

EFFECTIVENESS OF IMPLEMENTING RESTORATIVE JUSTICE IN RESOLUTION OF CHILD CRIMES

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Abstract

This study examines the effectiveness of implementing restorative justice in resolving juvenile criminal cases in Indonesia. Restorative justice, as regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, emphasizes the principle of "the best interest of the child" by prioritizing diversion to avoid imprisonment. Using a normative juridical approach supported by empirical secondary data from KPAI, the Ministry of Law and Human Rights, and DPR RI, this research analyzes the gap between legal norms and field implementation. Findings show that although the legal framework strongly supports restorative justice, its application remains limited. In 2023, KPAI recorded 7,185 children under the supervision of correctional counselors, but only 2,296 cases were resolved through diversion, indicating suboptimal implementation. The effectiveness of restorative justice is hindered by limited understanding among law enforcers, insufficient institutional infrastructure, and a cultural paradigm that still prioritizes retributive justice. However, the existence of strong regulations, institutional support, and increasing public awareness serve as important supporting factors. The study concludes that restorative justice has significant potential as a humane and child-centered approach, but requires strengthening institutional capacity, enhancing inter-agency coordination, and shifting legal culture to achieve optimal implementation.

Keyword: Child Protection, Diversion, Juvenile Criminal Law, Legal Effectiveness, Restorative Justice.

A. INTRODUCTION

Children, as the nation's future generation, require special protection when facing the law. Handling Children in Conflict with the Law (*Anak yang Berhadapan dengan Hukum*/ABH) is crucial because it not only concerns the individual's future but also impacts the social order. According to data from the Indonesian Child Protection Commission (*Komisi Perlindungan Anak*

Indonesia/KPAI), throughout 2023, they received 42 reports of ABH cases that were followed up and conducted 17 monitoring campaigns in 11 provinces and 18 regencies/cities. These included dialogues involving 294 children handled in Rehabilitation Institutions, correctional facilities prisons (*Lembaga Pembinaan Khusus Anak/LPKA*), and LPP (Lembaga Penitentiary Institutions). These included group discussions with 264 community members and officials involved in the Juvenile Criminal Justice System.¹

More broadly, according to data from the Ministry of Law and Human Rights (Directorate General of Corrections), as of November 2023, 7,185 children were registered as clients of community counselors, and of these, 2,296 were successfully resolved through diversion mechanisms. This indicates that diversion as the core of restorative justice in Indonesia, has been implemented, although not yet accessible to all cases. Data from the KPAI also notes an upward trend: during the 2017–2020 period, 29,228 children in conflict with the law were handled by the police, with only 4,126 cases (14.1%) being resolved through diversion.

The restorative justice approach emphasizes restoration, not retribution, through a deliberative mechanism between the perpetrator, victim, family, and community. In Indonesia, this concept was formalized through Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (*Undang-Undang Sistem Peradilan Pidana Anak/UU SPPA*), which prioritizes the principle of "the best interests of the child" and encourages the transfer of case resolution from the formal system to outside the courts through diversion (*das sollen*).²

Despite its strong legal basis, the effectiveness of restorative justice implementation in the field is still suboptimal. A recent qualitative descriptive study found that while restorative justice supports the protection of children's rights as stipulated in the Child Protection and Child Protection Law (*Sistem Peradilan Pidana Anak/SPPA*), particularly through diversion and victim recovery mechanisms, its implementation remains hampered by a lack of understanding among law enforcement officials, limited supporting infrastructure, and resistance to a retributive culture.³ Data from the House of Representatives (*Dewan Perwakilan Rakyat/DPR RI*) shows that of the nearly 2,000 children in conflict with the law between 2020 and 2023, 1,467 were in

¹ KPAI, "Kertas Kebijakan Sistem Peradilan Pidana Anak Tahun 2023," *Komisi Perlindungan Anak Indonesia*, 2023. Retrieved in October 23, 2025 from <https://www.kpai.go.id/files/2025/01/SPPA-2023-Kertas-Kebijakan.pdf>.

² Susana Andi Meyrina, "Restorative Justice dalam Peradilan Anak Berdasarkan Undang-Undang No. 11 Tahun 2012," *Jurnal Penelitian Hukum De Jure* 17, no. 1 (2017): 99.

³ Yuspika Yuliana Purba, Johan Alfred Sarades Silalahi, Muhammad Fadly Nasution, Van Lodewijk Purba, "Peran Restorative Justice dalam Penyelesaian Kasus Tindak Pidana Anak di Indonesia," *Jurnal Penegakan Hukum dan Masyarakat*, 12, no.1, (2025): 10.

detention and undergoing judicial proceedings, while 526 had already served their sentences as convicts (*das sein*).⁴ This finding indicates that imprisonment remains the primary option, despite the principle of the SPPA stating that detention and sentencing should be a last resort. This situation also demonstrates the low level of diversion implementation in the field, both because many cases do not meet the requirements for a sentence of less than seven years and because of other procedural obstacles.

Furthermore, discussions with 294 children in Correctional Institutions, rehabilitation institutions, and Child Protection Institutions, as well as with 264 community members and stakeholders in the juvenile justice system, confirmed that a retributive approach remains dominant.⁵ This approach often has counterproductive effects on children's psychological and social development and hinders their reintegration into society. Meanwhile, recent policy developments indicate an expansion of restorative justice practices across various law enforcement agencies, including efforts to strengthen diversion and victim recovery. However, their implementation remains inconsistent at the operational level. In this context, restorative justice has emerged as a more progressive paradigm, emphasizing recovery through the involvement of perpetrators, victims, families, and communities. The Child Protection Act provides a strong legal basis for this approach through the diversion mechanism. However, a significant research gap remains: the lack of empirical studies assessing how restorative justice and diversion principles are actually implemented in daily practice, the extent of the obstacles, and how the experiences of children and stakeholders can explain implementation failures and successes.

Despite existing regulations, the implementation of restorative justice in practice does not always run smoothly. Several previous studies have revealed a gap between legal norms and implementation on the ground. For example, some law enforcement officers still lack a thorough understanding of restorative justice principles, resulting in the diversion process often remaining merely a formality without truly prioritizing dialogue and recovery. Furthermore, limited resources, low community participation, and the pressure of a legal culture still strongly rooted in a retributive paradigm also present obstacle. This raises significant questions about the extent to which restorative justice is truly effective in resolving juvenile crime in Indonesia.

⁴ DPR RI, "Isu Sepekan: Evaluasi Diversi Anak Berhadapan dengan Hukum," *Berkas DPR go.id*, Agustus 2023. Pusat Penelitian DPR RI. Retrieved in October 23 from https://berkas.dpr.go.id/pusaka/files/isu_sepekan/Isu%20Sepekan---V-PUSLIT-Agustus-2023-215.pdf.

⁵ KPAI, "Kertas Kebijakan Sistem Peradilan Pidana Anak Tahun 2023," *Komisi Perlindungan Anak Indonesia*, 2023. Retrieved in October 23, 2025 from <https://www.kpai.go.id/files/2025/01/SPPA-2023-Kertas-Kebijakan.pdf>.

Based on this background, this research is crucial to critically examine the effectiveness of restorative justice implementation in juvenile crime cases. This study will help answer several fundamental questions:

1. How is restorative justice actually implemented in resolving crimes committed by children in Indonesia?
2. Has the implementation of restorative justice been effective in accordance with statutory provisions, particularly the Child Protection Law and its implementing regulations?
3. What factors support or hinder the effectiveness of restorative justice implementation in juvenile crime cases?

The significance of this research lies in its contribution to providing a more comprehensive understanding of the actual state of restorative justice implementation in Indonesia. From a theoretical perspective, this research enriches the literature on juvenile criminal law, particularly from a restorative justice perspective. From a practical perspective, the research findings can provide valuable input for law enforcement officials, policymakers, and child protection agencies in formulating strategic steps to strengthen the implementation of restorative justice.

B. RESEARCH METHODS

This research uses a normative-juridical approach supported by empirical data.⁶ This normative-juridical approach was chosen because the study focuses on the effectiveness of restorative justice implementation in resolving juvenile crimes, as stipulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law) and its various implementing regulations.⁷ The analysis was conducted on positive legal provisions, principles, doctrines, and relevant literature to assess the suitability of restorative justice implementation with the legal principles of child protection.

To strengthen the results of the normative analysis, this study also utilized empirical secondary data, including official reports from the Indonesian Child Protection Commission (*Komisi Perlindungan Anak Indonesia/KPAI*), records from the Director General of Corrections at the Ministry of Law and Human Rights, and publications from the Indonesian House of Representatives (DPR RI) regarding the implementation of diversion and obstacles to restorative justice implementation. This data provides a factual picture of the number of cases of children in conflict with the law, the proportion successfully

⁶ Yati Nurhayati, Ifrani Ifrani, and M. Yasir Said, "Metodologi normatif dan empiris dalam perspektif ilmu hukum," *Jurnal Penegakan Hukum Indonesia* 2, no. 1 (2021): 13.

⁷ Nevey Varida Ariani, "Implementasi Undang-Undang Nomor 11 Tahun 2012 tentang sistem peradilan pidana anak dalam upaya melindungi kepentingan anak," *Jurnal Media Hukum* 21, no. 1 (2014): 16.

resolved through diversion, and supporting and inhibiting factors in the field. Data collection was conducted through library research, which involved accessing legal documents, scientific journals, books, and annual reports from relevant institutions. Data analysis was carried out qualitatively descriptively, namely by interpreting legal norms and connecting them with existing empirical data.

C. RESULTS AND DISCUSSION

1. Implementation of Restorative Justice in Resolving Child Crimes in Indonesia

The application of restorative justice in Indonesia in the context of juvenile crimes is realized through the diversion mechanism, as stipulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law). Diversion is an effort to divert case resolution from the formal judicial process to an out-of-court environment, involving the perpetrator, victim, family, and community in deliberation. The primary goal is to restore harm, reconciliation, and prevent the child from facing criminal proceedings that could damage their future. Diversion practices can be implemented during the investigation, prosecution, and court hearing stages, provided the crime committed by the child carries a prison sentence of less than seven years and does not constitute a repeat offense. In practice, diversion often becomes a space for moral and social negotiation, so its success depends on the willingness of all parties to engage in dialogue and seek just solutions.

The role of the prosecutor's office in promoting the implementation of restorative justice is a crucial pillar in strengthening legal certainty in Indonesia. Through policies emphasizing the principles of justice, morality, and humanity, the Prosecutor's Office plays an active role in promoting a more humane legal approach, thereby reducing the burden on the criminal justice system, which tends towards overcriminalization. This policy also affirms the commitment of state institutions to providing greater protection for children, both as perpetrators and victims of crime.⁸

The concept of restorative justice in resolving juvenile crimes in Indonesia focuses not only on punishment but also on restoring relationships between perpetrators, victims, and the community. This approach is based on the principles of Pancasila, particularly the second principle, which upholds just and civilized humanity, as explained in a study of the implementation of

⁸ Setia Untung Arimuladi, "Enhancing Legal Certainty Through Restorative Justice: A Focus on the Role of Indonesia's Attorney General's Office," *Pakistan Journal of Criminology* 16, no. 2 (2024): 34.

restorative justice by the police in North Lampung.⁹ There, diversion is implemented to prevent recurrence of crimes and protect children from the negative impacts of the judicial process, although inhibiting factors such as a lack of inter-agency coordination often pose challenges. Furthermore, during the COVID-19 pandemic, government policy, through Minister of Law and Human Rights Decree Number M.HH-19.PK.01.04.04 of 2020 strengthens diversion as a restorative justice instrument to release children from detention through assimilation and integration, with the aim of respecting the child's dignity and considering their best interests.¹⁰

In specific cases, such as rape committed by a child, restorative justice offers a mechanism that emphasizes accountability through compensation and community-based recovery, while supporting the child's rehabilitation and reintegration.¹¹ In this context, harmonizing relevant laws is essential, including Supreme Court Regulation Number 4 of 2014, which mandates judges to pursue diversion (Article 2), limits eligible cases to those punishable by under seven years and not involving recidivism (Article 3), and requires a restorative deliberation involving the child, victim, families, and social officers (Articles 5–6). The regulation also authorizes judges to approve or reject diversion agreements based on their fairness and legality (Articles 7–8). These provisions are crucial because they establish a clear normative design for restorative justice; yet, at the police investigation stage, conflicting norms and limited understanding continue to obstruct consistent implementation.¹²

A study of juvenile justice in Indonesia shows that although Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA) explicitly emphasizes that detention should be a last resort, particularly through Article 32, which limits detention to certain conditions, and Article 3(c), which mandates the protection of children from deprivation of liberty. In practice, detention is still often used as the primary option in handling cases of children in conflict with the law.¹³ These articles are considered important because they have established clear normative boundaries intended to shift the justice system towards restorative and non-

⁹ Irhamudin, and Ibrahim Fikma Edrisy, "Restorative Justice in the Implementation of Diversion Against Child Criminal Victims," *Nurani: jurnal kajian syari'ah dan masyarakat* 22, no. 2 (2022): 230.

¹⁰ Karsudin, and Irma Cahyaningtyas, "Government policy on child crime through the concept of diversion as a solution amid the spread of Covid-19," *Lex Scientia Law Review* 5, no. 2 (2021): 24.

¹¹ Edhei Sulisty, and Nur Rochaeti, "Restorative justice as a resolution for the crime of rape with child perpetrators," *International Journal of Criminology and Sociology* 10 (2021): 603.

¹² Renhard Harve, Syafruddin Kalo, and Ediwarman Alvi Syahrin, "Synchronization of Laws and Application of Diversion in Children Criminal Laws in Conflict," *International Journal of Criminal Justice Sciences* 16, no. 2 (2021): 13.

¹³ Sharyn Graham Davies, and Jazz Robson, "Juvenile (in) justice: children in conflict with the law in Indonesia," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 123.

custodial measures. However, inadequate understanding of the principles of restorative justice, and a lack of specialized child protection experts among law enforcement officials continue to undermine this mandate.¹⁴ Consequently, the gap between these progressive legal norms and judicial practice, which still relies heavily on retributive measures, is evident.

This situation also contradicts the principles enshrined in the Convention on the Rights of the Child (CRC), which Indonesia ratified through Presidential Decree Number 36 of 1990. The key provisions of the CRC, particularly Article 3, which requires the best interests of the child to be a primary consideration, and Article 40(3)(b), which obliges states to promote measures such as diversion and restorative justice, are crucial because they establish international standards that prevent deprivation of liberty and promote rehabilitation. These articles reaffirm the importance of prioritizing non-custodial solutions in juvenile justice in Indonesia. Therefore, this issue not only concerns the technical aspects of law enforcement, but also demands legal culture reform that supports the recovery of children, victims, and society.

However, the implementation of restorative justice in Indonesia often faces structural obstacles. Data shows that only around 14.1% of child cases are successfully resolved through diversion, with the remainder continuing to formal litigation.¹⁵ This low figure reflects regional disparities, a lack of mediation facilities, and a shortage of competent legal counsel. Therefore, conceptual reform is needed, including regarding restitution. The experiences of the Philippines and Thailand, for example, which allow restitution in the form of work, can serve as inspiration for Indonesia. This type of scheme is more realistic, considering that many perpetrators' families cannot afford to pay restitution in cash.¹⁶

Interestingly, the practice of restorative justice is not new in the Indonesian social context. In various regions, resolving juvenile cases through non-penal approaches has long been implemented by traditional institutions. In Sulawesi, for example, traditional courts still maintain the tradition of resolving juvenile cases through deliberation mechanisms that prioritize the restoration of social relations and local moral values. This model aligns with the philosophy of customary law, which prioritizes community harmony as the

¹⁴ Putri K. Amanda, Shaila Tieken, Sharyn Graham Davies, and Santi Kusumaningrum, "The juvenile courts and children's rights: good Intentions, flawed execution," *The Politics of Court Reform: Judicial Change and Legal Culture in Indonesia* (2019): 270.

¹⁵ Daud Rismana, Ali Maskur, Rifi Maria Laila Fitri Permonoputri, Hariyanto Hariyanto, and Hajar Salamah Salsabila Hariz, "The Legal Effectiveness of Juvenile Diversion: A Study of the Indonesian Juvenile Justice System," *Khazanah Hukum* 7, no. 2 (2025): 195.

¹⁶ I. Wayan Putu Sucana Aryana, "The Reformulation of Restitution Concept in Juvenile Cases (A Comparative Study with Philippines and Thailand)," *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)* 7, no. 3 (2020): 415.

primary goal, rather than simply individual punishment.¹⁷ Studies of practices in Padang and the Dayak Kanayatn community show that family deliberation is an important tool in ensuring the fulfillment of victims' rights while also providing perpetrators with the opportunity to take social responsibility. This community-involved mechanism strengthens the legitimacy and acceptance of the outcome, so that the restorative justice process becomes not merely a legal formality but also accepted as a moral and social solution.¹⁸

Current diversion policies demonstrate an opportunity to integrate local wisdom. Balinese customary practices, for example, have long emphasized resolving cases through peaceful channels involving community leaders, victims, and the perpetrator's family. This integration is particularly relevant for handling specific cases such as child sexual violence, where optimal protection for victims must be prioritized, while perpetrators are still held accountable through mechanisms that do not destroy their future.¹⁹

Integrating customary law traditions into the national justice system can be an important strategy for strengthening the effectiveness of restorative justice. An example of this can be found in practices in Tana Toraja, where the role of customary judges as reconciliatory is viewed as having high moral and social legitimacy in resolving juvenile cases. This mechanism can be further strengthened by integrating Islamic norms, such as the concept of such (peace), with customary law and national positive law. This hybrid approach not only broadens the legitimacy of the juvenile justice system but also opens up space for the creation of a uniquely Indonesian restorative justice model rooted in local and religious values.²⁰ Several local practices in Indonesia also demonstrate this interesting integration model. In Bali and West Papua, for example, judges combine theological, sociological, and positive legal considerations in formulating decisions. This approach creates a form of restorative justice that is sensitive to the cultural context and local values, making the outcomes more acceptable to the community.²¹ Similar practices

¹⁷ Nur Rochaeti, and Pujiyono Pujiyono, "Implementation Study of Restorative Justice for Juvenile Criminal Justice System by Customary Court in Mainland Sulawesi," In *IOP Conference Series: Earth and Environmental Science*, vol. 156, no. 1, IOP Publishing, 2018, 1204.

¹⁸ Nur Rochaeti, and Nurul Muthia, "Socio-legal study of community participation in restorative justice of children in conflict with the law in Indonesia," *International Journal of Criminology and Sociology* 10, no. 1 (2021): 297.

¹⁹ Sagung Laksmi Dewi, Anak Agung, Hartini Saripan, I. Minggu Widyantara, and Anak Agung Ngurah Adhi Wibisana, "Balinese Local Wisdom's Perspective on Legal Protection for Children as Victims and Perpetrators of Sexual Abuse," *Jurnal Hukum Novelty* 14, no. 1 (2023): 1412.

²⁰ Siti Zubaidah, Musakkir Musakkir, Syamsuddin Muchtar, Wiwie Heryani, and Ahmad Masum, "Integrating Tradition into Legal Reform: Reconstructing the Role of Reconciliatory Customary Judges in Diversion Processes within the Interplay of Islamic, Customary, and National Law," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (2025): 452.

²¹ Syamsuddin Muchtar, Irwansyah Irwansyah, Ahsan Yunus, Arnita Pratiwi Arifin, and Markham Faried, "Juvenile Criminal Responsibility in Justice Systems: A Comparative Study of Judicial Interpretations in Indonesia and Australia," *Jambe Law Journal* 7, no. 2 (2024): 380.

can also be found at the local level, such as in Aceh, where juvenile cases are often resolved through village mechanisms based on customary law. This approach emphasizes consensus deliberation, in line with the principles of restorative justice, while also providing bottom-up legitimacy because it stems from the community's own traditions.²²

From a normative perspective, the constitutional value of restorative justice implementation is firmly grounded in the Indonesian legal framework. This principle aligns with the mandate of the 1945 Constitution, particularly Article 28I, which affirms the protection of human rights, and Article 28D, which emphasizes the guarantee of substantive justice. Therefore, restorative justice is not merely viewed as an alternative policy, but as a manifestation of the constitutional core values, which require every legal process to be oriented toward restoration, not merely retribution. A participatory approach to resolving juvenile cases has the potential to reduce recidivism rates and strengthen social cohesion by involving children, victims, families, and the community in finding just solutions.²³

Comparatively, Indonesia's experience with the Child Protection Act (SPPA) can be considered more comprehensive than Vietnam's. The SPPA Act provides a clear legal basis for diversion, age limits for criminal responsibility, and child protection mechanisms. Meanwhile, Vietnam is still in the reform phase, with a focus on sentence reduction and community-based diversion. Both countries, although at different stages, emphasize the principle of non-discrimination as stipulated in the 1989 Convention on the Rights of the Child, which serves as the international standard for protecting children's rights.²⁴ Previous comparative studies also show similar patterns, where Indonesia is categorized as having a more structured juvenile justice framework compared to several ASEAN countries, although implementation gaps remain a consistent challenge. However, compared to the United States, Germany, Poland, and Switzerland, penal mediation in Indonesia remains limited to minor crimes and juvenile cases. In fact, in these countries, the scope of mediation has been expanded to include restitution programs, victim awareness education, and even community-based social reintegration. This demonstrates that the

²² Marlina, and Mahmud Mulyadi, "Building restorative justice in Gampong as a bottom-up legitimisation of the protection of children in conflict with the law in Indonesia: case study in Aceh," *Cogent Social Sciences* 10, no. 1 (2024): 234.

²³ Rinda Philona, and Awaludin Awaludin, "Constitutional Values and Restorative Justice: A Critical Analysis in the Indonesian Context," *KARSA Journal of Social and Islamic Culture* 33, no. 1 (2025): 256.

²⁴ Vu Le Giang, "Child Punishment Versus the Principle of Non-Discrimination in the Perspective of Human Rights: A Legal Comparison Between Indonesia and Vietnam," *Jurnal Suara Hukum* 7, no. 1 (2025): 250.

Indonesian system has the potential to be further developed by learning from international models, without abandoning existing local wisdom.²⁵

From an Islamic legal perspective, the principle of rehabilitation is emphasized over punishment. The flexible concept of *ta'zir* can be utilized for the moral reform of children, so child-friendly courts should emphasize rehabilitation, rather than criminal sentences.²⁶ In this context, Islamic jurisprudence offers a different perspective through the flexible concept of *ta'zir*. Punishment is not interpreted as merely repressive, but must be proportionate to the child's age and consider the goal of rehabilitation. This faith-based approach is seen as capable of breaking the chain of child exploitation by drug syndicates by emphasizing moral, spiritual, and social development.²⁷ Furthermore, another important note comes from an Islamic legal perspective regarding child-friendly justice. The concept of *mukallaḥ* emphasizes that children under a certain age cannot be burdened with full legal responsibility. Therefore, the justice system must be careful not to stigmatize children under 12 as criminals. Instead, the legal process must be directed at protecting, nurturing, and preventing children from experiencing prolonged trauma.²⁸

From a human rights perspective, restorative justice must ensure a space for dialogue, forgiveness, and accountability. This process is expected to holistically address children's needs, including physical, psychological, and social needs. However, challenges remain, particularly regarding the lack of public awareness of child protection principles. Without increased legal literacy and public understanding, restorative justice risks becoming merely a normative policy without effective implementation.²⁹ Overall, the implementation of restorative justice in Indonesia is still in its infancy. The emphasis on preventing litigation through informal approaches, such as

²⁵ Matthew Marcellinno Gunawan, Pujiyono Suwadi, and Muhammad Rustamaji, "Comparison of restorative justice implementation in Indonesia, USA, Germany, Poland and Switzerland," *Revista de Gestao Social e Ambiental* 18, no. 1 (2024): 12.

²⁶ Adrian Hadiputra, Muhammad Azil Maskur, Ridwan Arifin, Ikram Amrullah, and Hibatullah Maajid, "Juvenile Justice in Comparative Perspective: A Study of Indonesian State Law and Islamic Law," *Contemporary Issues on Interfaith Law and Society* 3, no. 2 (2024): 213.

²⁷ Andri Winjaya Laksana, Moh Nurul Huda, Hendro Widodo, Dzaka Imtiyaz Iqbal, and Doni Catur Saefudin, "Fiqh Jinayah's Approach to Children Trapped in the Octopus of Narcotics Trafficking," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 1 (2025): 309.

²⁸ Shinta Ayu Purnamawati, Nurini Aprilianda, Lucky Endrawati, and Faizin Sulistiyo, "Child-friendly justice and children's rights from criminal cases; Islamic Law notes," *Legality: Jurnal Ilmiah Hukum* 32, no. 1 (2024): 149.

²⁹ Dina Desvita Pramesti Putri, "Sounding the Justice for Child: Does Restorative Justice Matters?," *Journal of Law and Legal Reform* 4, no. 3 (2023): 313.

community mediation or family consultations, demonstrates a systematic effort to provide more child-friendly justice.³⁰

2. Effectiveness of Implementing Restorative Justice in Accordance with Statutory Regulations

The effectiveness of restorative justice implementation in Indonesia's juvenile criminal justice system must be understood as the extent to which available legal instruments can be operationalized to achieve the stated goal of protecting the best interests of children. The primary normative foundation is laid through Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law), which expressly stipulates that imprisonment is the ultimum remedium and diversion is a mandatory mechanism at every stage of investigation. This norm is reinforced by Supreme Court Regulation (*Peraturan Mahkamah Agung/Perma*) Number 4 of 2014, specifically Article 3, which requires judges to seek diversion in all cases punishable by imprisonment of less than seven years, and Articles 5–8, which regulate the procedural stages of diversion trials, the role of victims, and the formulation of restorative agreements. These articles are important because they operationalize the restorative justice mandate of the Child Protection Act and ensure its uniform application across all courts. Thus, formally, Indonesia's legal framework has accommodated a restorative justice paradigm that aligns with international principles, particularly the Convention on the Rights of the Child (CRC) and the 1985 Beijing Rules.

The Indonesian Child Protection Commission (KPAI, 2023) noted that throughout 2023, there were 7,185 children under the status of community counseling clients, and of these, only 2,296 cases were successfully resolved through diversion mechanisms. This figure indicates that approximately 32% of juvenile cases are resolved through restorative justice approaches, while the majority of cases continue through formal justice processes or correctional institutions. This fact demonstrates that the effectiveness of diversion implementation is not optimal, despite being mandated by applicable regulations.

Hutagalung's³¹ research confirms that although restorative justice is normatively recognized through the Juvenile Justice and Child Protection Law (UU SPPA), its application remains partial and faces challenges such as limited understanding among law enforcement officials, inconsistent implementation,

³⁰ Trinita Yulinda Sirait, and Irma Cahyaningtyas, "Restorative Justice Approach In The Settlement Of Children's Cases In Indonesia," *Legality: Jurnal Ilmiah Hukum* 27, no. 2 (2019): 239.

³¹ Hutagalung Tahi Saoloan, "The effectiveness of restorative justice implementation in the juvenile criminal justice system in Indonesia," *Jurnal Smart Hukum (JSH)*, 2, no. 1 (2025): 40.

and cultural barriers.³² However, this approach has proven potential in reducing recidivism, promoting rehabilitation, and engaging the community more constructively than the conventional criminal justice system.

Similarly, research in Mataram indicates that the implementation of restorative justice is quite effective in preventing children from facing lengthy litigation and resulting in more humane resolutions.³³ Another study in Aceh also found that a community-based approach through gampong (village) and customary laws (qanun) provides strong bottom-up legitimacy for child protection.³⁴

These analyses strengthen the argument that, normatively, regulations already support the implementation of restorative justice. However, its effectiveness in the field still needs to be strengthened to truly realize the primary objective of the Juvenile Justice and Child Protection Law, namely making imprisonment the ultimum remedium. Although not yet covering all cases, this data confirms that the diversion mechanism is operational and has had a real impact on reducing child involvement in the conventional criminal justice system. From a legal perspective, this demonstrates normative effectiveness, as the established rules have created settlement practices that differ from traditional repressive approaches.³⁵

Effectiveness can also be measured by the quality of child protection achieved through diversion implementation.³⁶ Case resolution using a restorative justice approach allows for direct dialogue between the child as perpetrator, victim, family, and law enforcement officials. This process emphasizes not only an admission of guilt and an apology but also creates space for victims to obtain proper reparation. Thus, restorative justice provides stronger moral legitimacy because it prioritizes substantive justice over merely procedural justice. For child offenders, diversion provides an opportunity to remain integrated into the social environment without the stigma of correctional institutions, while also opening up opportunities for more constructive rehabilitation.

³² Setya Wahyudi, Rani Hendriana, Dwiki Oktobrian, and Bhanu Prakash Nunna, "Recomposing the Handover and Return to Parents in the Juvenile Justice System in Indonesia: Dilemma between Best Interest of the Juvenile and Legal Shadow," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* (2025): 274.

³³ Ahmad Rohman, "Efektivitas restorative justice dalam penyelesaian perkara anak di Mataram," *Jurnal Hukum Justin*, 12, no. 2 (2024): 49.

³⁴ Marlina, and Mahmud Mulyadi, "Building restorative justice in Gampong as a bottom-up legitimisation of the protection of children in conflict with the law in Indonesia: case study in Aceh," *Cogent Social Sciences* 10, no. 1 (2024): 236.

³⁵ Lafri Prasetyono, "The Problem of Diversion in Children Perpetrators of Traffic Violations in Indonesia," *Jambura Law Review* 4, no. 1 (2022): 40.

³⁶ Novita Erdianti, Ratri, and Sholahuddin Al-Fatih, "Fostering as an alternative sanction for juveniles in the perspective of child protection in Indonesia," *JILS* 4 (2019): 119.

Furthermore, the effectiveness of restorative justice implementation is also evident in its contribution to reducing the burden on correctional institutions.³⁷ Juvenile correctional institutions in Indonesia have long faced overcrowding, which ultimately negatively impacts the development and recovery of children. Through diversion, some cases can be diverted to alternative solutions, thereby reducing the influx of children into correctional institutions. This aligns with the primary objective of the SPPA Law, which is to prevent children from experiencing trauma or deeper psychological damage due to being trapped in the formal criminal justice system.³⁸

Furthermore, the effectiveness of restorative justice regulations can also be linked to its integration into the overall justice system. The introduction of Supreme Court Regulation Number 4 of 2014 as a technical regulation strengthens legal certainty by eliminating any ambiguity in law enforcement officials' interpretation of diversion obligations. This provision clarifies the limits of cases that can be diverted, the deliberation procedure, and the mechanism for recording agreements. With this regulation, the effectiveness of restorative justice is measured not only by the number of cases successfully diverted, but also by the level of compliance of officials in carrying out their legal mandate. This certainty is key to ensuring that the implementation of restorative justice is not merely optional, but rather an inherent obligation in every juvenile case resolution process. This observation is consistent with previous studies showing that regulatory clarity particularly at the operational level is one of the strongest determinants of successful diversion implementation in Indonesia.

Furthermore, the implementation of restorative justice through diversion can be considered effective because it adapts to the socio-cultural context of Indonesian society. The traditions of deliberation, consensus, and community-based resolution, which exist within Indonesia's indigenous communities, serve as a social foundation that strengthens the legitimacy of diversion. In other words, the mechanisms normatively stipulated in the Child Protection Act (UU SPPA) find relevance in everyday social practice. This emphasizes that the effectiveness of restorative justice lies not only in the achievement of diversion rates, but also in the level of social acceptance that supports the policy's sustainability.³⁹

³⁷ Trian Yuli Diarsa, "Implementation of Juvenile Reprimand in Indonesia," *Yuridika* 38, no. 1 (2023): 100.

³⁸ Moch Fauzan Zarkasi, Nur Azisa, and Haeranah Haeranah, "Implications of renewal system of criminal justice based on the principles of restorative justice on the role of probation and parole officer," *Khazanah Hukum* 4, no. 1 (2022): 32.

³⁹ Susana Andi Meyrina, "Restorative Justice dalam Peradilan Anak Berdasarkan Undang-Undang No. 11 Tahun 2012," *Jurnal Penelitian Hukum De Jure* 17, no. 1 (2017): 99.

From a human rights perspective, the effectiveness of restorative justice implementation is also reflected in the extent to which children's rights are protected in practice. The Child Protection Law emphasizes the principles of non-discrimination, the best interests of the child, respect for the child's dignity, and child participation in every process. The implementation of diversion provides greater participation for children, both as perpetrators and victims, in the case resolution process. This participation is a crucial element that distinguishes restorative justice from traditional retributive approaches, thus strengthening its claim of effectiveness from a juvenile justice perspective.⁴⁰

Thus, the effectiveness of restorative justice implementation in accordance with Indonesian law is already evident in several aspects: the successful resolution of some juvenile cases through diversion, the protection of children's rights, a reduction in the burden on correctional institutions, legal certainty through regulatory instruments, and social acceptance that supports the restorative paradigm. Although quantitatively, diversion rates are not yet optimal, the normative framework and ongoing practices already point a clear direction toward a more humane justice system aligned with the principles of restorative justice.

3. Supporting and Inhibiting Factors in the Implementation of Restorative Justice

The success of implementing restorative justice in resolving juvenile crimes is determined not only by the existence of regulations, but also by the surrounding social, cultural, and institutional dynamics. In Indonesia, a strong legal foundation is a key supporting factor. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA) clearly states that detention and imprisonment are the ultimum remedium, the last resort when other alternatives are unfeasible.⁴¹ This is reinforced by Supreme Court Regulation (Perma) Number 4 of 2014, which provides technical guidelines for implementing diversion in court. Normatively, this legal instrument has shifted the paradigm from retributive to restorative, emphasizing the principle of the best interests of the child as the primary foundation.

Another supporting factor is institutional support. Correctional Institutions play a crucial role as mediators in the diversion process, while the Indonesian Child Protection Commission (KPAI) and non-governmental organizations (NGOs) provide advocacy, oversight, and outreach.

⁴⁰ Nashriana, Desia Rakhma Banjarani, Marwin S. Del Rosario, and Vera Novianti, "Enhancing Restorative Justice in Indonesia: Exploring Diversion Implementation for Effective Juvenile Delinquency Settlement," *Sriwijaya Law Review* (2023): 324.

⁴¹ Trian Yuli Diarsa, "Implementation of Juvenile Reprimand in Indonesia," *Yuridika* 38, no. 1 (2023): 99.

Collaboration between these institutions can enhance the legitimacy and success of out-of-court case resolutions. The presence of psychologists and social workers in the diversion process also enriches the approach, as it takes into account the emotional, social, and educational conditions of the children involved. Without institutional support, implementing regulations will be difficult in practice.⁴²

Another supporting factor is growing public awareness of the importance of child protection. Public discourse regarding the fair treatment of child offenders is shifting from a punitive paradigm to a restorative one. This awareness is inseparable from the role of civil society organizations, academics, and the mass media, which have actively advocated for child protection and the implementation of restorative justice. This has led to broader public acceptance of out-of-court settlements.⁴³

However, various structural and cultural barriers still limit the effectiveness of restorative justice implementation. One major obstacle is a lack of understanding among law enforcement officials regarding the concept and practice of restorative justice. Although the Child Protection Law (SPPA) has been in effect for more than a decade, its implementation in the field often remains a formality. Many officials, including investigators and prosecutors, prefer litigation as it is considered more certain and simpler, rather than initiating a diversion process that requires mediation skills and a psychosocial approach.

Another barrier is limited institutional facilities and infrastructure. Not all regions have mediation facilities, counseling rooms, or experts who understand child psychology.⁴⁴ As a result, diversion tends to be more effective in large cities with more adequate infrastructure, while in rural or remote areas, restorative justice processes are difficult to implement.⁴⁵ This situation creates disparities in implementation between regions.

In addition to institutional barriers, there are also challenges in the legal culture of society. Legal culture in Indonesia is still dominated by a retributive paradigm that views punishment as a form of justice. It is not uncommon for communities or victims' families to reject resolutions through deliberation, demanding harsh punishments for perpetrators. In certain cases, the psychological aspects of the victim or their family make dialogue difficult,

⁴² Ida Naf'atun, "Efektivitas Restorative Justice dalam Menangani Perkara Anak di Bawah Umur," *YUDHISTIRA: Jurnal Yurisprudensi, Hukum dan Peradilan* 2, no. 1 (2024): 39.

⁴³ Rasdi Rasdi, Pujiyono Pujiyono, Nur Rochaeti, and Rehulina Rehulina, "Reformulation of the Criminal Justice System for Children in Conflict Based on Pancasila Justice," *Lex Scientia Law Review* 6, no. 2 (2022): 480.

⁴⁴ Saefudin Sriwiyanti, Wahyu Siti Aminah, "Restorative justice for juvenile offenders in Indonesia: A study of psychological perspective and islamic law," *J. Islamic L.* 2 (2021): 168.

⁴⁵ Wikan Sinatrio, "The Implementation of Diversion and Restorative Justice in the Juvenile Criminal Justice System in Indonesia," *JILS* 4 (2019): 73.

resulting in diversion failure. This public pressure often influences law enforcement officials to bring juvenile cases to formal court, even though they qualify for diversion.

In the literature on child criminology, the success of restorative justice is also influenced by the child's motivation to desist, or their desire to stop deviant behavior. Juliana et al.⁴⁶ emphasize that factors such as identity transformation, family support, and employment opportunities significantly contribute to successful social reintegration. Children who receive emotional support from their families, access to education, and economic opportunities tend to more easily escape delinquent peer groups. Therefore, restorative justice cannot be separated from socio-economic strategies that support long-term rehabilitation.

In addition to regulatory support, the implementation of restorative justice in Indonesia is also strengthened by religious values, local wisdom, and innovations in legal education. Practices in several regions demonstrate that judges and law enforcement officers often integrate local customary and cultural norms in resolving juvenile cases. This approach emphasizes that justice is not merely formal but must also gain social legitimacy through community deliberation and consensus. As noted by Muchtar et al.⁴⁷ the combination of theological, sociological, and legal norms can produce restorative resolution patterns that are more adaptive to cultural diversity, thereby strengthening community acceptance of diversion outcomes.

Similar support also comes from the human resource capacity of law enforcement officers. Integrative training programs designed by police education institutions, for example, have been shown to improve officers' understanding of child protection principles and the importance of a restorative approach. Abraham et al.⁴⁸ show that, although long-term empirical evaluation is still needed, investment in legal education for officers has the potential to create greater consistency in diversion practices across regions.

In addition to formal legal channels, supporting factors also arise from preventive education in the non-judicial sector. The integration of legal material into the school curriculum, as proposed by Sari and Apritania,⁴⁹ not

⁴⁶ Jesika Juliana, Azmawaty Mohamad Nor, and Fonny Dameaty Hutagalung, "'I don't want to do that anymore': Motivation and Strategies to Desistance Among Juvenile Offenders in Indonesia," *Pertanika Journal of Social Sciences & Humanities* 33, no. 1 (2025): 23.

⁴⁷ Syamsuddin Muchtar, Irwansyah Irwansyah, Ahsan Yunus, Arnita Pratiwi Arifin, and Markham Faried, "Juvenile Criminal Responsibility in Justice Systems: A Comparative Study of Judicial Interpretations in Indonesia and Australia," *Jambe Law Journal* 7, no. 2 (2024): 383.

⁴⁸ I. Abraham, A. Ridwan, and D. D. Triana, "Evaluating integrated training for juvenile criminal justice system at the national police education and training center," *International Journal of Evaluation and Research in Education* 13, no. 5 (2024): 3056.

⁴⁹ Ratih Mega Puspa Sari, and Sivani Ardi Apritania, "The form of resolution of juvenile delinquency in Indonesia," *Jurnal Hukum* 40, no. 1 (2024): 120.

only equips students with normative understanding but also serves as a character-building strategy. By introducing legal principles from junior high school age, children are expected to be better able to understand the consequences of unlawful acts and are encouraged to internalize moral values aligned with Pancasila. This finding aligns with previous studies that found that school-based legal literacy programs significantly reduce children's vulnerability to delinquency and strengthen their capacity for responsible decision-making.

On the other hand, fulfilling children's rights is also an important legitimacy factor. Purnamawati et al.⁵⁰ remind us that children under 12 years of age should not be labeled as criminals because they have not yet achieved *mukallaf* (a legally accountable person under Islamic law) status. This perspective encourages the creation of a more child-friendly, stigma-free justice system focused on social recovery. Thus, the implementation of restorative justice gains moral, social, and religious reinforcement relevant to the context of Indonesia's pluralistic, predominantly Muslim society.

This overall analysis demonstrates that the implementation of restorative justice in Indonesia is a complex process, influenced by legal, institutional, community, educational, and local value support. It also faces obstacles such as limited understanding among officials, uneven infrastructure, and the pressure of a retributive legal culture. Therefore, the effectiveness of restorative justice is determined not only by regulations but also by the synergy of social, cultural, and economic factors that underpin its implementation.

These findings affirm that restorative justice in Indonesia has a solid normative foundation but still encounters significant gaps in practice. Although legal reforms, educational initiatives, and local value systems provide strong support, their impact remains uneven due to persistent structural and cultural barriers. The success of restorative justice therefore hinges on the alignment between legal mandates and the capacity of institutions and communities to implement them consistently. Ultimately, strengthening this alignment is essential to ensuring a juvenile justice system that is truly protective, rehabilitative, and just.

D. CONCLUSION

The application of restorative justice in resolving juvenile crimes in Indonesia represents significant progress in protecting children's rights, although its effectiveness still faces significant challenges. Normatively, legal

⁵⁰ Shinta Ayu Purnamawati, Nurini Aprilianda, Lucky Endrawati, and Faizin Sulistiyo, "Child-friendly justice and children's rights from criminal cases; Islamic Law notes," *Legality: Jurnal Ilmiah Hukum* 32, no. 1 (2024): 150.

instruments such as Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law) and Supreme Court Regulation Number 4 of 2014 have provided strong legitimacy for diversion as the primary restorative justice mechanism. The principle of "the best interests of the child" serves as a key foundation, affirming that imprisonment should be a last resort. Thus, the Indonesian legal system is essentially aligned with the international paradigm regarding juvenile justice.

However, the reality of implementation on the ground shows significant gaps. Data from the Indonesian Child Protection Commission shows that of the 7,185 children who were clients of community counselors, only 2,296 cases were successfully resolved through diversion. It can be concluded that law enforcement officials have not fully understood the concept of restorative justice, the infrastructure of diversion institutions is still limited, and the retributive societal paradigm also hinders the success of diversion.

Supporting factors such as clear regulations, the role of the Indonesian Child Protection Commission (KPAI), and increased public awareness need to be continuously strengthened through officer training, provision of supporting facilities, and public education. Furthermore, emerging obstacles require specific strategies, including expanding the scope of diversion, strengthening inter-institutional coordination, and building a legal culture more oriented toward restoration.

Thus, restorative justice has great potential to be a humane and equitable solution for resolving juvenile crimes. However, its effectiveness depends heavily on alignment between legal norms, institutional capacity, and a shift in societal paradigms. Sustained efforts are needed to ensure the principle of the best interests of the child is truly realized in criminal justice practices in Indonesia.

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