



Implementation of Restorative Justice Efforts for Children as Criminals from A Progressive Legal Perspective

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Abstract: This study aims to analyze the implementation of restorative justice for juvenile offenders from the perspective of progressive law within the Indonesian juvenile criminal justice system. Restorative justice is conceptualized as a conflict-resolution approach that prioritizes the restoration of relationships between offenders, victims, and the community through participatory dialogue and consensus-based mechanisms. This research employs a qualitative descriptive approach using a literature review method combined with a juridical-empirical perspective by examining legal regulations, policy documents, and scholarly works related to juvenile justice. The scope of the study focuses on the regulatory framework and practical implementation of diversion as stipulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and Supreme Court Regulation Number 4 of 2014. The findings indicate that Indonesia's legal framework has formally incorporated restorative justice through diversion mechanisms that involve offenders, victims, families, and community representatives in resolving juvenile criminal cases. Nevertheless, the practical implementation of this approach still encounters several challenges, including institutional limitations, insufficient capacity among law enforcement officials, and societal legal culture that remains predominantly punitive. As a result, the restorative justice mechanism has not yet fully realized its intended goal of restoring social harmony and ensuring the best interests of the child. This study recommends strengthening institutional capacity within the juvenile justice system, enhancing the competence of law enforcement officials in facilitating diversion processes, and promoting public legal awareness regarding restorative justice values. This research contributes theoretically by reinforcing the relevance of progressive legal thought in the juvenile justice system while offering a critical analysis of the gap between the normative design of restorative justice and its practical implementation in Indonesia.

Keywords: diversion; juvenile criminal justice system; juvenile offenders; progressive law; restorative justice.

Introduction

The increasing number of children in conflict with the law (ABH) in recent years is an indicator of the crisis in child protection within Indonesia's criminal justice system. Children are not only victims of criminal acts but are also increasingly appearing as perpetrators facing formal legal mechanisms. This situation highlights a paradox within the national legal system: on the one hand, the state has a relatively progressive normative framework through Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, but on the other, law enforcement practices are often trapped in a retributive paradigm that places punishment as the primary instrument of justice (Hermi, 2022). This retributive paradigm is reflected in the tendency of law

enforcement officials to still prioritize the formal justice process as the primary avenue for resolving juvenile criminal cases. Investigation, prosecution, and trial remain the dominant mechanisms used when a child is suspected of committing a crime. However, the fundamental philosophy of the Juvenile Criminal Justice System emphasizes a more humanistic approach, prioritizing recovery, social reintegration, and protecting the child's future (Wulan et al., 2025).

In this context, the concept of restorative justice is highly relevant as an alternative paradigm for law enforcement that focuses more on recovery. Restorative justice does not view crime solely as a violation of the state, but rather as a social conflict involving the relationships between the perpetrator, the victim, and the community. Therefore, its resolution focuses not only on punishment but also on restoring social relationships disrupted by the crime (Jamaludin, 2021). The urgency of implementing a restorative approach in the juvenile criminal justice system is further emphasized by empirical data on the number of children undergoing formal legal proceedings. Data from the Directorate General of Corrections, accessed on September 7, 2025, shows that 447 children remain incarcerated and their legal proceedings have not yet reached final and binding judgment, while 1,601 children are currently serving their sentences in correctional institutions. This data demonstrates that a punitive approach still dominates law enforcement practices against children (Maxey et al., 2025).

Figures are not merely administrative statistics, but rather reflect a structural dilemma within the juvenile criminal justice system. When children are placed in formal justice mechanisms, their psychological, social, and moral development is at significant risk. Recent research shows that experiences with the formal justice system can increase the likelihood of social stigmatization and increase the likelihood of children reoffending in the future (Putri & Nugroho, 2024). Within this framework, the implementation of restorative justice through diversion mechanisms is a crucial instrument to ensure that law enforcement does not rob children of their future. Diversion is an effort to divert the resolution of children's cases from the formal criminal justice process to an out-of-court settlement mechanism that emphasizes dialogue, moral responsibility, and restoring relationships between perpetrators and victims (Maryuni et al., 2025). This approach allows children to understand their mistakes without having to go through a judicial process that could potentially damage their psychological development.

Furthermore, a restorative approach not only provides space for recovery for the perpetrator, but also for the victim and the community. In practice, resolving cases through restorative dialogue allows victims to gain recognition for their suffering and opens up space for constructive reconciliation (Irhammudin & Edrisy, 2022). Thus, the legal process becomes more than just an arena for punishment, but also a medium for social transformation that repairs societal relations damaged by criminal acts. Amidst this complexity, this study begins with the fundamental question of how the application of restorative justice efforts to children as perpetrators of criminal acts can be understood from a progressive legal perspective. This perspective is crucial because progressive law places humans as the primary goal of law, not the other way around. Therefore, a legal approach oriented toward restoring children's futures serves as both an ethical and philosophical foundation for examining the effectiveness of restorative justice implementation in the juvenile criminal justice system in Indonesia (Ismail et al., 2025).

The development of the restorative justice concept in Indonesia is inextricably linked to the dynamics of modern legal thought, which seeks to shift the paradigm of law enforcement from a punitive orientation to a more humanistic approach. In the context of juvenile criminal justice, the restorative approach emerged as a response to criticism of the conventional criminal justice system, which often fails to equitably address the needs of victims, perpetrators, and the community. This approach places dialogue, reconciliation, and restoration as key elements in resolving legal conflicts (Akbar, 2022). Restorative justice is essentially a paradigm that views criminal acts as violations of social relationships that must be repaired. Therefore, the primary focus of the case resolution process is not solely on punishing the perpetrator, but rather on repairing the losses suffered by the victim and restoring social balance within society. This approach emphasizes the importance of active participation from all parties affected by the crime, including the perpetrator, the victim, their family, and the social community where the incident occurred (Rochaeti & Muthia, 2021).

Within a broader theoretical framework, the concept of restorative justice is closely linked

to the idea of progressive law introduced by Satjipto Rahardjo (Rahardjo, 2003). Progressive law rejects the legalistic view that views law merely as a collection of rules to be applied mechanically. Instead, progressive law positions law as an instrument for realizing substantive justice that favors humanity (Fauzan, 2020). From a progressive legal perspective, law enforcement should not be trapped solely by textual interpretation of laws and regulations (Harahap & Tanjung, 2024). Law enforcers are required to understand the moral meaning and social purpose of the law itself. Therefore, in cases involving children in conflict with the law, the application of restorative justice is a concrete manifestation of the spirit of progressive law, which strives to prioritize the best interests of children in law enforcement (Utami et al., 2022).

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System explicitly adopted these principles through the mandatory implementation of diversion at every stage of the juvenile criminal justice process. Diversion is a legal instrument that allows juvenile cases to be resolved outside of court through a dialogical approach involving the perpetrator, victim, family, and community leaders. This mechanism is expected to create a fairer, more humane, and more socially rehabilitative resolution (Zainuddin & Hambali, 2023). In practice, the success of restorative justice implementation depends heavily on the active participation of stakeholders. Perpetrators are expected to acknowledge their mistakes and accept responsibility for the impact of their actions. Meanwhile, victims are given space to share their experiences of suffering and determine the form of recovery they desire. This process allows for constructive dialogue between perpetrators and victims, opening the door to authentic reconciliation (Holder & Englezos, 2024).

In addition to providing benefits for both perpetrators and victims, the implementation of restorative justice also has a positive impact on the criminal justice system as a whole. This approach can reduce the caseload in courts and reduce overcrowding in correctional institutions. Recent research shows that consistent implementation of diversion mechanisms can reduce recidivism rates among juveniles and increase their chances of social reintegration into society (Lestari & Rasji, 2024). Thus, restorative justice can be understood not only as a criminal case resolution technique but also as a new paradigm within the legal system that places social restoration as the primary goal of justice. In the context of juvenile criminal justice, this approach is a crucial tool to ensure that the law is not merely an instrument of punishment but also a space for moral learning that allows children to correct their mistakes and return to being productive members of society.

Method

This research uses a qualitative descriptive approach with a literature review within an empirical legal research framework. This approach was chosen to comprehensively understand the concept and practice of implementing restorative justice in handling crimes involving children as perpetrators. Empirical legal research allows researchers to examine the relationship between legal norms written in legislation and the reality of law enforcement practices in society (Irianto & Shidarta, 2020). Through this approach, law is understood not only as a normative text but also as a social phenomenon influenced by institutional dynamics and the practices of law enforcement officials. The research design was developed through several systematic stages: determining the theoretical framework, collecting data, analyzing the process, and drawing conclusions. The first stage involved identifying key theories relevant to the research, particularly restorative justice theory, child protection theory, and progressive legal perspectives. The next stage focused on data collection through a literature review of various academic sources and policy documents related to the juvenile criminal justice system in Indonesia. This approach enabled researchers to gain a deeper understanding of the development of the concept of restorative justice in contemporary legal practice (Creswell & John, 2018).

This research targets key actors in the juvenile criminal justice system, particularly law enforcement officials authorized to implement restorative justice mechanisms. These include the police, the institution responsible for the investigation and inquiry phase, the prosecutor's office, the party responsible for the prosecution, and judges, who have the authority to decide cases in court. These three institutions are key elements in determining the extent to which the principles

of diversion and restorative justice can be effectively implemented in juvenile criminal justice practice (A. Rahman et al., 2022). This research relies on secondary data obtained from various scientific sources, including academic journal articles, legal reference books, government policy documents, and research reports related to the application of restorative justice in the juvenile criminal justice system. Secondary data was selected because it provides a comprehensive overview of the conceptual and implementation developments of the restorative justice approach in both national and international legal contexts. Furthermore, the use of diverse literature sources enabled the researcher to triangulate data, thereby enhancing the validity of the resulting analysis (Snyder, 2019).

The data analysis process was conducted descriptively and critically by examining various previous research findings and comparing them with the normative framework stipulated in laws and regulations. Descriptive analysis was used to identify patterns of restorative justice implementation in handling juvenile criminal cases, while critical analysis aimed to uncover structural and institutional barriers that influence the effectiveness of these mechanisms. Through this approach, the research not only describes existing empirical conditions but also provides a critical reflection on ongoing law enforcement practices (Flick, 2022). Based on the analysis, this study then formulates conclusions that reflect the current state of restorative justice implementation in the juvenile criminal justice system in Indonesia. Furthermore, this study also develops recommendations that can be used as considerations for policymakers and law enforcement officials in optimizing the implementation of restorative justice mechanisms. Therefore, this research is expected to provide both academic and practical contributions to strengthening the legal protection system for children in conflict with the law in Indonesia.

Results and Discussion

Developments in contemporary legal thought indicate that the restorative approach is increasingly gaining legitimacy as an alternative paradigm in resolving juvenile criminal cases. In many countries, this approach is no longer viewed as a normative experiment, but rather as a policy strategy capable of simultaneously integrating dimensions of justice, social recovery, and child rights protection. In Indonesia, normative recognition of this approach is reflected in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which places restorative justice and diversion mechanisms as the primary foundations in resolving cases involving juveniles as perpetrators of criminal acts (Wibowo et al., 2023).

This law represents a significant paradigm shift in the national criminal justice system. While previously the criminal law approach to children tended to prioritize punishment as the primary instrument, through the Juvenile Justice System (SPPA), the state seeks to introduce a more humanistic and recovery-oriented conflict resolution model. Article 1 paragraph (6) of the SPPA defines restorative justice as a case resolution mechanism involving the perpetrator, victim, both parties' families, and the community to achieve a just resolution with an emphasis on restoring the original situation, rather than retaliation. This formulation demonstrates that the orientation of juvenile criminal law is no longer merely upholding norms, but also restoring social relations disrupted by criminal acts (Prasetyo, 2021).

The concept of diversion, as stipulated in the SPPA (Child Protection and Rehabilitation Service), is a concrete instrument for realizing the principle of restorative justice. Diversion provides law enforcement officials with the opportunity to divert the resolution of juvenile cases from litigation to a more participatory, dialogical mechanism. Through this process, children, as perpetrators, are not immediately confronted with the formal punishment system, which often leads to social stigmatization. Instead, children are encouraged to understand their mistakes and take responsibility for the impact of their actions through a deliberation mechanism involving the victim and the community (Utami et al., 2022). From a modern criminal policy perspective, the implementation of diversion has significant implications for protecting children's futures. Recent research shows that formal justice processes can have a labeling effect that has the potential to reinforce a child's criminal identity. This stigmatization not only impacts the child's psychological well-being but also impacts their chances of social reintegration. Therefore, a restorative approach is seen as a more constructive strategy for breaking the chain of crime at an

early age (Putri & Nugroho, 2024).

In practice, the successful implementation of restorative justice depends heavily on the active participation of stakeholders in the juvenile criminal justice system. Article 93(d) of the Juvenile Justice and Child Protection Law emphasizes the importance of community involvement in the case resolution process through a restorative approach. This provision emphasizes that resolving legal conflicts is not solely the responsibility of the state but also a social responsibility involving the community in which the child lives. Thus, restorative justice functions not only as a legal mechanism but also as an instrument for reconstructing social relations within society (Maglione, 2022). The concept of restorative justice has also long been developed in criminal law literature by legal scholars. Muladi, for example, argues that crime, from a restorative perspective, is not merely viewed as a violation of the state, but rather as a conflict between individuals that must be resolved through dialogue and reconciliation. This approach positions crime as a social phenomenon requiring a resolution based on human relations, rather than simply the application of formal sanctions (Lampkin & White, 2023).

One of the main characteristics of the restorative approach is a shift in perspective on the nature of crime itself. In the retributive paradigm, crime is understood as a violation of legal norms that must be repaid through punishment. Conversely, in the restorative paradigm, crime is viewed as a social conflict that causes harm to the victim and society. Therefore, its resolution must be directed at restoring social relations and repairing the harm caused by the act (Braithwaite, 2022). The restorative approach also positions dialogue as the primary mechanism for resolving criminal conflicts (Focquaert et al., 2024). This dialogue process allows the perpetrator and victim to meet face-to-face in a forum facilitated by a mediator or law enforcement officer. In this forum, the perpetrator is given the opportunity to acknowledge their mistakes and understand the impact of their actions on the victim. Conversely, the victim is given a space to express their experiences of suffering and determine the form of recovery they desire (Daly, 2021).

In this context, restitution is a crucial instrument in realizing restorative justice. Restitution is understood not only as material compensation for losses but also as a symbol of the perpetrator's moral responsibility to the victim. Through this mechanism, perpetrators are encouraged to actively repair the harm caused by their actions. This process has strong educational value because it enables perpetrators to understand the social consequences of their actions (UNICEF, 2023). Furthermore, the restorative approach positions the community as the primary facilitator in the social recovery process (Hampton et al., 2024). Within this framework, the community is no longer positioned as a passive spectator in the criminal justice system, but rather as an actor with a crucial role in rebuilding social relationships damaged by crime. Community participation in the restorative process also helps reduce social stigma against perpetrators, thus facilitating the child's social reintegration after the case is resolved (Holder & Englezos, 2024).

The involvement of victims in the restorative process is also one aspect that distinguishes this approach from conventional criminal justice systems. In retributive systems, victims are often merely witnesses in state-dominated judicial proceedings. In contrast, in a restorative approach, victims are given greater space to directly express their experiences and needs. This approach acknowledges the victim's suffering while opening up opportunities for more authentic reconciliation between the perpetrator and victim (Gallen & Moffett, 2022). For perpetrators, the restorative process also has a crucial moral transformation dimension. When perpetrators are directly confronted with the impact of their actions on the victim, a moral awareness emerges that is often not achieved through formal punishment mechanisms. This awareness encourages perpetrators to take more sincere responsibility for their wrongdoing. Thus, the restorative process serves not only as a conflict resolution mechanism but also as a means of moral education for perpetrators (Velez & Gavrielides, 2022).

The restorative approach also has significant implications for eliminating social stigma against criminals. In the conventional criminal justice system, stigma often attaches to individuals who have undergone the judicial process, even after they have completed their sentences (Benson et al., 2011). This stigma can hinder social reintegration and increase the risk of recidivism. In contrast, the restorative approach seeks to eliminate this stigma through a

process of reconciliation and re-acceptance of offenders into their social communities (Lestari & Rasji, 2024). In the context of juvenile criminal justice in Indonesia, the implementation of restorative justice also has a significant impact on the issue of overcrowding in correctional institutions. Data shows that many juvenile correctional institutions are experiencing overcrowding, potentially hampering the rehabilitation process (Maninchedda et al., 2023). By prioritizing diversion mechanisms, the majority of juvenile cases can be resolved out of court, thereby reducing the number of juveniles serving prison sentences.

Through these various dimensions, it can be concluded that the restorative justice approach is not simply an alternative mechanism for resolving juvenile criminal cases, but also a new paradigm in the legal system that places social restoration as the primary goal of justice. This approach emphasizes that the law functions not merely as a means of punishment but also as a means of social transformation, enabling individuals to correct mistakes and return to being a constructive part of society (Auerbach, 2024). The development of the juvenile criminal justice system in Indonesia demonstrates a significant paradigm shift from a retributive approach to a more humanistic, restorative approach. In this paradigm, punishment is no longer viewed as the sole means of responding to legal violations committed by children. Instead, the modern legal system has begun to prioritize the best interests of the child at every stage of the legal process. This principle aligns with the provisions of the Juvenile Criminal Justice System Law, which emphasizes that punishment should be a last resort, or *ultimum remedium*, while resolution through a restorative approach should be prioritized (Susila & Yonar, 2024a).

This approach stems from the recognition that formal justice processes often have serious psychological and social impacts on children. When a child is processed through the conventional criminal justice system, social stigma and labeling as a "criminal" can hinder their social development and disrupt their future. Therefore, a restorative approach offers a more constructive alternative solution by emphasizing the restoration of social relationships between the perpetrator, victim, and community. In this context, the legal process is not solely aimed at punishment, but rather at restoring the social balance disturbed by the crime (Rustam & Wibawa, 2025). In practice, informal resolution mechanisms through restorative justice are often implemented through a mediation process facilitated by law enforcement officials. This process brings together the perpetrator, victim, their respective families, and community leaders to jointly seek a just and constructive solution. Through this open dialogue, children in conflict with the law are encouraged to understand the impact of their actions and assume moral responsibility for the victim. Thus, restorative justice emphasizes not only conflict resolution but also a social learning process that can prevent future recurrence of criminal acts (Anshorullah, 2025).

The success of implementing a restorative approach depends heavily on the ability of law enforcement officers to manage the mediation process professionally and sensitively to the child's psychological well-being. In many cases, this process not only results in a peaceful agreement between the perpetrator and victim but also opens up opportunities for social rehabilitation for the child perpetrator. For example, the child may be required to participate in educational programs, skills training, or specific social activities aimed at improving their behavior and enhancing their personal capacity. This approach emphasizes that the primary goal of the juvenile justice system is development, not retribution (Erdin et al., 2025). However, the implementation of the restorative approach in Indonesia still faces various structural and cultural challenges. One major obstacle is the limited understanding of the concept of restorative justice among law enforcement officials. Officers often view the diversion process as merely an administrative procedure without understanding the restorative philosophy that lies at the heart of the approach. Furthermore, the prevailing legal culture, which still tends to demand harsh punishments for perpetrators, often hinders the implementation of restorative justice (Sarwadi & Bawono, 2021).

On the other hand, the success of a restorative juvenile justice system is also largely determined by the institutional readiness that supports its implementation. Institutions such as Correctional Institutions (BAPAS), Temporary Child Placement Institutions (LPAS), and Special Child Development Institutions (LPKA) play a strategic role in ensuring the effective development of children. These institutions serve not only as shelters but also as social rehabilitation centers, helping children develop their potential after facing legal challenges (Susila & Yonar, 2024b). The availability of competent human resources is a crucial factor in

supporting the success of this development model. Correctional officers, social workers, and community counselors must possess a multidisciplinary understanding encompassing legal aspects, child psychology, and social dynamics. Without adequate competency, the development process has the potential to become merely an administrative procedure that does not significantly impact children's behavior. Therefore, increasing the capacity of human resources in the juvenile justice system is a crucial agenda item in criminal law reform in Indonesia (Gultom et al., 2025).

Within the normative framework, the Juvenile Criminal Justice System Law also establishes a minimum age limit for criminal responsibility for children (Damm et al., 2025). This provision stipulates that children in conflict with the law are those aged between twelve and eighteen. Meanwhile, criminal penalties can only be imposed on children who are at least fourteen years old. This provision demonstrates an effort to adapt the legal system to the psychological development of children who are not yet fully mature in understanding the legal consequences of their actions (Donger, 2022). Establishing this age limit has important implications for determining the appropriate treatment for children who violate the law. Children under the age of fourteen are not subject to criminal sanctions, but rather educational and rehabilitative measures. This approach is based on the assumption that at this age, children are still in a stage of psychological development that is heavily influenced by their social and family environment. Therefore, the legal response should be more oriented toward guidance than punishment (Trihastuti & Putri, 2020).

Furthermore, laws and regulations also provide specific mechanisms for handling cases involving children under the age of twelve (Astuti et al., 2025). In such situations, law enforcement officials cannot process children through criminal justice mechanisms. Instead, the steps taken emphasize social protection and development through the involvement of families and social welfare institutions. This mechanism aims to ensure that children do not experience legal trauma that could impact their future psychological development (Susila & Yonar, 2024b). The decision-making process for children under twelve involves various parties with professional competence, including investigators, community counselors, and social workers. This multidisciplinary collaboration is crucial to ensure that decisions taken fully consider the child's psychological, social, and family circumstances. Through this approach, the juvenile justice system strives to avoid the use of legal power that could potentially harm a child's development (Anshorullah, 2025).

In practice, decisions regarding children in this category may include returning them to their parents or guardians with some supervision. Another alternative is to enroll the child in educational, developmental, or social guidance programs organized by government agencies or social welfare institutions. These programs are designed to help children understand their mistakes and develop the social skills necessary for a more constructive life (Rustam & Wibawa, 2025). The implementation of this policy demonstrates that Indonesia's juvenile criminal justice system is increasingly moving toward an approach based on protecting children's rights. In this context, the law is no longer viewed solely as a repressive instrument, but as a means to rebuild the social balance disrupted by crime. A restorative approach provides space for a dialogue process that allows for reconciliation between perpetrators and victims, while simultaneously strengthening social solidarity within the community (Shodiq & Sumaryanto, 2025).

The role of the judiciary is also crucial in promoting the implementation of this restorative paradigm. The Supreme Court, through its Regulation on the Implementation of Diversion in the Juvenile Criminal Justice System, has provided clear guidelines for judges in handling cases involving children. This regulation emphasizes that judges have an obligation to pursue diversion before deciding a child's case through formal judicial mechanisms. Thus, the juvenile justice process is no longer solely oriented toward punishment, but rather emphasizes recovery and social reintegration (Aisyah & Fahrudin, 2024). The existence of these guidelines demonstrates the judicial institution's commitment to supporting reform of the juvenile criminal justice system in Indonesia. Diversion is no longer viewed as an optional option but rather as a legal obligation that must be considered in every case involving children. This policy also marks a significant transformation in the national criminal justice system, which increasingly prioritizes humanitarian values and social justice (Ali, 2018).

Diversion deliberations, as stipulated in Supreme Court Regulation Number 4 of 2014, are a crucial instrument in the operationalization of the restorative justice approach in the juvenile criminal justice system (Rismana et al., 2025). Within this framework, case resolution is no longer understood as a vertical relationship between the state and the perpetrator, but rather as a dialogical process involving the perpetrator, victim, family, community counselors, and professional social workers. These deliberations are intended to reach an agreement that not only resolves legal conflicts but also restores social relations fractured by the crime. Thus, diversion is not merely a legal procedure but also a moral mechanism that seeks to rebuild disturbed social balance (Susila & Yonar, 2024a).

In this context, the judge acting as a diversion facilitator plays a strategic role in ensuring that the deliberation process is fair, open, and participatory. The judge not only leads the meeting but also ensures that each party has an equal opportunity to express their views and expectations. The child, as the perpetrator, is given space to explain the events from his or her perspective, while parents or guardians can provide explanations regarding the social and psychological conditions underlying the child's actions. This process allows for a more comprehensive understanding of the conflict (Anshorullah, 2025). Furthermore, victim involvement in the diversion deliberation process is a hallmark of the restorative justice approach. In conventional criminal justice systems, victims are often positioned merely as witnesses in the evidentiary process. In contrast, in the restorative approach, victims are positioned as subjects who have the right to express their experiences, suffering, and hopes for a resolution to the case. Thus, justice is no longer understood solely as the imposition of punishment on the perpetrator, but also as a process of restoring the dignity of victims affected by the crime (Aji, 2019).

Supreme Court Regulation Number 4 of 2014 also provides space for diversion facilitators to involve community leaders or other parties deemed relevant to conflict resolution. The presence of community leaders in the process serves not only as social mediators but also as a symbol of the community's moral legitimacy. In communities with strong social ties, the presence of community leaders often strengthens the parties' commitment to complying with the agreements reached during the diversion deliberations (Erdin et al., 2025). This approach aligns with the spirit of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which places restorative justice as the primary paradigm in resolving juvenile cases. The law emphasizes that case resolution must involve the perpetrator, victim, family, and community in an effort to find a just and recovery-oriented solution. This principle reflects a significant transformation in Indonesian criminal law, which no longer focuses solely on punishment but also on social reconciliation and the reintegration of the perpetrator into society (Susilowati et al., 2022).

Philosophically, this approach also aligns with the idea of progressive law, which places humans at the center of the legal system. From a progressive legal perspective, the law should not be trapped in rigid procedural formalities but should instead be able to substantively respond to social realities. Therefore, the application of restorative justice in the juvenile justice system can be understood as a manifestation of the principle that the law must be present to protect human dignity, especially vulnerable groups such as children (F. Rahman, 2019). Furthermore, the recognition of children's rights in the national legal system also has a strong constitutional basis. Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia affirms that every child has the right to survival, growth and development, and protection from violence and discrimination. This constitutional provision emphasizes that child protection is not merely a social policy, but rather a constitutional obligation of the state that must be realized through various legal instruments, including the juvenile criminal justice system (Trihastuti & Putri, 2020).

Although a fairly comprehensive normative framework has been developed, the implementation of restorative justice in juvenile criminal justice practices still faces various challenges. One issue that frequently arises is when the victim of a crime is also a child. In such circumstances, the diversion deliberation process becomes more complex because it must consider the interests of two parties, both of whom are children. This situation demands high sensitivity from law enforcement officials to ensure that the justice achieved does not harm either party (Sarwadi & Bawono, 2021). Furthermore, provisions regarding the detention of children

often create dilemmas in law enforcement practices. The Juvenile Criminal Justice System Law does impose strict restrictions on the detention of children, aiming to protect them from the negative impacts of the correctional environment. However, in some cases, these restrictions have raised concerns among victims and the public about the potential for perpetrators to escape. This situation demonstrates that the implementation of child protection principles must always be balanced with efforts to maintain a sense of justice in society (Day, 2023).

Another equally significant obstacle is the limited institutional infrastructure supporting the implementation of the juvenile criminal justice system. Although the law mandates the establishment of various institutions, such as Correctional Centers, Special Child Development Institutions, and Temporary Child Placement Institutions, these institutions are not evenly distributed across Indonesia. This infrastructure imbalance often results in suboptimal implementation of child development programs (Mukhlis et al., 2025). On the other hand, child protection issues cannot be separated from broader social dynamics within society. The increasing number of crimes involving children, such as sexual violence or bullying, demonstrates that these issues have complex structural roots. Poverty, family dysfunction, and social environmental influences are often factors that push children to engage in deviant behavior. Therefore, resolving the problems of children in conflict with the law cannot rely solely on a legal approach (Aji, 2019).

In this context, a more holistic policy approach involving various government and community sectors is needed. Child protection must be viewed as a collective responsibility involving the education, health, social welfare, and law enforcement sectors. Synergy between these sectors is crucial to ensure that every child has a safe and conducive environment for their development. Without effective coordination, various child protection programs have the potential to operate fragmentarily and not have a significant impact (Rohman et al., 2022). Furthermore, strengthening institutions specifically addressing children's issues is also an urgent need in modern governance systems. The complexity of children's issues demands institutions with sufficient authority and capacity to coordinate various child protection policies in an integrated manner. The existence of such institutions is expected to strengthen the national child protection system while ensuring that policies are truly in the best interests of children (Trihastuti & Putri, 2020).

The implementation of restorative justice in the juvenile criminal justice system must be understood as part of a broader effort to reform the national legal system toward a more humanistic paradigm. The law should no longer be viewed as a repressive tool that merely imposes punishment, but rather as a means of social reconciliation capable of restoring relationships between perpetrators, victims, and the community. From this perspective, the success of the juvenile justice system is measured not by the number of sentences imposed, but by its ability to restore children's lives and prevent future crimes (Erdin et al., 2025).

The application of restorative justice in Indonesia's juvenile criminal justice system represents a significant paradigm shift from a retributive approach to a more humanistic and rehabilitative one. Within this framework, the law is no longer understood solely as an instrument of punishment, but as a mechanism for restoring social relations damaged by criminal acts. This concept aligns with progressive legal philosophy, which places humans at the center of the law itself. Therefore, restorative justice is a crucial instrument for ensuring that the legal process not only produces legal certainty but also delivers substantive justice for children, both perpetrators and victims (Fauzan, 2020). In practice, the restorative justice approach through the diversion mechanism, as stipulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, demonstrates a systematic effort to prevent children from formal justice processes that can potentially lead to social stigma. Diversion provides a space for dialogue between the perpetrator, victim, family, and community to find just and recovery-oriented solutions. This approach is considered more effective in preventing recidivism in children than punitive approaches, which tend to position children solely as objects of punishment (Mulyadi & Muhammad, 2023).

At the normative level, strengthening the concept of restorative justice also reflects Indonesia's commitment to the principles of child protection recognized in various international legal instruments, including the Convention on the Rights of the Child. The principle of "the best

interest of the child" is the primary foundation of all policies related to children, including in the criminal justice system. Therefore, the restorative approach is seen not only as a legal policy choice, but as a moral obligation of the state to protect the future of the younger generation (S. Hidayat, 2009). However, the implementation of restorative justice in juvenile criminal justice practices is not always ideal. Various studies indicate that there is still a gap between legal norms and practice. Law enforcement officials often face a dilemma between following formal legal procedures and meeting the demands of more flexible restorative justice. In some cases, the restorative approach cannot be optimally implemented due to resistance from victims or their families who demand harsher punishments for perpetrators (Anwar et al., 2024).

Furthermore, limited institutional infrastructure also poses a serious obstacle to the implementation of a restorative justice-based juvenile criminal justice system. The presence of Correctional Institutions (BAPAS), Special Child Development Institutions (LPKA), and Temporary Child Placement Institutions (LPAS) is not evenly distributed across Indonesia. This situation hinders the optimal support process for juvenile offenders, particularly in areas with limited human resources and supporting facilities (F. Rahman, 2022). Another equally significant issue is the public's lack of understanding of the concept of restorative justice. In many cases, the public still views resolving criminal cases through deliberation as a form of "indifference" to the perpetrators of the crime. This perception arises because the dominant legal paradigm in society is still retributive, emphasizing retribution as a form of justice. However, from a modern criminological perspective, a restorative approach is actually more effective in restoring social relations and preventing prolonged conflict (Alfiana & Najicha, 2022).

In this context, the role of the diversion facilitator is crucial. The facilitator's task is not only to lead the deliberation process but also to ensure that all parties involved can express their views fairly and balanced. The success of the restorative justice process depends heavily on the facilitator's ability to build constructive communication between the perpetrator, victim, and the community. Without adequate mediation skills, the diversion process has the potential to become an administrative formality that loses its restorative essence (Arifin et al., 2023). On the other hand, the restorative justice approach also opens up space for community involvement in the resolution of juvenile criminal cases. The involvement of community leaders, social workers, and child protection agencies can help create more comprehensive and sustainable solutions. Thus, case resolution focuses not only on legal aspects but also takes into account the social, psychological, and cultural dimensions that influence children's behavior (Korkman et al., 2025).

From a progressive legal perspective, the restorative approach reflects the idea that law must adapt to the evolving needs of society. Satjipto Rahardjo emphasized that law should not be trapped in rigid formalism but rather should be a means to achieve substantive justice (Rahardjo, 2007). In the context of juvenile criminal justice, this idea is realized through efforts to prioritize social recovery and reintegration over mere punishment (Santoso & Khisbiyah, 2021). Furthermore, restorative justice also has a philosophical dimension related to humanitarian values and social solidarity. This approach views criminal acts not merely as violations of state law, but as social conflicts that must be resolved through dialogue and reconciliation. Therefore, the primary goal of the judicial process is not to punish the perpetrator, but rather to restore the social balance disturbed by the crime (Mulyani et al., 2023).

Internationally, many countries have adopted a restorative justice approach as part of their juvenile criminal justice systems. Countries such as New Zealand, Canada, and Norway have demonstrated that mediation mechanisms between perpetrators and victims can yield higher levels of satisfaction compared to conventional justice processes. These findings reinforce the argument that restorative approaches have significant potential to create a more humane and just justice system (Moore, 2022). However, the application of restorative justice still requires clear boundaries to prevent misuse. In cases of serious crimes, especially those involving serious violence against children, a restorative approach cannot always be the primary solution. The state remains obligated to ensure that perpetrators receive sanctions proportionate to their actions. Therefore, the application of restorative justice must be carried out selectively, taking into account the severity of the crime and its impact on the victim (Lestari & Rasji, 2024).

Ultimately, the successful implementation of restorative justice in the juvenile criminal justice system depends heavily on the synergy between regulations, institutions, and the legal

culture of society. Progressive regulations must be supported by law enforcement officials with a child protection perspective and a community that understands restorative values. Without such support, the concept of restorative justice has the potential to become merely normative jargon that fails to address the real problems in juvenile criminal justice practice (E. M. Hidayat, 2022). Thus, strengthening the restorative justice approach in the juvenile criminal justice system is not only a matter of legal reform, but also a transformation of legal culture. The state needs to develop policies that encourage legal education for the public and provide specific training for law enforcement officers in mediation techniques and restorative approaches. These steps are crucial to ensuring that the juvenile criminal justice system truly functions as a means of protection and development for the younger generation, not simply a punitive mechanism that could potentially damage their future (Bacon, 2024).

Conclusion

This study examines the implementation of restorative justice for children involved in criminal offenses from a progressive legal perspective, with particular attention to the diversion mechanism established under Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. The findings show that Indonesian law provides a substantial normative basis for restorative justice through deliberative processes involving children, victims, families, law enforcement officers, and community representatives. Nevertheless, practical implementation remains constrained by structural, institutional, and cultural challenges. A significant gap exists between the progressive principles contained in legal regulations and their application in law enforcement practices. Diversion is often applied mainly to offenses carrying relatively light penalties, while limited correctional facilities, inadequate institutional resources, and insufficiently trained facilitators restrict broader implementation. In addition, community attitudes that continue to emphasize punishment can hinder acceptance of restorative mechanisms. From a theoretical perspective, the study reinforces the relevance of progressive law, which places human dignity and substantive justice above rigid procedural formalities. Restorative justice reflects this approach by prioritizing reconciliation, recovery, accountability, and children's reintegration into society rather than punishment alone. Practically, stronger institutional capacity, professional training for diversion facilitators, and greater public awareness are required. This study is limited by its reliance on legal literature and normative analysis, which cannot fully capture regional variations in implementation. Future research should incorporate empirical studies, interviews with relevant actors, and analysis of specific cases to evaluate the effectiveness of restorative justice and develop models suited to Indonesia's social and cultural context.

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