

Restorative Settlement of Children's Cases in the Implementation of the Juvenile Criminal Justice System

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Abstract. *This study aims to examine the application of the RESTORATIVE concept in resolving child cases in the juvenile criminal justice system in Indonesia. The restorative approach in juvenile criminal justice emphasizes the recovery of victims, perpetrators, and society, compared to an approach that only focuses on punishment. This study examines how legal mechanisms that prioritize children's interests can be applied effectively in an effort to minimize the negative impact of the criminal justice system on juvenile perpetrators. The method used in this study is the normative legal method with a statutory approach and analysis of related documents. Data were obtained through a literature study of laws and regulations, scientific journals, and documents relevant to juvenile criminal justice and the restorative approach. The data collected were then analyzed qualitatively to understand the application of the RESTORATIVE concept in various cases of juvenile cases. The results of the study indicate that the restorative approach in resolving juvenile cases significantly reduces the rate of repeat criminal acts by children and improves psychological well-being for both child perpetrators, victims, and the community. This system encourages social responsibility and a more humanistic reconciliation process, but still faces obstacles in its application in the field due to limited understanding and coordination between stakeholders.*

Keywords: Approach; Juvenile; Restorative.

1. Introduction

Children are the shoots of the nation who have a strategic role and have special characteristics and traits. Children as the shoots of the nation are a potential generation to continue ideals and guarantee the continuity of the existence of the nation and state in the future. The state bears the responsibility to provide guarantees for the welfare of children constitutionally in the 1945 Constitution. Hierarchically, various legal products have been issued and ratified which are the basis for policies and guidelines in treating Indonesian children, starting from national legal products and international legal products that have been ratified by Indonesia.¹

¹Law No. 4/1979 on Child Welfare, Law No. 3/1997 on Juvenile Court, Law No. 23/2002 on Child Protection, Law No. 23/2004 on Domestic Violence, Law No. 13/2006 on Protection of Witnesses and Victims, Law No. 21/2007 on Eradication of Criminal Acts of Human Trafficking, Presidential Decree No. 36/1990, ILO Convention No. 138/1973: ratification through Law No. 2/1999 on the age limit for children to work, ILO

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Law Number 23 of 2002 has implicitly provided a clear legal basis and scope regarding the guarantee of child protection in question. One form of protection provided by law is when a child is in a detention process that deprives the child of his/her freedom, when the child is in the trial process and when the child is sentenced to prison. Child protection at this stage is important to be prioritized considering that this process shows a tendency to be detrimental to the child in the future, due to the stigma.²

The United Nations appeal to every country to recognize and fight for the implementation of children's rights through laws and other regulations in accordance with the principles of protecting children's rights.³ Thus, the formulation of Law No. 3 of 1997 concerning Juvenile Courts aims to create special protection for the legal interests of children who have problems with criminal law as seen in the Consideration letter a of Law No. 3 of 1997.

The process of resolving cases of children involved in legal problems should be different from adults. The procedure must be carried out carefully, so that children continue to receive maximum protection. In fact, no matter how good the formal justice system is for children, it is believed that it will never have a good impact on children because it will cause trauma, stigmatization and the risk of experiencing violence and exploitation.⁴ This means that the handling of criminal cases must be resolved specifically in the trial process which reflects efforts to provide legal protection for children with problems.⁵

In line with the above thinking, the UN Standard Minimum Rules on the Administration of Justice for Children (Beijing Rules) Article 1 number 4 determines that justice for children should be seen as an integral part of the national development process of each country within a comprehensive framework of social justice for all children, thus, at the same time, contributing to the protection of young people and the maintenance of peaceful order in society". The Convention on The Rights of The Child determines that the legal process is carried out as a last resort and for the shortest and most appropriate period. The criminal process in the formal criminal justice system experienced by children has a greater negative impact on their future.⁶

In contrast to formal justice which has been regulated according to Law No. 3 of 1997 concerning Juvenile Courts, the mechanism for resolving problematic child cases. In Law No. 3 of 1997, children are classified into 3 (three) categories, namely:

1. Children under 8 (eight) years of age may not be tried.
2. Children aged 8 (eight) to less than 12 (twelve) years may be tried but may not be

Convention No. 182: ratification through Law No. 1/2000 on the Prohibition of the Worst Forms of Child Labor, and others.

²Angkasa, Saryono Hanadi and Muhamad Budi Setyadi, "Restorative Justice Model in the Juvenile Justice System (Study on the Practice of Mediation of Offenders and Victims in the Juvenile Justice Process in the Jurisdiction of the Poerwokerto Correctional Center", *Journal of Legal Dynamics*, Vol 9 No.3 September 2009, p. 186.

³Shinta Rukmi Widiastuti, "Alternative Criminal Sanctions in the Reform of Indonesian Criminal Law", *Journal of Legal Discourse*, Vol IX 1 April 2010, p. 13.

⁴Harris Retno Susmiyati and Hariyanti, "The Juvenile Justice System in Indonesia from a Human Rights Perspective", *Journal of Legal Studies*, June 2007, p. 42.

⁵Muhammad Azil Maskur, "Legal Protection for Juvenile Delinquency in the Indonesian Criminal Procedure Process", *Pandecta Journal, Journal of Legal Research*, Vol. 7 No. 2 Year 2012, p. 172.

⁶Beijing Rules in Article 11

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sentenced to a crime. At this age children may only be subject to actions such as: being given a warning/advice, being returned to their parents or being made a child of the state.

Children aged 12 (twelve) years to less than 18 (eighteen) years. At this age, children can be punished, however, children may only be punished with ½ of the maximum sentence of adults (Article 26 paragraph (1) of Law Number 3 of 1997). Children may also not be sentenced to death or life imprisonment (Article 26 paragraph (2)).

From the provisions of Law Number 3 of 1997 concerning Juvenile Courts, it can be seen that although special treatments for children who commit crimes have been regulated in the examination process, this remains within the legal process (formal) or conventional criminal justice. For the best interests of the child and for his/her future, the resolution of children's cases should not be carried out through a formal legal process, let alone causing the child to be sentenced. This can have a negative impact on the child's physical and mental development. The imposition of a sentence does not guarantee that the child will not repeat his/her actions. Based on this, there has been a development of thinking from child observers to resolve cases of children as perpetrators with diversion and restorative justice. Through this effort, it is hoped that the interests of children as perpetrators of crimes and the interests of victims and the public interest can be protected so that justice is achieved.

Special Approaches in Handling Children

As understood, a child due to his/her inherent nature and circumstances, requires special treatment and protection, especially against actions that can essentially harm the child's development. Although at a glance a person can determine his/her own steps based on his/her thoughts, feelings and will, but because of his/her quality as a child, in general the circumstances surrounding him/her will have a greater influence in determining his/her attitude than his/her personal values.

The implementation of the juvenile justice process as a system for resolving juvenile criminal cases must be oriented towards the interests of the child's future, because naughty children must ultimately be corrected in their nature, behavior, mental condition, and mindset. For that, what is needed in handling the problem of resolving juvenile criminal cases is to restore the child's soul. Restoring children's awareness and obedience to applicable laws and values must be different from the method that must be done to adults. Therefore, it is natural that a special approach is needed in handling and resolving criminal cases committed by children in the juvenile justice process, as expressed in various statements, including:

1. Children who commit delinquency (juvenile offenders) should not be seen as criminals, but should be seen as people who need help, understanding and affection.⁷
2. The legal approach to children should prioritize a persuasive, educative approach and a psychological or psychological approach, which means avoiding, as far as possible, legal processes that are purely punitive in nature, which are mentally degrading and discouragement, as well as avoiding stigmatization processes that can hinder the development, maturity and independence of children in a reasonable sense.⁸

Laws Relating to Child Protection

⁷Tri Andrisman. 2007. Criminal Law, Basic Principles of General Rules of Criminal Law.

⁸Muladi and Barda Nawawi Arif. 1992. Criminal Theories and Policies. Alumni. Bandung. Page 115.

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Observations on the practice of juvenile justice before the enactment of the Juvenile Court Law, so far law enforcers have based themselves on the Criminal Procedure Code (KUHP) which is intended for adults. Specifically, the provisions of the KUHP relating to children only consist of 2 (two) articles, namely:

1. Article 153 paragraph (3) and paragraph (5) of the Criminal Procedure Code regulates the possibility of implementing a closed trial, as long as the accused is a child: and in an open trial, the judge determines that a child who has not reached the age of 17 years is not permitted to attend the trial.
2. Article 171 of the Criminal Procedure Code regulates that children who are under 15 years of age and have never been married can be examined to provide information without an oath.⁹

In the implementation of juvenile trials, in addition to the procedural law intended for adults, the Criminal Procedure Code (KUHP), also follows instructions or guidelines in the form of a Circular Letter of the Jakarta High Court dated July 15, 1974 concerning the Main Principles of the Implementation of Juvenile Case Trials, which specifically applies to the District Court of the Jakarta High Court and the Circular Letter of the Supreme Court (SEMA) Number 3 of 1959 concerning Recommendations for Examining Criminal Cases Behind Closed Doors.

For children who are defendants, the circular letter is a breakthrough in the field of juvenile justice, in responding to and resolving criminal cases committed by children before the formation of the Juvenile Court Law.

The following is a quote from the Circular Letter of the Supreme Court (SEMA) Number 3 of 1959, which contains the following matters:

- 1) Children's cases are tried: Separately from adults; On certain days only. By certain judges appointed by the Head of the respective District Court.
- 2) Neither the judge, police, nor the prosecutor in this child's trial wore their respective togas/service uniforms.
- 3) The trial is always closed, journalists are not allowed to attend and the verdict is pronounced in a closed session, publication is prohibited.
- 4) Parents, guardians, and those responsible for the child must be present so that the judge can also find out the circumstances surrounding the child, for example the situation at home, to be used as consideration by the judge in deciding on the placement of the child.
- 5) Since the police investigation, special steps have been taken, for example: - The examination is carried out by a separate section separate from the section for adults. - The detention place is separate from the detention place for adults.
- 6) The Prosecutor's Office appointed a Special Prosecutor as prosecutor for child cases.
- 7) In the child's case trial, a social worker is involved.¹⁰

In its journey, the handling and resolution of child criminal cases must still be strictly controlled because in its activities there are still frequent violations of the human rights of

⁹Criminal Procedure Code (KUHP)

¹⁰Agung Wahyono and Siti Rahayu. 1993. Review of Juvenile Justice in Indonesia. Sinar Grafika. Jakarta. Pages 71-72

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children in conflict with the law. In minimizing cases that are detrimental to children, the State/Government has attempted to provide attention in the form of Law Number 23 of 2002 concerning Child Protection, but this has not been able to suppress the increase in the quantity and quality of cases involving children either as victims or perpetrators of criminal acts.

Law Number 3 of 1997 concerning Juvenile Court specifically stipulates that in handling and resolving cases of children who violate the law or commit crimes, law enforcement officers must pay attention to aspects of child welfare. Likewise, in sentencing naughty children, it must be oriented towards the protection and welfare of the child, for the sake of the child's future.¹¹

However, it is currently felt that Law Number 3 of 1997 concerning Juvenile Courts is no longer in accordance with developments and the legal needs of society because it does not comprehensively provide protection to children in conflict with the law, so it needs to be replaced with a new law, namely Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

According to Law Number 11 of 2012, the Juvenile Criminal Justice System is the entire process of resolving cases of children in conflict with the law, from the investigation stage to the guidance stage after serving a sentence. Children in Conflict with the Law are children in conflict with the law, children who are victims of criminal acts, and children who are witnesses to criminal acts.¹²

More specifically, Article 1 paragraph (2) of Law No. 3 of 1997, replaced by Law No. 11 of 2012, which will be enforced on 30 More specifically, Article 1 paragraph (2) of Law No. 3 of 1997, (replaced by Law No. 11 of 2012, which will be enforced on 30Based on Law No. 3 of 1997, Article 2 stipulates that the juvenile court is the executor of judicial power within the General Court environment. This means that the juvenile criminal justice process is carried out by criminal justice institutions, namely the police, prosecutors, courts, and correctional institutions. In addition to these formal provisions, many areas in Indonesia where there are indigenous peoples are also known to have a legal system that continues to live and is used as a guideline in resolving community life problems. The steadfastness of the community that continues to uphold living law is based on the nature and characteristics of this informal law which is more in accordance with the philosophy, personality and soul of the community, with the principles contained and having meaning in every resolution of cases that arise.

The process of examining cases of children who commit crimes, as with cases of adults, is carried out starting from the investigation stage, prosecution and court hearings. The examination process refers to the provisions of Law Number 3 of 1997 and other procedural laws as long as they are not regulated in Law Number 3 of 1997, for example: Criminal Procedure Code.

This study aims to contribute to a deeper understanding of the implementation of RESTORATIVE justice in the juvenile criminal justice system in Indonesia. Specifically, this study will examine the stages and processes of implementing restorative justice in juvenile cases, as well as identifying inhibiting factors and solutions that can be taken to increase the

¹¹Law Number 3 of 1997 concerning Juvenile Courts

¹²Law Number 11 of 2012 concerning the Juvenile Justice System

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effectiveness of its implementation. Thus, this study is expected to provide more comprehensive policy recommendations to strengthen the juvenile criminal justice system based on restorative justice.

2. Research Methods

This study uses an empirical legal approach that examines applicable legal provisions and phenomena that occur in society. The specifications of this study are descriptive analytical in nature with the aim of describing facts to obtain a general picture of existing problems, as well as examining and reviewing legal facts related to the resolution of child cases in a restorative manner in the application of the juvenile criminal justice system. The data collected includes primary and secondary data. Primary data is obtained through laws and regulations, such as Law Number 23 of 2002 concerning Child Protection, Law No. 3 of 1997 concerning Juvenile Courts, UN on the Administration of Justice for Children (Beijing Rules) Article 1 number 4, Article 26 paragraph (1) of Law Number 3 of 1997 concerning Juvenile Courts, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, RESTORATIVE Settlement of Juvenile Cases in the Implementation of the Juvenile Criminal Justice System, and the Criminal Procedure Code (KUHAP): Criminal Procedure Code (KUHAP), Article 153 paragraph (3) and paragraph (5) of the Criminal Procedure Code which regulates the possibility of implementing closed trials, as long as the defendant is a child: and in open trials, the judge determines that children who have not reached the age of 17 are not permitted to attend the trial. Article 171 of the Criminal Procedure Code which regulates that children who are not yet 15 years old and have never been married can be examined to provide information without an oath. Number 3 of 1959 concerning Recommendations for Examining Criminal Cases Behind Closed Doors. Secondary data includes literature, legal journals, scientific articles, and relevant sources from the internet. Primary legal materials in the form of binding legal norms include the 1945 Constitution, the Criminal Procedure Code, Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System. Secondary legal materials in the form of expert opinions, legal literature or books, magazines, newspapers, the internet, written works in the form of theses, dissertations or dissertations. Tertiary legal materials in the form of legal dictionaries and encyclopedias are used to complete the analysis. Data collection was carried out through literature studies and field studies, which included direct observation and interviews with sources from the District Court and the Department of Women's Empowerment, Child Protection, Population Control, and Family Planning (DPPAPDKB). The data that had been collected was then analyzed qualitatively and arranged systematically by drawing deductive conclusions to answer the problems studied.

3. Results and Discussion

3.1. RESTORATIVE Resolution of Child Cases in the Implementation of the Juvenile Criminal Justice System

Understanding Restorative Justice and its Main Principles

This approach is different from the retributive approach which focuses more on punishing the perpetrators of the crime. In Indonesia, the restorative approach is implemented through the juvenile criminal justice system as regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA). Restorative justice is an approach to handling

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criminal cases that focuses more on recovery than punishment. Its main goal is to repair the damage caused by the crime, both for the victim, the perpetrator, and the community. Resolving juvenile cases through a restorative approach is a process that emphasizes the restoration of losses experienced by the victim, the accountability of the perpetrator, and the restoration of social relations in the community. The main principles of restorative justice are:

- **Reparation of Harms:** The primary focus is on repairing the harm suffered by the victim and the community. This may take the form of material compensation, an apology, or other forms of reparation.
- **Responsibility of the Perpetrator:** Children who commit crimes are expected to understand the impact of their actions and be responsible for repairing the loss.
- **Active Participation of All Parties:** Victims, perpetrators, families, and the community are invited to participate in the case resolution process.
- **Social Reintegration:** Creating conditions that support the reintegration of children into society and prevent the recurrence of criminal acts.

Implementation of Restorative Principles in the Juvenile Criminal Justice System in Indonesia

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) in Indonesia has adopted a restorative approach in handling juvenile cases. Some of its implementations include:

- **Diversion:** The court process of handling children's cases from the criminal justice process to a process outside the courts. Based on Article 7 of the SPPA Law, diversion is mandatory. Diversion allows for the resolution of cases through mediation and agreement between the parties involved.
- **Mediation:** A process of dialogue between the victim, the perpetrator, and related parties to find a common solution. Mediation aims to reach a mutually beneficial agreement and restore damaged relationships.
- **Rehabilitation:** A coaching program aimed at improving the behavior of child offenders and preventing recurrence of criminal acts. Rehabilitation can take the form of counseling, education, or skills training.
- **Correction:** The process of returning child offenders to society after undergoing a period of correction.

Advantages of the Restorative Approach over the Retributive Approach

The restorative approach has several advantages over the retributive approach which focuses more on punishment:

- **For Victims:** Restorative justice provides an opportunity for victims to actively participate in the case resolution process, express their feelings, and gain healing.
- **For Offenders:** The restorative approach provides an opportunity for offenders to improve themselves, take responsibility for their actions, and return to society.
- **For Communities:** Restorative justice helps rebuild social relationships damaged by crime and creates safer environments.

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- **Efficiency:** The process of resolving cases through a restorative approach is generally faster and more efficient than conventional criminal justice processes.

In short, restorative justice offers a more humane and effective approach to dealing with children's cases. By involving all parties involved and focusing on recovery, this approach can produce better outcomes for all parties.

3.2. Stages and Application of RESTORATIVE in Child Cases in the Juvenile Criminal Justice System

- **Investigation Stage**

At the investigation stage, the restorative principle is applied through the use of investigator discretion. Investigators have the authority to discontinue formal legal proceedings if the case can be resolved through restorative mechanisms, such as mediation. The primary consideration in the use of this discretion is the best interests of the child and the victim. In other words, investigators will evaluate whether an out-of-court settlement would be more effective in restoring the victim's losses, improving the child's behavior, and preventing similar crimes from occurring in the future.

Application examples:

- **Mediation:** Investigators can facilitate mediation between the child perpetrator and the victim. In this mediation, both parties can dialogue to find a joint solution, such as an apology, compensation, or a self-improvement program for the child perpetrator.
- **Diversion:** If mediation is successful and both parties reach an agreement, the investigator can divert the handling of the case to the diversion path. Diversion is the court process of handling children's cases from the criminal justice process to a process outside the court.

- **Prosecution Stage**

The public prosecutor (JPU) also has an important role in implementing the restorative principle at the prosecution stage. If the investigator has conducted mediation and reached an agreement, the JPU can submit a recommendation to the court to stop the case. This recommendation must be based on the agreement that has been reached and consider the best interests of the child.

Application examples:

- **Termination of prosecution:** if the agreement reached in mediation is deemed sufficient to correct the error and restore the damages, the prosecutor can file a termination of prosecution. This means that the case will not proceed to trial.

- **Trial Stage**

If the case continues to trial, the judge has the authority to order diversion or make a decision that is oriented towards the recovery and rehabilitation of the child. The judge can consider various factors, such as the age of the child, the severity of the crime, and the results of the mediation that has been carried out.

Application examples:

- **Diversion Order:** The judge may order that a case be diverted to the diversion route, even if the case has already gone to trial.

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- Guidance Program: if the child is found guilty, the judge can give sanctions in the form of a guidance or rehabilitation program, such as attending counseling, education, or skills training. The goal is to help the child improve their behavior and prevent repeat crimes.

- Community

Correctional programs are very important in supporting the social reintegration of children after undergoing legal processes or coaching programs. This program aims to help children adjust back to the community environment and prevent recidivism.

Application examples:

- Social Guidance: Children can be given social guidance to help them understand the impact of their actions and develop positive social skills.

- Skills Training: Children can take skills training to improve their skills and get jobs.

- Accompaniment: Children may be accompanied by a social worker or mentor during the transition back to the community.

The application of restorative principles in each case must be adjusted to the conditions and characteristics of each case. The main objectives of the application of restorative principles are:

- Recovering the victim's losses: Through compensation, an apology, or other forms of restitution.

- Correcting the perpetrator's behavior: Through coaching, rehabilitation, or counseling programs.

- Preventing the recurrence of criminal acts: By providing children with the opportunity to improve themselves and become productive members of society.

- Strengthening social relations: Through dialogue and cooperation between all parties involved.

Thus, the application of restorative principles in the juvenile criminal justice system aims to create more humane and effective justice, as well as provide a second chance for children to improve themselves.

3.3. Inhibiting Factors and Solutions for Resolving Child Cases in a RESTORATIVE Way in the Implementation of the Juvenile Criminal Justice System

Inhibiting factors:

- Infrastructure and Human Resource Limitations: Not all regions have adequate facilities to implement a restorative justice system. For example, the lack of mediation institutions that have the capacity to handle children with a restorative approach, as well as the lack of training for law enforcement officers related to the method.

- Lack of Public Understanding of Restorative Justice: The public often tends to view punishment as a form of retaliation, rather than a restorative solution. This hinders the implementation of a justice system that focuses on the rehabilitation and recovery of children and victims.

- Legal Culture that is Still Retributive: The legal system in many countries, including Indonesia, is still dominated by a retributive approach, namely giving punishment as a

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response to a crime. This is contrary to the restorative goal which emphasizes more on repairing social damage caused by the child's actions.

- Differences in Views between Law Enforcement Officials: There are differences in views between judges, prosecutors, and police regarding the importance of the restorative approach. It is not uncommon for the restorative approach to be rejected or ignored because it is considered not to provide a deterrent effect.

Solution:

According to the theory of legal utility, the solution taken must be the one that provides the greatest benefit to the parties involved. Therefore, to overcome these inhibiting factors, some solutions that can be done include:

- Improvement of Resources and Infrastructure: The government must be more serious in providing infrastructure that supports the implementation of restorative justice. This includes establishing trained mediation institutions and providing child rehabilitation facilities. Improving the quality of law enforcement officers is also important so that they can apply this concept optimally.
- Public and Legal Actor Education: The public needs to be educated that the restorative approach provides greater benefits than just punishment. This can be done through socialization and campaigns that explain that restorative justice not only heals victims and perpetrators, but also creates balance in society.
- Establishment of a Clear and Integrated Legal Framework: The government needs to strengthen regulations and rules governing the implementation of a restorative juvenile criminal justice system. This will ensure that restorative justice becomes an integral part of the criminal justice system, not just an alternative.
- Providing Training and Counseling to Law Enforcement Officials: Law enforcement officials need to gain a deeper understanding of the importance of restorative justice in juvenile cases. This training should include restorative conflict resolution methods that prioritize the principle of benefit to victims, perpetrators, and the community.

3.4. The concept of RESTORATIVE justice in the Juvenile Criminal Justice System in accordance with the Legal Benefit Perspective

The theory of legal utility, or legal utilitarianism, is a philosophical view that states that an action or law is considered good if it produces the greatest benefit for society. According to this theory, a law is considered good if it is able to provide real benefits to the society it regulates. In the context of criminal law, this theory argues that the main purpose of law is to maximize the happiness and welfare of society. More specifically in the context of the application of the juvenile criminal justice system, especially the restorative approach, this theory is an important basis for assessing the effectiveness of the law in achieving justice that is beneficial to all parties, including children as perpetrators of criminal acts, victims, and society.

Restorative approach¹³very much in line with the theory of legal utility. This is because:

¹³ Muhammad Ridwan Lubis, "The Settlement of Child Cases in Conflict with the Law in the Concept of Restorative Justice," *Journal of Sovereign Law* 5, no. 4 (2022): 341–347.

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- **Focus on Benefits:** Both restorative approaches and benefits theories focus on beneficial outcomes. In a restorative context, the benefits are the restoration of relationships, the rehabilitation of offenders, and the prevention of future crime.
- **Maximizing Happiness:** By restoring damaged relationships and providing second chances for offenders, restorative approaches contribute to improving the overall well-being of society.
- **Avoiding Resource Waste:** Restorative approaches are often more effective and efficient in resolving conflicts than retributive approaches that focus on punishment. This means that the use of state resources can be optimized.

The benefits of implementing a RESTORATIVE approach based on Benefit Theory include:

- **Victim Recovery:** Victims can feel a deeper sense of justice because they have the opportunity to participate in the resolution process and receive fair restitution. This can help victims recover emotionally and psychologically.
- **Offender Rehabilitation:** By providing opportunities for offenders to make amends and participate in the recovery process, a restorative approach can reduce the risk of recidivism or repeating criminal acts. This ultimately benefits society by reducing the number of crimes.
- **Crime Prevention:** By addressing the root causes that led to the crime, a restorative approach can help prevent similar crimes from occurring in the future.
- **Strengthening Social Networks:** The process of mediation and dialogue in a restorative approach can strengthen social relationships in the community. This can increase mutual trust and cooperation among community members.
- **Cost Efficiency:** Restorative approaches are often more cost efficient than retributive approaches. This is because the costs of legal proceedings, incarceration, and corrections can be reduced.

Inhibiting factors and solutions from the perspective of legal benefits:

- **Lack of Understanding:** Lack of understanding of the restorative approach among law enforcement officers and the general public is a major obstacle. Solution: Intensive socialization and training are needed to increase understanding of the concept and benefits of the restorative approach.
- **Resource Constraints:** Limited availability of human and financial resources to support restorative programs is a constraint. Solution: The government needs to allocate sufficient budget for the development of restorative programs and build supporting infrastructure.
- **Legal Culture:** A legal culture that is still oriented towards punishment is a challenge in implementing a restorative approach. Solution: Legal reform is needed that places more emphasis on the aspects of recovery and rehabilitation.
- **Victim Unwillingness:** Not all victims are willing to participate in the mediation process. Solution: Adequate psychological and social support should be provided to victims to encourage them to engage in the restorative process.

4. Conclusion

Restorative resolution of child cases in the juvenile criminal justice system focuses on recovery and rehabilitation, not solely on punishment. This approach emphasizes the concept of restorative justice that involves perpetrators, victims, and the community in the conflict resolution process, with the aim of restoring the victim's losses, directing the child perpetrator to the right path, and preventing further criminal acts. The juvenile criminal justice system places primary emphasis on the best interests of the child, in accordance with Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA). However, there are several factors that become obstacles in the implementation of this system, including the lack of understanding of the community and law enforcement officers about restorative justice, limited facilities and infrastructure that support child rehabilitation, and less than optimal coordination between institutions. In addition, the social stigma against children involved in criminal cases is also a major obstacle in their social reintegration process. Therefore, strategic steps are needed to overcome these obstacles. To overcome obstacles in the implementation of the restorative juvenile case resolution system, it is necessary to increase the capacity of law enforcement through training that introduces and strengthens the principles of restorative justice. Strengthening the role of families and communities in the child rehabilitation process must also be done by involving them in the restorative resolution process and providing an understanding of the importance of support in child recovery. In addition, the development and strengthening of institutions that support the implementation of restorative justice, such as the Correctional Center (Bapas) and mediation institutions, are very important to ensure that child rehabilitation can run well without having to go through a formal sentencing process. Continuous monitoring and evaluation of the implementation of the restorative system in juvenile justice also needs to be carried out to ensure that the goals of recovery are achieved. Furthermore, to overcome inhibiting problems such as social stigma, public campaigns and social awareness programs that educate the public about the importance of a restorative approach need to be increased. The government must also ensure the availability of adequate facilities and infrastructure for child rehabilitation and improve coordination between related institutions. Thus, the restorative approach in resolving child cases can be applied more effectively and provide optimal benefits for children involved in criminal cases.

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