



The Principle of Restorative Justice in the Settlement of Children's Cases: A Literature Analysis of Practice in Indonesia

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Abstract

The implementation of restorative justice in Indonesia's juvenile criminal justice system has become a significant paradigm shift aimed at prioritizing the best interests of the child. Through Law Number 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA) and Supreme Court Regulation Number 4 of 2014, diversion is emphasized as an alternative to formal prosecution. This study analyzes the legal framework, implementation practices, challenges, and opportunities of restorative justice in resolving juvenile cases in Indonesia. Using a qualitative approach with juridical-normative and sociological-empirical methods, data were collected through literature review, in-depth interviews, and participant observations in Jakarta, Bandung, and Yogyakarta. Findings reveal that while restorative justice has legal support and cultural alignment with local values of deliberation and mutual cooperation, its implementation faces obstacles. These include inconsistent application by law enforcement officers, lack of specialized training, limited supporting facilities, and societal stigma toward child offenders. Active family and community involvement are identified as critical factors for successful reintegration, yet negative perceptions hinder effective restorative processes. The absence of systematic evaluation and monitoring further impedes sustainable implementation. This study recommends strengthening capacity building for law enforcement, increasing public education, enhancing infrastructure and facilities, and establishing structured evaluation mechanisms. Through collaborative efforts among stakeholders, restorative justice can be optimized as a humane and effective approach to rehabilitating juvenile offenders and fostering their reintegration into society.

Keywords: Child offender, diversion, juvenile criminal justice, restorative justice

1. Introduction

The juvenile criminal justice system in Indonesia has undergone a significant transformation with the adoption of a restorative justice approach. This approach emphasizes restoring relationships between perpetrators, victims, and the community, and prioritizing the best interests of the child. This is reflected in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA), which emphasizes the importance of diversion as an effort to resolve cases outside the formal judicial process (Sukereni, 2022).

Restorative justice aims to avoid stigmatization of children in conflict with the law. Through the diversion mechanism, children can avoid the judicial process that has the potential to damage their future. However, the implementation of this approach in Indonesia still faces various challenges, including the lack of understanding of law enforcement officers and the community regarding the concept of restorative justice (Lubis and Siregar, 2021; Sahren et al., 2024).

Lin et al. (2023) showed that the success of the implementation of restorative justice is highly dependent on the synergy between various parties, including law enforcement officers, families, and the community. Active participation of all parties in the process of resolving children's cases is the main key to achieving the goals of restorative justice.

On the other hand, there is still a negative perception in society towards children involved in criminal acts. Stigmatization and social exclusion can hinder the process of reintegrating children into society (Ulfa et al., 2023). Therefore, education and socialization regarding the importance of restorative justice need to be increased to change the paradigm of society. In practice, the implementation of restorative justice also requires adequate policy and regulatory support. Supreme Court Regulation Number 4 of 2014 concerning Guidelines for the Implementation of

Diversion in the Juvenile Criminal Justice System is one effort to strengthen the implementation of this approach (Atika et al., 2025).

However, another challenge faced is the limited resources and supporting facilities, such as fostering and counseling institutions for children. The availability of adequate facilities and infrastructure is very important to support the process of rehabilitation and reintegration of children into society (Wanglar, 2021). In addition, the role of the family in the restorative justice process cannot be ignored. The involvement of parents or guardians in the process of resolving children's cases can provide significant emotional and moral support for children, as well as assist in the process of recovery and guidance (Klar-Chalamish and Peleg-Koriat, 2021).

The importance of the restorative justice approach is also reflected in various studies showing that children who undergo this process have a greater chance of not repeating criminal acts in the future (Pan, 2023). This shows the effectiveness of this approach in supporting the rehabilitation and reintegration of children.

However, to achieve optimal results, training and capacity building are needed for law enforcement officers and other professionals involved in the juvenile justice system. A deep understanding of the principles and practices of restorative justice will improve the quality of juvenile case resolution (April et al., 2023).

Thus, the restorative justice approach in resolving juvenile cases in Indonesia requires commitment and cooperation from various parties. Through an analysis of existing literature and practices, this article aims to identify challenges and opportunities in the implementation of restorative justice, as well as provide recommendations to strengthen a fairer and more humane juvenile criminal justice system.

2. Literature Review

2.1. National legal and policy framework

Indonesia has adopted a restorative justice approach through Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA), which emphasizes the importance of diversion as an effort to resolve juvenile cases outside the formal court process (Sukerani, 2022). The main goal of diversion is to prevent the stigmatization of children in conflict with the law and to facilitate the restoration of relationships between offenders, victims, and the community. This approach aligns with child protection principles and the best interest of the child, as recognized both nationally and internationally.

However, despite the existence of a legal framework, implementation of the SPPA Law continues to face significant challenges. One of the primary obstacles is the limited understanding among law enforcement officials and the general public regarding the philosophy and procedures of restorative justice (Rayhan, 2024). In response to these challenges, the Supreme Court issued Regulation Number 4 of 2014 on Guidelines for the Implementation of Diversion, aiming to provide a more practical framework for law enforcement officials in applying restorative justice principles effectively (Atika et al., 2025). Nevertheless, continued institutional support and consistent law enforcement practices are needed to fully realize the law's intent.

2.2. The role of family and community in the restorative process

The success of restorative justice largely depends on the active involvement of families and community members. The presence of parents or guardians throughout the resolution process not only provides emotional and moral support for the child but also plays a critical role in their psychological recovery and development. Family engagement helps build a protective environment that encourages behavioral change and prevents reoffending.

In addition, the community plays a vital role in the reintegration of children into society after the resolution of their cases. A supportive and inclusive community can provide opportunities for children to rebuild trust and reestablish their social identity. However, negative perceptions and stigmatization of children who have committed offenses remain widespread. These attitudes can significantly hinder the reintegration process and even lead to re-marginalization. Therefore, public education and awareness campaigns are essential to transform societal views and foster acceptance of restorative practices (Klar-Chalamish and Peleg-Koriat, 2021).

2.3. Limited resources and supporting facilities

The implementation of restorative justice requires sufficient resources and supporting infrastructure, such as child rehabilitation institutions and counseling centers. These facilities are essential for facilitating mediation, delivering psychological support, and conducting educational and rehabilitation programs tailored to the needs of the child (Lodi et al., 2021). Physical spaces, such as mediation rooms and community service centers, also play a role in creating a safe and constructive environment for conflict resolution.

Despite this need, many regions in Indonesia still suffer from a lack of adequate facilities. The limited availability of trained professionals, under-resourced rehabilitation centers, and insufficient funding pose major obstacles to

implementing restorative justice effectively. In several cases, law enforcement officials report being unable to carry out appropriate restorative interventions due to these limitations. This resource gap directly impacts the quality and sustainability of the rehabilitation process and undermines the potential benefits of restorative justice (Hofer and Savell, 2021).

2.4. Training and capacity building for law enforcement officials

To ensure the effective implementation of restorative justice, it is crucial to equip law enforcement officials and other professionals in the juvenile justice system with a strong understanding of restorative principles. Training and capacity building are essential for developing the knowledge and skills necessary to apply restorative justice appropriately and sensitively (Nasution & Afrianti, 2022). Without proper training, there is a risk that restorative practices will be misapplied or reduced to formalities without true engagement with the restorative process.

Capacity-building efforts should go beyond legal training and include the development of interpersonal communication, mediation techniques, child psychology, and cultural sensitivity. Ongoing and structured training programs can foster professionals who are not only legally competent but also empathetic and capable of facilitating meaningful dialogue between stakeholders. The government and related institutions must prioritize such training as part of a broader strategy to institutionalize restorative justice within the juvenile system.

2.5. Evaluation and monitoring of the implementation of restorative justice

To ensure that restorative justice achieves its intended objectives, there must be a systematic mechanism for evaluation and monitoring. Evaluation plays a critical role in identifying barriers and shortcomings in the implementation process and provides actionable insights for refining policy and practice. Without regular assessment, there is a risk that restorative justice will deviate from its core principles and fail to deliver meaningful outcomes for children in conflict with the law (Gunawan et al., 2024).

Moreover, consistent monitoring is necessary to guarantee that restorative justice is applied fairly and effectively across various regions. Monitoring mechanisms should include clear performance indicators, reporting standards, and feedback loops to inform continuous improvement. The involvement of independent observers or civil society organizations can enhance transparency and accountability in the monitoring process. Establishing a comprehensive national monitoring framework will not only promote best practices but also build public trust in restorative justice as a legitimate and humane approach to juvenile justice.

3. Methods

This study uses a qualitative approach with a juridical-normative method and a sociological-empirical approach. This approach was chosen to analyze in depth the legal framework and implementation of the principles of restorative justice in resolving juvenile cases in Indonesia, as well as to understand the challenges and opportunities faced in practice.

3.1. Juridical-Normative Approach

The juridical-normative method is used to analyze legal documents, regulations, and policies that constitute the framework for restorative justice within the juvenile criminal justice system. Key legal sources include Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA), as well as Supreme Court Regulation Number 4 of 2014, which provides implementation guidelines for diversion. These regulations are examined to assess their alignment with restorative justice principles and international standards on children's rights.

In addition to national legislation, this approach also reviews relevant sections of the Indonesian Criminal Procedure Code (KUHP) and other implementing regulations. The objective is to critically evaluate whether existing laws support or hinder the application of restorative justice and to identify legal ambiguities or gaps that may lead to inconsistent enforcement. This normative analysis provides a foundation for understanding the legal commitments made by the state in supporting child-focused justice reform.

3.2. Sociological-Empirical Approach

To complement the normative analysis, a sociological-empirical approach is employed to understand the realities of restorative justice implementation in practice. This method focuses on exploring the lived experiences of individuals and institutions involved in the juvenile justice process, especially those who interact directly with child offenders and victims. Field data were collected to capture social attitudes, institutional behavior, and procedural dynamics related to restorative justice.

Data collection included in-depth interviews with a range of stakeholders, such as police officers, prosecutors, judges, community guidance officers, social workers, families of juvenile offenders, victims, and local community members. These interviews aimed to uncover how restorative justice is understood, applied, and experienced by those on the ground. The research also included observations of activities in child development institutions and diversion forums to gain firsthand insight into the actual execution of restorative practices. A total of 15 participants were selected using purposive sampling, focusing on those directly involved in restorative justice practices between 2020–2023.

3.3. Data Collection and Analysis Techniques

Primary data for this study were collected through qualitative methods, specifically semi-structured interviews and participant observation. These methods allowed for flexibility in exploring complex themes while still ensuring comparability across different research sites. Interviews were conducted face-to-face where possible, and informed consent was obtained from all participants prior to data collection.

Secondary data were obtained through document reviews, including academic journals, government policy documents, NGO reports, and previous research related to juvenile justice and restorative practices. The collected data were analyzed using thematic analysis techniques. This involved coding responses and categorizing them into recurring themes, allowing for the identification of patterns and contradictions. Triangulation was applied by comparing insights from different data sources and methods, enhancing the validity and reliability of the study's findings.

3.4. Research Locations and Subjects

The study was conducted in multiple urban locations in Indonesia where restorative justice programs have been initiated or piloted, including Jakarta, Bandung, and Yogyakarta. These cities were selected to reflect diverse institutional capacities, socio-cultural contexts, and levels of program implementation. Such diversity allowed for a more nuanced comparison and a broader understanding of national trends and regional variations.

The research involved a purposive sampling of subjects who have direct experience with juvenile justice and restorative processes. These included law enforcement officials (police, prosecutors, and judges), correctional officers, community facilitators, social workers, children in conflict with the law, their families, victims, and members of the local community. This broad range of perspectives contributed to a holistic understanding of the effectiveness and challenges of restorative justice in various contexts.

3.5. Research Ethics

This study was conducted with a strong commitment to ethical research practices. All participants were informed about the purpose of the study and gave their consent before participating. The researcher ensured that all interviews and observations were conducted respectfully and with minimal risk to participants, especially vulnerable groups such as children and victims of crime.

Confidentiality and anonymity were maintained throughout the research process, with identifying details omitted or coded in the final reporting. Participation was entirely voluntary, and participants could withdraw at any time without consequence. In line with ethical standards, the research design also included safeguards to avoid psychological or emotional harm to subjects, particularly during discussions of sensitive experiences. Through these ethical considerations, the study sought to uphold the dignity and rights of all involved while generating valuable insights into Indonesia's restorative justice system.

4. Results and Discussion

4.1. Level of Understanding and Implementation of Restorative Justice by Law Enforcement Officials

Interviews conducted with law enforcement officials in Jakarta, Bandung, and Yogyakarta reveal a mixed level of understanding regarding restorative justice principles. Many officers are aware of the basic concept of diversion and its goal of protecting children from the formal criminal justice system. However, when it comes to practical implementation, the application is inconsistent and often varies significantly between jurisdictions. Several officers recognize the benefits of this approach, such as its child-friendly and humane character, yet still express uncertainty about how to operationalize it effectively.

For instance, a police investigator in Bandung reported that while he had received initial training on restorative justice, he still lacked confidence when facilitating mediation sessions between offenders and victims. Similarly, a prosecutor in Yogyakarta noted the absence of clear procedural guidance, which made it difficult to determine when

and how to apply diversion appropriately. These findings point to a critical need for continuous professional development and practical mentoring. Without these supports, the implementation of restorative justice risks becoming superficial and deviating from its intended purpose.

4.2. The Role of Family and Community in the Restorative Process

The participation of families and communities is central to the success of restorative justice, as these social units provide emotional, moral, and practical support to children during the justice process. In Yogyakarta, cultural values such as *musyawarah* (deliberation) and *gotong royong* (mutual assistance) enhance community engagement in the restorative process. Families in this region are more likely to attend mediation sessions and actively participate in discussions, reflecting a community-based approach that aligns well with restorative principles.

However, the situation differs in urban areas like Jakarta, where social fragmentation and stigma present substantial barriers. Community members and even victims' families sometimes reject the idea of reconciliation, perceiving juvenile offenders as dangerous or undeserving of second chances. This social resistance contributes to the isolation of children and hampers their reintegration into the community. These findings highlight the need for broader public education and awareness campaigns that promote restorative justice not only as a legal mechanism but as a social responsibility shared by all stakeholders.

4.3. Availability of Resources and Supporting Facilities

Field observations across the research locations indicate that there is a significant shortage of facilities and human resources to support the restorative justice process. In Bandung, for example, there is only one operational child rehabilitation institution serving the entire city. As a result, the facility experiences overcapacity, staff shortages, and inadequate service quality. This situation undermines the effectiveness of rehabilitation programs and places additional strain on social workers and law enforcement personnel.

Moreover, the lack of dedicated spaces for mediation, limited availability of child psychologists, and the absence of structured reintegration programs make it difficult to carry out meaningful restorative processes. Law enforcement officials in Jakarta also mentioned the logistical challenge of coordinating meetings between victims, offenders, and community representatives due to time, location, and safety constraints. These limitations demonstrate the urgent need for increased investment in infrastructure, personnel training, and inter-agency collaboration to create an environment conducive to restorative justice.

4.4. Evaluation and Monitoring of Restorative Justice Implementation

One of the most critical findings of this study is the lack of a systematic evaluation and monitoring mechanism for restorative justice practices. Interviews revealed that law enforcement agencies rarely receive feedback or formal evaluations of the diversion cases they handle. As a result, there is little understanding of what strategies are working, what challenges persist, or how outcomes differ across cases and regions.

Without structured evaluation, there is also no accountability or benchmark for measuring success. Some officers admitted that they apply diversion based on intuition or pressure to reduce case backlogs, rather than from a child-centered or rights-based perspective. These practices compromise the integrity of the restorative justice framework. Therefore, the development of comprehensive monitoring systems—complete with performance indicators, data tracking tools, and independent oversight—is essential to ensure that the implementation of restorative justice remains consistent, transparent, and focused on the best interests of the child.

4.5. Supporting and Inhibiting Factors for Restorative Justice Implementation

The results of the study indicate that the implementation of restorative justice in resolving juvenile cases in Indonesia is influenced by various supporting and inhibiting factors that play a critical role in determining its success or failure. Based on the analysis of field data and relevant literature, five key supporting factors underpin the effective implementation of this approach.

First, the presence of strong legal and policy support through Law Number 11 of 2012 (UU SPPA) and Supreme Court Regulation Number 4 of 2014 provides a solid legal foundation for diversion efforts. These regulations empower law enforcement officers to settle cases outside the formal court system, thus strengthening the legitimacy of restorative justice (Sukereni, 2022; Atika et al., 2025). Second, local cultural values such as deliberation (*deliberation*) and mutual cooperation (*mutual cooperation*) act as natural facilitators of restorative practices. In many Indonesian communities, conflict resolution has traditionally relied on consensus and family-based mechanisms, making restorative justice more acceptable and culturally aligned (Klar-Chalamish & Peleg-Koriat, 2021).

Third, the active involvement of families and communities is critical to the healing and reintegration process. Parents, guardians, and community leaders who participate in mediation forums provide moral and emotional support for the child, while facilitating the child's re-entry into society. Fourth, the commitment of progressive law enforcement officials contributes to the growing recognition of restorative justice's benefits. Some police officers, prosecutors, and judges are increasingly prioritizing the child's best interests and seeking alternatives to punitive legal processes.

Finally, public awareness campaigns and socialization programs initiated by government agencies, NGOs, and community organizations have played a vital role in promoting the principles of restorative justice. These initiatives have opened space for dialogue and increased public acceptance of diversion and mediation mechanisms. However, several inhibiting factors have been identified that hinder or slow down the implementation of restorative justice.

One major challenge is the limited training and competency of law enforcement personnel. Many officers remain inclined toward retributive justice paradigms rather than rehabilitative or restorative approaches. Without sufficient understanding and consistent application, the restorative process risks are being poorly implemented (Nasution & Afrianti, 2022).

Another significant barrier is societal stigma toward juvenile offenders. Communities often continue to label and marginalize children even after mediation and recovery efforts. This stigma obstructs reintegration and may lead to repeated offending or social isolation (Ulfa et al., 2023). Additionally, insufficient supporting facilities and infrastructure, such as mediation rooms, trained counselors, and child rehabilitation centers impede the delivery of restorative programs. Inadequate facilities reduce the quality and credibility of the process, fostering skepticism among stakeholders (Lodi et al., 2021).

Lastly, the absence of a structured evaluation and monitoring system prevents systematic assessment and continuous improvement. Without clear performance indicators and regular reporting, it is difficult to ensure accountability or measure the long-term impact of restorative justice programs (Gunawan et al., 2024).

4.6. Recommendations

Based on the findings above, several recommendations to strengthen the implementation of restorative justice in the juvenile criminal justice system in Indonesia include:

1. Improving the training and capacity of law enforcement officers through ongoing programs that cover practical and theoretical aspects.
2. Developing supporting infrastructure such as mediation rooms, child development institutions, and adequate counseling services in each region.
3. Conducting public education campaigns to reduce the stigma against child perpetrators of crimes and increase public acceptance of the restorative justice approach.
4. Building an integrated evaluation and monitoring system with clear performance indicators to assess the effectiveness and efficiency of the program.
5. Encouraging collaboration between the government, non-governmental organizations, and local communities in supporting the rehabilitation and reintegration process of children.

By implementing these recommendations, it is hoped that the restorative justice approach can be more effective in creating a just, humane, and recovery-oriented juvenile criminal justice system.

5. Conclusion

The implementation of restorative justice in Indonesia's juvenile criminal justice system represents a progressive shift toward a more humane and child-centered approach. This study contributes to academic discourse by providing empirical evidence of the gaps and strengths within the current system, serving as a foundation for targeted policy recommendations. Supported by a strong legal framework and aligned with local cultural values, restorative justice offers significant potential to resolve juvenile cases while avoiding the negative impacts of stigmatization and formal judicial proceedings.

Nevertheless, the effectiveness of this approach depends on addressing key challenges, including limited understanding and competence among law enforcement officials, insufficient resources, persistent societal stigma, and the lack of evaluation mechanisms. To enhance implementation, it is crucial to provide ongoing training and capacity building for stakeholders, improve infrastructure and facilities, increase public awareness, and develop a robust monitoring and evaluation system. By fostering collaboration among law enforcement, families, communities, and policymakers, Indonesia can strengthen its restorative justice practices, ensuring greater protection, rehabilitation, and reintegration for children in conflict with the law.

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