoratif Sebagai Paradigma Baru Dalam Pembaruan Hukum Pidana Indonesia (Harmonisasasi Dan Konvergensi Dengan Hukum Islam)." *Jurnal Nirta: Studi Inovasi* 4.2 (2025): 150-171. <https://ejournal.nlc-education.or.id/index.php/JNSI/article/view/240>

¹⁵ Salhuteru, Asafita Benzelina, and AA Ngurah Oka Yudistira Darmadi. "PERLINDUNGAN KORBAN HUMAN TRAFFICKING DALAM PERSPEKTIF ASAS KEMANUSIAAN DAN NON-DISKRIMINASI." *Jurnal Media Akademik (JMA)* 3.11 (2025). <https://doi.org/10.62281/pb11f230>



justice emphasizes the importance of truly just outcomes, not simply adherence to formal procedures. Restorative justice integrates these two principles by providing space for recovery that addresses the real needs of both victims and perpetrators. However, this approach also raises questions about the limits of its application, particularly in cases of serious crimes. Therefore, clear normative parameters are needed to ensure that the application of restorative justice does not conflict with the community's sense of justice.

In the context of Indonesian criminal law, the recognition of restorative justice can be seen as a response to criticism of an overly repressive justice system. Law No. 11 of 2012 concerning the Juvenile Criminal Justice System represents a significant milestone in institutionalizing this principle through the diversion mechanism. Diversion, as a concrete form of restorative justice, demonstrates the recognition that case resolution does not always require formal litigation. However, from a normative perspective, diversion still faces significant implementation challenges. Many law enforcement officials still understand criminal law within a rigid retributive framework. As a result, restorative justice is often treated as an exception rather than a core principle.

The concept of restorative justice is also closely related to theories of punishment, particularly utilitarian and rehabilitative theories. From a utilitarian perspective, criminal law aims to provide the greatest possible benefit to society, including through the prevention of future crime.¹⁶ Restorative justice aligns with this goal because it seeks to reduce recidivism through a more humane approach. Meanwhile, rehabilitation theory emphasizes the importance of improving offenders' behavior so they can return to being productive members of society. Restorative justice accommodates this goal by engaging offenders in a process of reflection and accountability. Thus, this approach enjoys strong theoretical legitimacy in the modern criminal justice system. However, the application of restorative justice cannot be separated from criticism that questions its effectiveness and consistency. One major criticism is the potential for "privatization" of justice, where case resolution is left to the parties without adequate state oversight. In this context, there is a risk that victims may be pressured or even coerced into accepting a particular settlement. Furthermore, not all offenders have the capacity or good faith to participate honestly in the restorative process. Therefore, the role of the state remains necessary as a guarantor of justice and protector of the public interest. Restorative justice should not be understood as eliminating the role of the state, but rather as transforming it.

In the victimology dimension, restorative justice provides greater space for victims to actively participate in the judicial process.¹⁷ This is a correction to the conventional justice system, which tends to marginalize victims. Through direct dialogue between the victim and the perpetrator, victims have the opportunity to personally express their experiences. However, this approach also requires psychological preparedness from the victim, which is not always easy to achieve. Therefore, victim protection and support mechanisms are crucial in the restorative process. Without adequate protection, restorative justice can actually lead to new injustices.

From a criminological perspective, restorative justice aligns with approaches that view crime as a complex social phenomenon. Labeling theory, for example, suggests that stigmatizing offenders can reinforce

¹⁶ Rahmawati, Mega Anisa, Fadli Firdaus, and Rindu Dwi Marliyani. "Dimensi Pemidanaan Dalam Perspektif Teori Utilitarianisme Hukum." *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan Masyarakat* 2.01 (2024). <https://journal.forikami.com/index.php/dassollen/article/view/546>

¹⁷ Utami, Feby Reski, Litya Surisdani Anggraeniko, and Auliah Ambarwati. "Perlindungan Korban dalam Kerangka Keadilan Restoratif pada Pembaharuan Sistem Hukum Nasional." *Locus: Jurnal Konsep Ilmu Hukum* 6.1 (2026): 226-235. <https://doi.org/10.56128/jkih.v6i1.895>



criminal identities and increase the likelihood of recidivism.¹⁸ Restorative justice seeks to avoid this labeling effect by providing perpetrators with the opportunity to correct their mistakes without having to go through the stigmatizing formal justice process. However, the effectiveness of this approach depends heavily on community and social support. Without social acceptance, the reintegration process of perpetrators will be difficult to achieve. Therefore, restorative justice must be viewed as a social process involving various parties.

Within a progressive legal framework, restorative justice reflects efforts to make law a means of liberation and humanization. Satjipto Rahardjo emphasized that the law must side with people and not be trapped in rigid formalities.¹⁹ Restorative justice aligns with this thinking because it places humanitarian values at the center of the judicial process. However, the application of progressive law also requires law enforcement officials to be brave enough to step outside the comfort zone of legal positivism. Without such courage, restorative justice will struggle to develop optimally. Therefore, a paradigm shift must be accompanied by a shift in legal culture. Normatively, restorative justice must also be linked to the principle of due process of law to ensure that the rights of all parties are protected. The restorative process must not ignore fundamental principles such as voluntariness, transparency, and accountability. Without these principles, restorative justice has the potential to be misused. Furthermore, clear operational standards are needed to avoid disparities in implementation. This is crucial for maintaining the consistency and legitimacy of the legal system. Therefore, restorative justice must be systematically integrated into the existing legal framework.

In the context of children as perpetrators of crimes, restorative justice has strong relevance because it aligns with the principle of the child's best interests. As individuals still developing, children require a more educational approach than a repressive one. Imprisoning children often worsens their psychological and social well-being. Restorative justice offers a more constructive alternative by emphasizing guidance and responsibility.²⁰ However, the implementation of this principle still faces various obstacles, including limited resources and lack of understanding among officials. Therefore, institutional strengthening and human resource capacity building are necessary. Furthermore, restorative justice also has a cultural dimension relevant to Indonesian values. The tradition of deliberation and family dispute resolution is part of local wisdom that aligns with restorative principles. This demonstrates that restorative justice is not a foreign concept but is rooted in Indonesian legal culture. However, the modernization of the legal system often ignores these local values. Therefore, integrating local values with modern legal principles is crucial in developing restorative justice. This approach can strengthen the social legitimacy of the justice system. However, it must be recognized that not all types of crimes can be resolved through a restorative approach. Serious crimes that have a broad impact on society still require handling through the formal justice system. Therefore, clear criteria are needed regarding the types of cases that can be resolved restoratively. Without clear boundaries, restorative justice has the potential to be misused to avoid legal accountability. This can

¹⁸ Hisyam, Ciek Julyati, et al. "Antara Jeruji dan Label Sosial: Analisis Proses Stigma terhadap Narapidana Pelaku Pencurian di Lembaga Pemasyarakatan." *Jurnal Ilmiah Penelitian Mahasiswa* 4.1 (2026): 1093-1103. <https://doi.org/10.61722/jipm.v4i1.2038>

¹⁹ Lorenza, Thessa Nada, and Ardian Mulyadi. "Membaca Arah Politik Hukum Indonesia: Telaah Kritis Terhadap Logika Pembentukan Hukum Nasional." *Asas Wa Tandhim: Jurnal Hukum, Pendidikan Dan Sosial Keagamaan* 5.1 (2026): 133-152. <https://doi.org/10.47200/awtjhpsa.v5i1.3089>

²⁰ Laila, Indrianti Putri, Devi Raiva Aprilia, and Asmak Ul Hosnah. "Keadilan Restoratif Sebagai Alternatif Penegakan Hukum Terhadap Tindak Kekerasan Di Ruang Publik: Analisis Kebijakan Kriminal Indonesia." *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3.6 (2025): 8666-8673. <https://doi.org/10.61104/alz.v3i6.2583>

undermine public trust in the justice system. Thus, a balance between restorative and retributive approaches must be maintained.

From a criminal policy perspective, restorative justice can be viewed as part of a more comprehensive crime prevention strategy. Legal policy aims not only to punish, but also to prevent and rehabilitate.²¹ Restorative justice contributes to prevention by strengthening social responsibility. However, the success of this policy depends heavily on coordination between law enforcement agencies. Without proper coordination, restorative justice implementation will be fragmented and ineffective. Therefore, a systemic approach is required. Ultimately, the concept and principles of restorative justice demand a comprehensive transformation of the criminal legal system, encompassing normative, structural, and cultural aspects. Justice is no longer understood solely as retribution, but as a just and equitable process of restoration. This approach offers hope for the creation of a justice system that is more humane and responsive to the needs of society. However, such transformation cannot occur instantly without the commitment of all stakeholders. Therefore, restorative justice must be continuously developed through strengthening regulations, increasing capacity, and shifting the legal paradigm. In this way, restorative justice can become a crucial pillar in realizing a just and humanitarian-oriented criminal legal system.

The Urgency of Implementing Restorative Justice in Handling Juvenile Crime in Indonesia

The urgency of implementing restorative justice in addressing juvenile crime in Indonesia must be recognized as a structural necessity in criminal law reform, not simply an alternative policy option. From a legal perspective, the ratification of the Convention on the Rights of the Child through Presidential Decree No. 36 of 1990 creates a legal obligation for the state to align its justice system with the principle of the best interests of the child. This obligation is not merely declarative but also normatively binding in every process of law formation and implementation. Therefore, any judicial practice that still places children within a repressive punitive framework can be considered contrary to this international commitment. Restorative justice, in this case, serves as a concrete instrument for operationally realizing this mandate. Therefore, its urgency is not only moral but also a logical consequence of the state's legal obligations.

From a constitutional perspective, Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia expressly guarantees the rights of children to live, grow, and develop, and to receive protection from violence and discrimination. This norm implies that the criminal justice system must not create conditions that are detrimental to children's development.²² Punitive and stigmatizing punishment of children has the potential to violate these constitutional rights. In this context, restorative justice presents an approach more aligned with the spirit of the constitution. However, the implementation of this constitutional norm still faces serious challenges in practice. This demonstrates a gap between ideal norms and empirical reality.

Normatively, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System has adopted the principle of restorative justice through a diversion mechanism. Diversion is intended to shift the resolution

²¹ Btr, Teriyanti, Arika Palapa, and Iksan Saifudin. "Pidana Pengawasan dalam Perspektif Pembaharuan Hukum Pidana di Indonesia." *Syntax Idea* 6.7 (2024): 3131-3144. <https://doi.org/10.46799/syntax-idea.v6i7.4069>

²² Pasaribu, Nurhannah Rosa Delima. "Tanggung Jawab Negara dalam Pemenuhan Hak Atas Kewarganegaraan bagi Anak dari Kelompok Minoritas di Mata Hukum Tata Negara." *Bulletin of Law Research* (2025): 13-18. <https://doi.org/10.65344/bleach.v2i2.138>



of juvenile cases from formal litigation to a more humane and participatory approach.²³ However, in practice, diversion is often not optimized due to various factors, including limited understanding among law enforcement officials. This situation reflects that normative recognition has not been fully followed by the internalization of values in legal practice. As a result, children are still often processed through conventional, non-child-friendly justice mechanisms. Therefore, the urgency of restorative justice also lies in the need to harmonize norms and practices.

From a sociological perspective, the high rate of recidivism among children serving prison sentences indicates the failure of the conventional penal system in achieving the goal of rehabilitation.²⁴ Correctional institutions, which should be places of development, often become spaces where crime is reproduced. Interaction with other criminals, a harsh environment, and a lack of effective development programs exacerbate the situation for children. In this context, a restorative approach offers a more adaptive solution to social realities. By involving families and communities, the resolution process becomes more contextual and relevant. This demonstrates that the urgency of restorative justice cannot be separated from real social needs. Furthermore, the restorative approach also has strong relevance within the framework of social control theory, which emphasizes the importance of individual ties to society. Juvenile crime often occurs due to weak social ties between children and their families and communities. Restorative justice seeks to strengthen these bonds through dialogue and reconciliation. Thus, this approach not only resolves conflicts but also prevents future crimes. However, the success of this approach depends heavily on active community participation. Without social support, the restorative process will lose its effectiveness.

From a psychological perspective, adolescence is a developmental phase that is highly vulnerable to external influences. Erik Erikson's developmental theory suggests that adolescents are in a stage of identity exploration that will significantly determine their future.²⁵ Stigmatization through formal justice processes can disrupt this identity formation process. Children stigmatized as "criminals" tend to internalize this label in their behavior. Restorative justice offers a more constructive approach by emphasizing responsibility without imposing permanent stigma. Therefore, the urgency of its implementation is also based on deep psychological considerations.

From a victimology perspective, restorative justice provides greater space for victims to obtain real recovery.²⁶ Conventional justice systems often neglect the needs of victims because they focus on punishing the perpetrator. Restorative justice changes this paradigm by actively involving victims in the resolution process. However, this approach also requires adequate protection for victims to prevent re-victimization. Therefore, the implementation of restorative justice must be accompanied by robust protection mechanisms. This is an urgent matter that cannot be ignored.

²³ Panu, Ariyanti, Roy Marthen Moonti, and Ibrahim Ahmad. "Reformasi Sistem Peradilan Pidana Anak di Indonesia Antara Diversi, Restoratif, dan Perlindungan Hak Anak." *Politika Progresif: Jurnal Hukum, Politik dan Humaniora* 2.2 (2025): 276-293. <https://doi.org/10.62383/progres.v2i2.1885>

²⁴ Benafa, Yohanis Imanuel. "Efektivitas Penerapan Restorative Justice dalam Sistem Peradilan Pidana Anak: Tinjauan Yuridis dan Sosiologis." *J-CEKI: Jurnal Cendekia Ilmiah* 5.3 (2026): 1524-1534. <https://doi.org/10.56799/j-ceki.v5i3.16510>

²⁵ Sulhan, Nur Atiqah Azzah. "Periodisasi perkembangan anak pada masa remaja: Tinjauan psikologi." *Behavior* 1.1 (2024): 9-36. <https://jurnal.stainmajene.ac.id/index.php/bkpi/article/view/1332>

²⁶ Utami, Feby Reski, Litya Surisdani Anggraeniko, and Auliah Ambarwati. "Perlindungan Korban dalam Kerangka Keadilan Restoratif pada Pembaharuan Sistem Hukum Nasional." *Locus: Jurnal Konsep Ilmu Hukum* 6.1 (2026): 226-235. <https://doi.org/10.56128/jkih.v6i1.895>



Theoretically, restorative justice aligns with the theory of the purpose of punishment, which focuses on rehabilitation and prevention. This approach is more effective in reducing recidivism rates than retributive approaches. In the context of juvenile crime, the goal of rehabilitation is crucial because children still have the potential to change. Therefore, a punitive approach without providing room for improvement becomes irrelevant. Restorative justice creates space for such change through a participatory process. This strengthens the argument for the urgency of its implementation. However, the implementation of restorative justice also faces various normative challenges, particularly related to standards and limitations. Not all types of crimes can be resolved through a restorative approach. Therefore, clear criteria are needed to determine cases that are eligible for restorative resolution. Without clear boundaries, there is a risk of abuse that can harm victims. In this context, the state must remain present as a monitor and guarantor of justice. Restorative justice must not sacrifice the principle of justice for the sake of efficiency.

Within a progressive legal framework, the urgency of restorative justice reflects the need to make the law more responsive to social realities. The law must not be trapped in formalities that ignore human values. Restorative justice offers a more flexible and contextual approach. However, this paradigm shift requires the courage of law enforcement officials to move beyond conventional thinking. Without a change in legal culture, restorative justice will be difficult to implement optimally. Therefore, the urgency also encompasses the transformation of legal culture.

Within the criminal law policy dimension, restorative justice can be viewed as a strategy to reduce the burden on the justice system and correctional institutions. Overcrowding in correctional institutions is a serious problem that impacts the quality of correctional services.²⁷ By shifting child cases to restorative mechanisms, this burden can be significantly reduced. However, this policy must be balanced with strengthening the capacity of supporting institutions such as mediators and social workers. Without adequate institutional support, the implementation of restorative justice will be ineffective. Therefore, this urgency is also structural. Furthermore, restorative justice is also relevant to the values of Indonesian local wisdom that prioritize deliberation and peace. This approach aligns with the legal culture of society, which prioritizes harmony over conflict. Integrating local values with modern legal principles can strengthen the legitimacy of restorative justice. However, legal modernization often ignores these values. Therefore, the implementation of restorative justice also represents an effort to return the law to its social roots. This is part of the cultural urgency.

However, it must be acknowledged that the implementation of restorative justice cannot be done instantly without systemic readiness. Training for law enforcement officers, increased public awareness, and the development of clear technical guidelines are required. Without such preparation, restorative justice has the potential to become merely a formality. Therefore, the urgency of its implementation must be accompanied by a well-thought-out implementation strategy. This is crucial to ensure that the goals of restorative justice can be optimally achieved. Ultimately, the urgency of implementing restorative justice in handling juvenile crime in Indonesia reflects the need to build a more humane, just, and future-oriented legal system. This approach benefits not only perpetrators and victims but also society as a whole. By prioritizing restoration and responsibility, restorative justice can create a balance between individual and social interests. Therefore, its implementation must be a priority in reforming the juvenile criminal justice system. Without such steps, the legal system will remain trapped in an outdated paradigm that is no longer relevant to the needs of the times.

²⁷ Imasti, Andi Talitha Miranda, and Mitro Subroto. "Dampak Overcrowded bagi Kesehatan Narapidana Wanita Hamil di Lembaga Pemasyarakatan." *Jurnal Intelektualita: Keislaman, Sosial Dan Sains* 12.02 (2023). <https://doi.org/10.19109/intelektualita.v12i002.19836>

CONCLUSIONS

The urgency of implementing restorative justice in addressing juvenile crime in Indonesia is not simply a policy choice, but rather an unavoidable normative and systemic necessity. The dominant retributive approach has proven incapable of addressing the complexities of juvenile crime and tends to reinforce stigma, increase recidivism, and neglect the interests of victims and the future of perpetrators. In contrast, restorative justice offers a more comprehensive paradigm by prioritizing the restoration of social relations, perpetrator responsibility, and victim protection, aligning with the principles of humanity, substantive justice, and the best interests of children as guaranteed by the constitutional framework and positive law. However, its effectiveness depends heavily on consistent implementation, clear normative boundaries, and the readiness of the legal structure and culture of law enforcement officials. Without paradigm transformation and institutional strengthening, restorative justice has the potential to be reduced to mere procedural formality. Therefore, optimizing the implementation of restorative justice must be prioritized in reforming the juvenile criminal justice system to achieve laws that are not only certain but also fair and oriented towards long-term benefits.

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