

## The Effectiveness of Implementing Restorative Justice in Child Criminal Cases

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### ABSTRACT

Restorative justice is an approach that is oriented towards resolving conflicts through dialogue between perpetrators, victims and the community. This approach provides an opportunity for perpetrators to understand the impact of their actions and take responsibility for their actions. Restorative justice is an approach to the justice system that focuses on recovery and rehabilitation, not punishment. This concept emphasizes dialogue between the perpetrator, victim and community to reach an agreement that benefits all parties. Restorative justice has emerged as a promising alternative, offering a different paradigm from the conventional justice system. This approach focuses on restoring relationships between perpetrators, victims, and society, and provides opportunities for perpetrators to understand the impact of their actions. The application of restorative justice in juvenile criminal cases shows significant potential in creating more positive outcomes for all parties involved. While challenges remain, steps to increase understanding and engagement of all parties can help optimize the effectiveness of this approach. Thus, restorative justice can be a valuable alternative in handling child criminal cases in Indonesia.

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## INTRODUCTION

In recent years, Indonesia has faced serious challenges related to the increase in criminal cases involving children. Data shows that children often fall into criminal behavior due to various factors, including neglect, environmental influences, and lack of adequate education. (Kementerian Pemberdayaan Perempuan dan Perlindungan Anak. (2023). This situation encourages the need for a new approach in handling juvenile criminal cases, especially one that prioritizes rehabilitation rather than punishment alone.

Restorative justice has emerged as a promising alternative, offering a different paradigm from the conventional justice system. This approach focuses on restoring relationships between perpetrators, victims, and society, and provides opportunities for perpetrators to understand the impact of their actions. In the context of children, restorative justice has the potential to reduce the stigma attached to law violators, as well as assist them in the process of better social reintegration. (Budi Santosa, A. (2022).

Even though restorative justice has many advantages, its application in juvenile criminal cases in Indonesia still faces various challenges. Some of these are a lack of understanding among law enforcement, limited resources to support rehabilitation programs, and a lack of participation from victims in the process.

(Rahayu, S. (2021)). Therefore, it is important to evaluate the effectiveness of implementing restorative justice in this context, in order to understand the benefits, challenges and corrective steps needed.

The application of the concept of restorative justice in handling child criminal cases is increasingly important amidst the increase in cases of law violations involving children. Restorative justice aims to restore losses experienced by victims, rehabilitate perpetrators, and improve relationships in society, different from traditional punishment approaches which tend to focus on sanctions. (Restorative Justice Council. (2021). In Indonesia, the implementation of restorative justice is expected to provide a more humane solution in handling juvenile criminal cases.

Based on this, this research will discuss the effectiveness of implementing restorative justice in juvenile criminal cases, highlight the advantages and challenges faced, and provide recommendations for improving the implementation of this approach in Indonesia. With the hope, restorative justice can be a more humane and effective alternative in handling child criminal cases in Indonesia.

## **METHODOLOGY**

Methodology essentially provides guidelines on how to study, analyze and understand the object being researched. Methodology is an element that is absolutely present in research (Soekanto, 2014). The research method used by this journal article to discuss the problems that have been determined is using normative research methods. Normative Legal Research is legal research carried out by examining library materials or secondary data (Soekanto & Mamudji, 2003). According to Peter Mahmud Marzuki, normative legal research is a process of finding legal rules, legal principles and doctrines in law in order to answer the legal issues faced (Marzuki, 2010). In this type of legal research, law is often conceptualized as what is written in statutory regulations or law is conceptualized as rules or norms which are benchmarks for human behavior that is considered appropriate (Amiruddin & Asikin, 2006).

In this research, the author uses a normative juridical legal research approach, namely research that focuses on examining the application of rules or norms in positive law, namely statutory regulations, legal theories related to the problems to be discussed. According to Johnny Ibrahim, there are 7 (seven) approaches in normative legal research, namely: "Statutory approach), conceptual approach, analytical approach, comparative approach, historical approach. approach), philosophical approach, and case approach".

The research specification in this research is analytical descriptive research. Descriptive means that in this research the author intends to describe and explain in detail, systematically and comprehensively everything related to legal aspects that need to be considered in relation to the problems to be studied.

## **RESULTS AND DISCUSSION**

### **Concept and Effectiveness of Implementing Restorative Justice in Child Criminal Cases in Indonesia**

Restorative justice is an approach oriented towards resolving conflict through dialogue between perpetrators, victims and the community. This approach provides an opportunity for perpetrators to understand the impact of their actions and take responsibility for their actions. (Budi Santosa, A. (2022). In the context of children, restorative justice recognizes that they are still in the process of development and need support, not just punishment.

Restorative justice is an approach to the justice system that focuses on recovery and rehabilitation, not punishment. This concept emphasizes dialogue between the perpetrator, victim and community to reach an agreement that benefits all parties. The main goal of restorative justice is to repair relationships damaged by criminal acts, restore losses experienced by victims, and provide opportunities for perpetrators to understand the impact of their actions and take responsibility. (Zehr, H. (2021).

Restorative justice operates under the principle that justice can be achieved through a collaborative and participatory process, where all parties affected by criminal acts have the opportunity to be involved in resolving the problem. This approach is expected to produce fairer solutions, increase satisfaction for victims, and reduce the possibility of perpetrators repeating the same mistakes in the future. (Rahayu, S. (2022).

In practice, restorative justice can be implemented through various methods, including mediation, family conferences, and community dialogue. Through this approach, it is hoped that stronger bonds can be created in society and reduced stigma towards perpetrators. (Umbreit, M. S. (2023). The following are several figures and their views on the concept of restorative justice, namely as follows:

### **Howard Zehr**

Howard Zehr, known as one of the pioneers of restorative justice, emphasized that justice must focus on restoring relationships between perpetrators, victims and society. In his book *Changing Lenses*, Zehr explains that restorative justice offers an alternative to traditional approaches to punishment, by placing the interests and perspectives of victims at the center of attention.. (Zehr, H. (2021).

**John Braithwaite**

John Braithwaite, a leading sociologist, argues that restorative justice can reduce crime through the reintegration of offenders. In his works, Braithwaite outlines the importance of developing a positive sense of shame, where perpetrators are expected to admit their mistakes and repair relationships with victims and society. (Braithwaite, J. (2020).

**Daniel Van Ness**

Daniel Van Ness explains restorative justice as an approach that focuses on dialogue between the perpetrator and the victim. In his view, this process aims to restore the balance disturbed by criminal acts, creating a fair solution for all parties involved. (Van Ness, D. (2022).

**Mark S. Umbreit**

Mark S. Umbreit, who has conducted extensive research on mediation in the context of restorative justice, argues that direct dialogue between perpetrators and victims can help them understand the impact of criminal acts. Umbreit emphasized the importance of listening to and respecting the perspectives of each party in the recovery process. (Umbreit, M. S. (2023).

**Fania Davis**

Fania Davis, an activist and academic, brings to the fore the importance of restorative justice in a community context. He emphasized that restorative justice not only benefits individuals, but also contributes to the recovery and health of the community as a whole. Davis proposes that this approach can address structural injustice and create broader social change. (Davis, F. (2023). The concept of restorative justice outlined by these figures shows a focus on recovery, responsibility, and active participation from all parties involved, making it a promising alternative in the criminal justice system. Meanwhile, the effectiveness of implementing Restorative Justice in juvenile criminal cases is as follows:

**Reducing Stigma and Risk of Criminalization**

One of the main benefits of restorative justice is reducing the stigma towards children who break the law. Through a more inclusive process, children can avoid the negative labels that are often attached to them after being involved in criminal cases. Research shows that children involved in restorative justice programs are less likely to re-engage in crime. (Fatmawati, L. (2023).

**Rehabilitation Through an Empathetic Approach**

Restorative justice encourages rehabilitation by involving perpetrators in dialogue with victims. This process not only helps perpetrators understand the impact of their actions, but also provides space for victims to express their feelings. (Indonesian Ministry of Law and Human Rights. (2022). Studies show that children involved in mediation tend to show increased empathy and reduced aggressive behavior after the process is completed. (Siti Aminah, D. (2023).

**Higher Victim Satisfaction**

The restorative justice process provides victims with the opportunity to be directly involved in resolving cases. This often results in higher levels of satisfaction compared to traditional justice processes. Victims feel heard and cared for, which can help them in the healing process. (Munir, A. (2020). Even though there are many benefits, the application of restorative justice also faces several challenges in its implementation, namely as follows:

**Lack of Awareness and Understanding**

Many parties, including law enforcement officials and the public, still lack understanding of the principles of restorative justice, which can hinder its implementation. (Hasan, N. (2021).

**Limited Resources**

Implementing a restorative justice program requires adequate resource support, both in terms of training and funding. (Rahayu, S. (2022).

**Victim Involvement**

Not all victims feel comfortable engaging in the restorative justice process, which can reduce its effectiveness. (Wulandari, R. (2023).

**CONCLUSION**

So it can be concluded that the application of restorative justice in juvenile criminal cases shows significant potential in creating more positive outcomes for all parties involved. While challenges remain,

steps to increase understanding and engagement of all parties can help optimize the effectiveness of this approach. Thus, restorative justice can be a valuable alternative in handling child criminal cases in Indonesia.

### **SUGGESTION**

Restorative justice can be a valuable alternative in handling child criminal cases in Indonesia.

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