

Restorative Justice Approach in Juvenile Criminal Cases: Legal Implementation and Challenges in the Indonesian Criminal Justice System

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ABSTRACT

This article examines the implementation of the restorative justice approach in juvenile criminal cases within the Indonesian criminal justice system, with a specific focus on diversion as mandated by Law No. 11 of 2012 on the Juvenile Criminal Justice System (Undang-Undang Sistem Peradilan Pidana Anak/UU SPPA). Indonesia has formally adopted restorative justice as a guiding principle in handling children in conflict with the law, emphasizing the best interests of the child, rehabilitation, and social reintegration rather than retribution. Despite this strong normative framework, empirical evidence shows a persistent gap between legal ideals and practice, including low diversion rates at the national level and significant regional disparities. Using a qualitative research design based on doctrinal analysis and literature review, this study explores the legal basis of restorative justice, its operationalization through diversion at the stages of investigation, prosecution, and trial, and the multi-dimensional challenges that hinder its effective application. The findings indicate that legal, institutional, and socio-cultural obstacles—such as regulatory disharmony, limited institutional capacity, insufficient training of law enforcement officials, and a prevailing punitive legal culture—constrain the realization of restorative justice. The article concludes by offering recommendations to strengthen regulatory coherence, build capacity for restorative mediation, and promote a child-rights oriented legal culture as prerequisites for optimizing restorative justice in juvenile cases.

Keywords: restorative justice, juvenile, criminal, case

INTRODUCTION

The paradigm shift from retributive to restorative justice represents a significant development in contemporary criminal law, particularly in the field of juvenile justice. Restorative justice seeks to repair the harm caused by crime through processes that involve offenders, victims, and the community rather than focusing solely on punishment. This approach emphasizes accountability, reconciliation, and restoration of social relationships, aligning with international standards such as the United Nations Convention on the Rights of the Child (UNCRC) and the Beijing Rules on juvenile justice (F. Rahman, 2019).

In many jurisdictions, restorative justice is considered more compatible with the developmental needs of children and the principle of the best interests of the child. Indonesia has formally embraced this global trend through a series of legal reforms, culminating in the enactment of Law No. 11 of 2012 on the Juvenile Criminal

Justice System (UU SPPA). This law explicitly recognizes restorative justice and diversion as foundational principles in the handling of children in conflict with the law, mandating that deprivation of liberty be used only as a measure of last resort (Kurniawan, 2025).

Diversion, in this context, refers to the redirection of juvenile cases from formal criminal proceedings to alternative dispute resolution mechanisms grounded in restorative justice, such as mediation between the child offender and the victim with active participation of their families and the community. Through this mechanism, the law aims to prevent stigmatization and criminalization of children while promoting their rehabilitation and reintegration into society (Valentino, 2025).

The adoption of restorative justice in Indonesia is deeply connected to local socio-cultural values. The principles of *musyawarah* (deliberation) and *mufakat* (consensus), which underpin many traditional dispute resolution practices, are highly compatible with the restorative paradigm (Permana et al., 2025).

Empirical studies note that the SPPA Law and subsequent Government Regulation No. 58 of 2022 on the implementation of restorative justice substantively align with indigenous values, thus providing a culturally resonant normative foundation. However, the existence of a supportive cultural and legal framework does not automatically translate into effective implementation (Salsabilla, 2025).

In practice, the operation of restorative justice in juvenile cases in Indonesia remains far from being optimal. Data from several empirical studies indicate that only a relatively small proportion of child cases are resolved through diversion, while the majority continue to be processed through formal litigation (Ananta et al., 2025).

One study, for example, reports that only approximately 14.1% of juvenile cases nationwide are successfully settled via diversion, with the remainder proceeding to trial. This low rate of diversion suggests that the restorative justice mandate in the SPPA Law has not yet been fully internalized by law enforcement agencies or the judiciary.

The gap between legal norms and empirical practice is further underscored by findings that show considerable regional disparities. In certain provinces such as West Java, the application of diversion is relatively more advanced, with approximately 60% of juvenile cases reportedly resolved through diversion in 2022 and a reintegration success rate of about 75% (Murdianto & Rustam, 2024).

By contrast, in other jurisdictions, such as the Tanjung Karang High Court area, implementation remains limited and hampered by several obstacles, including time constraints, budget limitations, and an incomplete understanding of restorative justice among practitioners. These disparities indicate that restorative justice in Indonesia is implemented unevenly, depending on local institutional capacity and the commitment of law enforcement officials.

A number of studies have highlighted systemic challenges that impede the effective implementation of restorative justice in Indonesia's juvenile justice system. Key obstacles include regulatory disharmony between the SPPA Law and various implementing regulations within the police, prosecution, and judiciary; insufficient training and awareness among law enforcement personnel; limited infrastructure such as mediation facilities and special child detention centers; and a persistent punitive legal culture that favors imprisonment over restorative measures (Abdullah, 2025).

Additionally, the active participation of victims—an essential element of restorative justice—is often not realized in practice, with victims frequently becoming passive participants whose interests are overshadowed by a focus on the child offender.

These conditions raise important questions regarding the extent to which the restorative justice approach, as articulated in the SPPA Law and related regulations, has been realized within the Indonesian criminal justice system. Despite the normative commitment to restorative justice, the persistence of retributive tendencies and structural limitations suggests that a deeper analysis is necessary to understand the dynamics of implementation and the factors that hinder or facilitate restorative practices in juvenile cases.

In response to this problem, this study aims to provide a comprehensive analysis of the restorative justice approach in juvenile criminal cases in Indonesia, focusing on both legal norms and their implementation. First, it examines the conceptual development and legal framework of restorative justice as applied to children in conflict with the law, particularly through the mechanism of diversion at various stages of the criminal process (A. Rahman et al., 2026).

Second, it analyzes empirical findings on the implementation of diversion and restorative practices across

different regions, highlighting patterns of success and failure.

Third, it explores the challenges faced in operationalizing restorative justice, including normative, structural and cultural barriers.

Finally, this study offers recommendations for strengthening the institutionalization of restorative justice within Indonesia's juvenile criminal justice system.

This study adopts a qualitative research design combining doctrinal legal analysis with a literature-based examination of empirical studies, reports, and case examples. Such an approach is particularly suitable for understanding the interaction between normative frameworks and practice in the context of juvenile justice, where legal texts, institutional arrangements, and socio-cultural factors intersect.

Through this qualitative lens, the article seeks to contribute to academic discourse on restorative justice and to inform policy reforms aimed at better protecting the rights and interests of children in conflict with the law in Indonesia.

METHOD

This study employs a qualitative research design to conduct a comprehensive analysis of the restorative justice approach in juvenile criminal cases within the Indonesian criminal justice system. Qualitative research is appropriate for exploring complex legal and social phenomena because it enables an in-depth understanding of meanings, interpretations, and practices that cannot be captured solely through quantitative analysis.

In the context of juvenile justice and restorative practices, qualitative methods facilitate the examination of how legal norms are translated into institutional routines, and how actors experience and negotiate these processes.

Research Type and Approach

This study adopts a normative-empirical approach that combines doctrinal legal analysis with a literature-based examination of empirical studies. Doctrinal analysis focuses on the systematic interpretation of legal norms governing restorative and juvenile justice in Indonesia, including the SPPA Law, related government regulations, and relevant policy documents.

This method is used to elucidate the legal framework, principles, and procedures that structure the application of restorative justice in juvenile cases.

Simultaneously, this study conduct a literature-based review of empirical research, case studies, and institutional reports on the implementation of restorative justice in Indonesia. This enables the integration of doctrinal insights with findings from field-based studies, thus providing a more holistic understanding of how restorative justice operates in practice in the Netherlands.

The combination of normative and empirical perspectives is essential for identifying gaps between law in the books and law in action.

Data Sources

The research relies on two main categories of data: primary legal materials and secondary data derived from academic and institutional sources. Primary legal materials include legislation, government regulations, and official policy documents governing juvenile justice and restorative justice in Indonesia, notably Law No. 11 of 2012 on the Juvenile Criminal Justice System, Government Regulation No. 58 of 2022, and relevant guidelines issued by law enforcement agencies and child protection institutions.

Secondary data consist of:

- Peer-reviewed journal articles on restorative justice and juvenile justice in Indonesia.
- Empirical case studies examining specific courts or regions, such as West Java and the Tanjung Karang High Court.
- Reports and policy papers from government bodies and research institutions that evaluate the implementation of diversion and restorative justice mechanisms.
- Comparative literature on restorative justice in other jurisdictions and international standards on juvenile justice, used to contextualize the Indonesian experience.

The selection of sources follows purposive sampling principles, prioritizing materials that provide a detailed analysis of legal norms, implementation practices, and challenges related to restorative justice in juvenile cases.

Data Collection Techniques

Data were collected through a systematic document analysis. For primary legal materials, the research involved close reading and interpretation of statutory provisions, regulations, and guidelines, focusing on definitions, objectives, principles, and procedural requirements related to restorative justice and diversion.

For secondary sources, academic databases, institutional repositories, and journal platforms were searched using keywords such as “restorative justice,” “diversion,” “juvenile criminal justice system,” and “Indonesia.”

The collected documents were then reviewed to identify relevant themes and findings, particularly those related to: (1) the conceptualization and legal framework of restorative justice in Indonesia; (2) empirical data on diversion rates and restorative practices; and (3) challenges and obstacles in implementation. Studies that provided quantitative indicators, such as diversion percentages and reintegration outcomes, were included to complement the qualitative analysis while ensuring that such data were drawn from credible and clearly documented sources.

Data Analysis

Data analysis was conducted using a qualitative thematic approach. First, legal provisions and policy documents were analyzed to construct a conceptual and normative map of restorative justice in Indonesia’s juvenile justice system, including the key principles, procedural stages, and eligibility criteria for diversion.

Second, empirical studies and reports were examined to identify patterns in the implementation of restorative justice across different regions and institutions, including variations in diversion rates, victim participation modes, and child outcomes.

Themes emerging from the data—such as regulatory disharmony, institutional capacity constraints, and cultural resistance—were coded and categorized as normative, structural, or cultural challenges. This categorization facilitated a structured analysis of how different types of obstacles interact to shape the realization of restorative justice in practice.

The analysis also considered positive examples and best practices in certain regions to identify the enabling factors for successful implementation, such as interagency coordination, specialized training, and community engagement.

Validity and Reliability

To enhance the validity and reliability of the findings, this study employed triangulation of data sources and perspectives. Legal provisions were cross-checked against multiple commentaries and explanatory notes, while empirical findings were compared across different studies and regions to ensure consistency and identify possible discrepancies.

When conflicting interpretations or data were found, further examination was conducted by tracing the sources back to the original documents or broader contextual information.

The use of peer-reviewed articles, official reports, and reputable institutional publications as primary secondary sources supports the credibility of the analysis.

Moreover, the explicit focus on linking normative frameworks with empirical evidence reduces the risk of purely speculative conclusions and ensures that recommendations are grounded in legal doctrine and practical realities.

RESULT & DISCUSSION

Normative Structure of Restorative Justice and Diversion

The SPPA Law establishes restorative justice and diversion as the normative backbone of Indonesia’s juvenile criminal-justice system. Restorative justice is explicitly mentioned as a guiding principle, and diversion is mandated at the investigation, prosecution, and adjudication levels for eligible cases.

The law requires law enforcement officials and judges to prioritize diversion when dealing with children

in conflict with the law, particularly for offenses punishable by less than seven years of imprisonment and where the child is not a recidivist.

Procedurally, the SPPA Law provides that diversion is to be conducted through deliberative meetings involving the child offender and their parents or guardians, the victim and/or their family, social workers, community counselors, and other relevant stakeholders.

The diversion process aims to reach a mutually agreed settlement that may include restitution, apology, community service, or other restorative measures, with the objective of repairing harm and avoiding formal criminal proceedings. The law also emphasizes the need to consider the child’s age, maturity, and personal circumstances, as well as the interests of the victim and the community when determining appropriate outcomes.

Institutionalization through Implementing Regulations

Government Regulation No. 58 of 2022 and related ministerial regulations further institutionalize restorative justice and diversion by providing technical guidelines on inter-agency coordination, the roles of social workers, and procedures for conducting mediation.

These instruments specify the responsibilities of police, prosecutors, judges, correctional institutions, and child protection agencies in facilitating diversion, thereby encouraging a multi-disciplinary approach. They also stress the importance of musyawarah and community participation, reflecting Indonesia’s socio-cultural traditions.

However, research indicates that inconsistencies and gaps remain in the regulatory frameworks. Some implementing regulations within the police, prosecution, and judicial institutions have not been fully harmonized with the SPPA Law, resulting in varying interpretations and practices at the local level.

For example, differences in guidelines on eligibility criteria or procedural steps for diversion may cause uncertainty among practitioners and lead to cautious or minimal use of restorative justice mechanisms. This disharmony undermines the coherence of the normative framework and contributes to its uneven implementation.

Empirical Patterns of Diversion and Restorative Practices

Available empirical studies provide insights into the extent to which restorative justice is operationalized through diversion across Indonesia. Table 1 summarizes selected findings from the literature regarding diversion rates and perceived implementation challenges in various jurisdictions.

Table 1. Selected empirical indicators of diversion implementation in juvenile cases in Indonesia

Region/Scope	Indicator	Reported value/description
National (various regions)	Share of juvenile cases resolved through diversion	Approximately 14.1% of cases resolved through diversion; majority proceed to formal litigation.
West Java	Share of juvenile cases resolved through diversion	Around 60% of juvenile cases resolved through diversion in 2022, with approximately 75% successful reintegration outcomes.
Tanjung Karang High Court area	Extent of restorative justice application	Implementation hampered by short case- handling time limits, minimal budgets, and limited understanding of restorative justice among practitioners; diversion not consistently applied.

The data indicate that, at the national level, the use of diversion remains relatively limited, with only approximately one-seventh of juvenile cases being settled through restorative mechanisms.

In contrast, in West Java, most juvenile cases have been resolved through diversion, suggesting that regional institutional capacity and commitment can significantly affect implementation patterns. The Tanjung Karang High Court area illustrates how resource constraints and knowledge gaps can severely restrict the application of restorative justice despite the existence of supportive legal norms.

Normative Challenges

Normative challenges pertain to the content, clarity, and coherence of the laws and regulations governing restorative justice in juvenile cases. Several studies point out that, while the SPPA Law provides a strong foundation for restorative justice, inconsistencies and overlaps between this law and various implementing regulations within different institutions (police, prosecution, courts, corrections) create ambiguities in practice.

For instance, the absence or delay of detailed government regulations and technical guidelines for some time after the SPPA Law's enactment initially hampered practitioners' ability to confidently implement diversion.

Furthermore, certain provisions restrict the application of restorative justice to relatively minor offenses without sufficiently clear guidelines on the classification of cases or consideration of contextual factors, thus limiting the scope of diversion.

These normative limitations contribute to cautious or restrictive interpretations that hinder the broader use of restorative mechanisms.

Structural and Institutional Challenges

Structural challenges include institutional capacity, human resources, infrastructure, and interagency coordination. Multiple studies have reported that many regions in Indonesia lack adequate facilities and trained personnel to conduct restorative mediation, such as dedicated child-friendly interview rooms, mediation centers, and specialized social workers.

The limited number of Lembaga Pembinaan Khusus Anak (LPKA) and separate detention facilities for children further constrains the system's ability to implement child-centered measures.

In terms of human resources, there is a widely noted shortage of law enforcement officials and judges who are thoroughly trained in the principles and techniques of RJ. Diversion is often perceived as an additional administrative burden rather than an integral part of juvenile case management.

Training programs on restorative justice remain sporadic and uneven across regions, leading to inconsistent levels of knowledge and commitment among practitioners.

Inter-agency coordination is another key structural challenge. Effective implementation of restorative justice requires collaboration among police, prosecutors, judges, social workers, correctional officers, and child protection agencies.

However, studies reveal that coordination mechanisms are often weak, resulting in fragmented processes, duplication of efforts, or gaps in service provision. These weaknesses can cause delays, confusion over roles and responsibilities, and ultimately, failures in conducting diversions.

Socio-Cultural Challenges

Socio-cultural challenges stem from prevailing attitudes and beliefs about crime, punishment, and justice among both law enforcement officials and the wider society. Research indicates that a retributive mindset remains strong, with many actors viewing imprisonment and formal punishment as the primary means of ensuring justice and deterrence.

This punitive culture can lead to skepticism about restorative justice, which is sometimes perceived as being soft or lenient.

Additionally, unequal power relations and social hierarchies can affect the dynamics of the restorative processes. Victims from marginalized backgrounds may have limited bargaining power in diversion negotiations, leading to outcomes that do not fully reflect their interests.

In some cases, community pressure or local elites may influence agreements in ways that prioritize social harmony over individual rights, potentially compromising the fairness of the restorative outcomes.

Limited public awareness and understanding of restorative justice also pose challenges. Many community members and even some practitioners are not fully familiar with the concept and its benefits, which can result in reluctance to participate in mediation processes or accept non-custodial outcomes.

This lack of awareness underscores the need for broader socialization and education campaigns to build a supportive environment for restorative practices.

Discussion

The findings of this study reveal a complex interplay between normative, structural, and socio-cultural factors that shape the implementation of restorative justice in Indonesia's juvenile criminal justice system. While the SPPA Law and related regulations provide a robust legal foundation for restorative justice, the realization of these norms in practice remains constrained by several challenges.

From a normative perspective, the SPPA Law embodies progressive principles aligned with international standards, including the prioritization of the best interests of the child, the recognition of diversion as a mandatory mechanism, and the emphasis on restorative objectives such as reparations and reconciliation (Martha et al., 2026).

However, ambiguities and inconsistencies between this law and the implementing regulations—particularly regarding eligibility criteria, procedural steps, and institutional responsibilities—undermine legal certainty and contribute to cautious interpretations by practitioners.

These issues suggest the need for more comprehensive harmonization of regulations and clearer operational guidelines to ensure that restorative justice can be applied consistently.

Structurally, disparities in institutional capacity across regions play a crucial role in explaining the uneven implementation of diversion and restorative practices. The contrast between the relatively high diversion rate in West Java and the low national average indicates that where there are adequate facilities, trained personnel, and strong interagency coordination, restorative justice can be effectively operationalized (Symposium, 2022).

Conversely, in areas with limited resources, insufficient training, and weak coordination, restorative justice remains aspirational rather than real.

These structural constraints are exacerbated by the perception among some law enforcement officials that diversion is merely an administrative requirement, rather than a substantive change in the philosophy of juvenile justice.

When diversion is treated as a procedural formality, the depth and quality of restorative processes,—such as genuine dialogue, acknowledgment of harm, and meaningful victim participation,—may be compromised. This instrumental use of diversion risks undermining the very goals of restorative justice and reducing it to a checklist exercise.

Socio-cultural factors further complicate the implementation of restorative justice. The persistence of punitive attitudes and the perception that real justice requires harsh punishment can create resistance among both practitioners and community members to diversion and non-custodial measures (Muhammad Rifaid et al., 2025).

In such contexts, restorative outcomes may be viewed as insufficiently deterrent or as failing to uphold moral order. Additionally, power imbalances and social hierarchies may skew restorative processes in favor of certain parties, particularly when victims come from marginalized groups with limited voices or influence.

Simultaneously, Indonesia's cultural traditions of *musyawarah* and communal deliberation represent a potential resource for embedding restorative justice more deeply within the legal culture. These values resonate with the participatory and consensus-oriented nature of restorative processes and can be leveraged to build broader societal support for diversion and mediation.

The challenge is to connect these cultural resources with formal legal mechanisms that respect individual rights and avoid reproducing existing inequalities.

The relatively low national diversion rate (14.1%) compared to the higher rate in West Java (60%) demonstrates that restorative justice in Indonesia is still in a transitional phase, with significant room for expansion and improvement.

Achieving more widespread and consistent implementation will require not only regulatory reforms but also investments in capacity-building, infrastructure, and public education. Training programs for police, prosecutors, judges, and social workers on restorative principles and techniques are particularly important for

transforming institutional culture and practice.

Another key issue arising from the findings is the role of the victim in restorative processes. While the SPPA Law mandates victim involvement in diversion, victims often become passive participants, with their voices overshadowed by the focus on rehabilitating the child offender.

Ensuring meaningful victim participation requires attention to power dynamics, the provision of support services, and safeguards against such coercion. Victim-centered approaches that respect autonomy and prioritize safety are essential for upholding the legitimacy and fairness of restorative outcomes.

Furthermore, time and resource constraints—such as short case-handling deadlines and limited budgets—can push practitioners toward expedient but shallow forms of diversion.

Under such pressures, there is a risk that agreements reached in diversion sessions may not genuinely reflect the needs and interests of the parties, or that follow-up monitoring of compliance and reintegration may be neglected. Addressing these issues requires institutional reforms that allocate sufficient time and resources to restorative processes and recognize their long-term benefits in reducing recidivism and promoting social cohesion.

In light of these challenges, several policy implications and recommendations can be made. First, comprehensive harmonization and clarification of regulations related to restorative justice and diversion are needed, ensuring that all relevant institutions have consistent guidelines.

Second, capacity-building initiatives should be scaled up, including continuous training on restorative justice for law enforcement officials and judges, the development of specialized mediation facilities, and the recruitment and training of social workers and community counselors.

Third, public education and socialization campaigns are necessary to shift punitive attitudes and to build broader community support for restorative approaches, emphasizing their compatibility with Indonesian cultural values and their effectiveness in promoting child welfare and community safety.

Engaging community leaders, religious figures, and civil society organizations in these efforts can enhance their legitimacy and reach. Fourth, mechanisms to ensure meaningful victim participation and address power imbalances in restorative processes should be strengthened, including the provision of legal aid, psychological support, and independent oversight of diversion agreements.

Finally, continuous monitoring and evaluation of restorative justice implementation are essential components of this process. The systematic collection of data on diversion rates, case characteristics, outcomes, and participant satisfaction, disaggregated by region and demographic factors, would provide a stronger empirical basis for assessing progress and identifying areas for improvement.

Such evidence-based monitoring can inform adaptive policy-making and support the gradual consolidation of restorative justice as a central pillar of Indonesia's juvenile criminal justice system.

CONCLUSION

Indonesia's juvenile criminal justice system has undergone a significant paradigm shift with the formal adoption of restorative justice and diversion as core principles under Law No. 11 of 2012 on the Juvenile Criminal Justice System. The normative framework aligns with international juvenile justice standards and resonates with local cultural values of deliberation and consensus. Nonetheless, the implementation of restorative justice in juvenile cases remains constrained by normative ambiguities, structural capacity limitations, and socio-cultural resistance, resulting in low national diversion rates and pronounced regional disparities in the same. The analysis presented in this article shows that the main challenges are not rooted in the absence of legal provisions but rather in their operationalization. Regulatory disharmony, insufficient training of law enforcement officials, limited infrastructure, weak interagency coordination, and prevailing punitive attitudes collectively undermine the effective realization of restorative justice. At the same time, positive experiences in regions such as West Java demonstrate that, with adequate institutional support and commitment, diversion and restorative practices can achieve substantial success in resolving juvenile cases and supporting reintegration. To optimize the restorative justice approach in Indonesia's juvenile criminal justice system, concerted efforts are required to harmonize regulations, build institutional capacities, strengthen victim participation, and promote a child-rights oriented legal culture that values restoration over retribution. Continuous monitoring and evidence-based policy-making are crucial to ensuring that restorative justice evolves from normative aspiration into everyday practice, thereby better protecting the rights and

futures of children in conflict with the law.

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