

## Implementation of Restorative Justice to Resolve Child Criminal Cases in the South Sumatra Regional Police

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### Abstract

The Restorative Justice approach has attracted the attention of many parties, especially in cases involving children. Despite being popular, in-depth studies of Restorative Justice have not been carried out much. The research objective is to find out matters related to Restorative Justice by analyzing the legal basis, implementation and challenges to apply Restorative Justice to juvenile criminal cases. The research method used in this study is a normative juridical research method supported by empirical data. The locus of the research was the Directorate of General Criminal Investigation of the South Sumatra Police and the cases studied were juvenile crimes. There are three findings of this study, namely: (1). The legal basis for the Restorative Justice approach, (2) the magnitude of the influence of the implementation of resolving child crime cases through the restorative justice approach, (3) the obstacles investigators solve cases through the Restorative Justice approach. The solution offered is the implementation model of the Restorative Justice approach with a legal basic, competent human resources and community support.

### Keywords

Child Criminal Case, Implementation, Restorative Justice.



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## INTRODUCTION

When children are involved as perpetrators of criminal acts, law enforcement officers, particularly investigators, must understand that children are fundamentally different from adults. Children are still in a stage of psychological development characterized by instability and vulnerability to environmental influences, and they have not yet achieved full emotional and intellectual maturity. Furthermore, children represent the future generation of the nation whose rights and development must be protected. Therefore, the handling of juvenile offenders cannot be equated with the treatment of adult offenders. Based on these considerations, restorative justice

emerged as an alternative approach to resolving juvenile criminal cases by diverting children away from the formal criminal justice system. This approach emphasizes the restoration of relationships among offenders, victims, and society through dialogue, mediation, and shared responsibility in order to achieve a more humane and equitable resolution (Zehr, 2002; Braithwaite, 2004).

The concept of restorative justice developed as part of criminal law reform that no longer focuses solely on punishment, but rather on restoring losses and rebuilding social harmony. Under this system, criminal cases are resolved through communication between the offender and the victim to achieve a fair and balanced agreement. In Indonesia, the implementation of restorative justice in the juvenile justice system was strengthened through the revision of Law Number 3 of 1997 into Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. The presence of restorative justice aims to protect children's rights while simultaneously ensuring substantive justice for victims through restorative rather than purely repressive mechanisms (Marlina, 2009; Umbreit & Armour, 2011).

In practice, restorative justice in Indonesia has also become part of broader efforts to reform the criminal justice system in order to make it more responsive to societal needs. The conventional criminal justice system, which tends to emphasize retaliation and punishment, is considered insufficient in delivering justice for both victims and offenders. Consequently, restorative justice offers an alternative model that prioritizes the recovery of victims, accountability of offenders, and the achievement of social peace. This approach is also aligned with the broader objectives of law, namely creating order, security, and social balance through participatory and peaceful dispute resolution mechanisms (Dignan, 2005; Bazemore & Schiff, 2005).

The Indonesian National Police have adopted restorative justice principles in criminal case resolution through internal policies that align with the National Police Grand Strategy 2005–2025. This strategy emphasizes trust building, partnership building, and service for excellence. In the context of criminal investigations, restorative justice is implemented through mediation between offenders and victims so that once a peaceful agreement is reached, victims may withdraw their complaints and cases can be resolved without proceeding to formal judicial processes. This approach is considered capable of enhancing transparency, professionalism, and integrity among law enforcement officers while simultaneously strengthening relationships between the police and society (Karim, 2016; Daly, 2016).

The emergence of restorative justice is closely related to criticism of the traditional criminal justice system, which is predominantly retributive and often excludes the direct participation of those most affected by criminal acts. In the conventional system, case resolution is dominated by legal institutions without the active involvement of victims, offenders, and communities. As a result, judicial outcomes tend to focus more on punishment than on social restoration. Restorative justice addresses this limitation by positioning victims, offenders, and communities as central actors in the resolution process, thereby promoting solutions that are mutually beneficial and oriented toward comprehensive restoration (Christie, 1977; Karim, 2016).

In social practice, restorative justice is not only applied to juvenile crimes but also to various other criminal offenses such as defamation, assault, fraud, embezzlement, and minor theft. Cases are often resolved through informal mechanisms emphasizing reconciliation, compensation, and restoration of social relationships. This approach offers several benefits, including reducing prison populations, decreasing the workload of law enforcement institutions, lowering state expenditures, and eliminating negative stigmatization of offenders so that they can be reintegrated into society. In addition, restorative justice is believed to minimize feelings of revenge among victims because disputes are resolved through peaceful agreements and compensation for damages suffered (Aribowo, 2013; Umbreit, Coates, & Vos, 2007).

Nevertheless, studies on the implementation of restorative justice in Indonesia remain relatively limited, particularly those examining its legal foundations, the effectiveness of its application in juvenile criminal cases, and the obstacles faced by investigators in its implementation. Therefore, further research on restorative justice is essential to contribute both theoretically and practically to the development of a juvenile criminal justice system that is more equitable, humane, and oriented toward the protection of children's rights as well as the restoration of victims (Marlina, 2009; Daly & Immariageon, 1998).

## **METHODS**

The type of research conducted is normative juridical legal research supported by empirical data because it examines the laws that are applied and have been in force in society (Paulus, 2009). Normative research is research that examines problems using literature studies. In this case, the application of restorative justice in resolving criminal cases committed by children at the Directorate of General Criminal Investigation of the South Sumatra Regional Police. The legal approach in resolving criminal acts does not eliminate criminal acts.

This legal resolution relates to the implementation used by using legal theory that narrows the definition of law to legal matters only, thus limiting it to the main boundaries of the problem (Hans, 2010). This research uses a descriptive method that aims to explain appropriately and systematically the legal aspects related to the application of restorative justice in resolving criminal cases committed by children at the Directorate of General Criminal Investigation of the South Sumatra Regional Police.

## **FINDINGS AND DISCUSSION**

This section is divided into three parts in accordance with the three research problems of this study. It is expected that the study will ultimately be able to offer solutions for the implementation of resolving juvenile criminal cases through a restorative justice approach. The first part of the analysis discusses the legal review of the implementation of solutions for juvenile criminal cases using restorative justice. The legal basis for resolving criminal cases outside the formal court process is regulated under Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. The implementation of such settlement is referred to as diversion, namely the resolution of criminal cases outside the court through the application of restorative justice. Although the settlement of cases outside the court system is specifically regulated for juvenile criminal cases, restorative justice practices have also been implemented in resolving certain criminal cases within the police institution based on specific legal policy regulations (Hadisuprpto, 2009; Kelsen, 2010).

Based on the law, restorative justice is understood as the settlement of criminal acts involving offenders, victims, the families of both parties, and other related elements of society in an effort to seek fair solutions by emphasizing restoration to the original condition rather than retaliation. Restorative justice is fundamentally in line with the Indonesian national character, which upholds familial values and deliberation through consensus in resolving disputes. In conventional court-based settlements, the condition of victims is generally not the primary focus because the Indonesian judicial system tends to concentrate more on offenders rather than victims (Hanafi & Ambarsari, 2018). The rights of victims are represented by public prosecutors, resulting in victims having limited participation in the law enforcement process and merely accepting the court's decision. Under such circumstances, victims may feel that justice has not been achieved because their material, psychological, and moral needs are often neglected. At the same time, the state is frequently unable to provide adequate recovery for victims (Hutauruk, 2013). Through restorative justice, however, the role of victims is given greater attention so that they can actively

participate in resolving their cases and obtain the fulfillment of their rights. Punishment under restorative justice is more directed toward the offender's accountability and restitution to the victim, with an emphasis on restoring the victim's condition while simultaneously ensuring the offender's responsibility.

Furthermore, there are eleven laws, regulations, and official police circulars related to juvenile crimes and the settlement of juvenile criminal cases through restorative justice approaches. These include: 1) Law Number 11 of 2012 concerning the Juvenile Criminal Justice System; 2) Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 on Child Protection; 3) Law Number 17 of 2016 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2016 regarding the Second Amendment to Law Number 23 of 2002 on Child Protection; 4) Regulation of the Chief of the Indonesian National Police Number 07 of 2008 concerning Basic Guidelines for Community Policing Strategies and Implementation; 5) Letter of the Chief of Police No. Pol B/3022/XII/2009/SDE OPS dated December 4, 2009 concerning Case Handling through Alternative Dispute Resolution; 6) Telegram Letter of the Head of Criminal Investigation Agency of the Indonesian National Police Number ST/110/V/2011 dated May 8, 2011 concerning Alternative Settlement of Cases Outside Court; 7) another Telegram Letter of the Criminal Investigation Agency concerning similar alternative settlements outside court; 8) Confidential Telegram Letter of the Criminal Investigation Agency Number STR/583/VIII/2012 dated August 18, 2012 concerning the Implementation of Restorative Justice; 9) Circular Letter of the Chief of Police Number SE/7/VII/2018 dated July 27, 2018 concerning Termination of Investigation; 10) Circular Letter of the Chief of Police Number SE/8/VII/2018 concerning the Implementation of Restorative Justice in Criminal Case Resolution; and 11) Regulation of the Chief of Police Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice.

The settlement of criminal cases through restorative justice is specifically regulated in Regulation of the Chief of Police Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice (Perkap 8/2021). Article 1 paragraph 3 of Perkap 8/2021 stipulates that restorative justice is the resolution of criminal acts involving offenders, victims, families of both parties, and other community elements in jointly seeking fair solutions through reconciliation and restoration to the original condition. Restorative justice is defined as the settlement of criminal acts involving offenders, victims, families of offenders and victims, community leaders, religious leaders, traditional leaders, and other stakeholders in order to jointly seek fair resolutions through peace by emphasizing restoration to the

original condition. Based on Perkap Number 8 of 2021, the resolution of minor criminal offenses through restorative justice is conducted through several stages: 1) submitting a written request to the police accompanied by a peace agreement letter and evidence of restoration of the victim's rights; 2) summoning the conflicting parties; 3) mediation between the parties; 4) reporting the mediation results; and 5) issuing an order for termination of investigation and a formal letter of termination of investigation.

The second part of the analysis discusses the legal basis for implementing restorative justice in resolving juvenile criminal cases. The legal element refers to provisions and statutory regulations governing the implementation of restorative justice within the criminal justice system, particularly in juvenile criminal cases, although some aspects remain insufficiently regulated by law. Existing laws specifically regulate restorative justice practices in criminal matters, especially juvenile crimes. Currently, technical guidelines for investigators regarding the implementation of restorative justice are regulated through the 2018 Circular Letter of the Chief of Police concerning the application of restorative justice in criminal case resolution. However, the Circular Letter is not equivalent to statutory legislation as regulated under Articles 7 and 8 of the Indonesian legal hierarchy. Instead, it functions as a policy rule created under discretionary authority exercised by government officials. Its existence is acknowledged and recognized publicly, yet it only becomes legally binding if stipulated by law, reinforced by higher regulations, or institutionalized by authorities. The Circular Letter of the Indonesian National Police Number SE/8/VII/2018 does not possess legally binding power over prosecutors as another subsystem of the criminal justice system, which creates institutional conflicts regarding the authority to prosecute crimes occurring in society. Consequently, investigators in juvenile criminal units sometimes decide not to continue cases resolved through restorative justice when peace agreements have already been achieved between conflicting parties. However, prosecutions remain under the authority of public prosecutors who are not bound by the Police Circular Letter. This condition often results in disagreements between investigators and prosecutors during case handling.

Moreover, Circular Letter Number SE/8/VII/2018 regulates the fundamental requirements for restorative justice in criminal law enforcement but does not clearly limit which types of cases may be resolved through restorative justice. The regulation suggests that various criminal offenses can potentially be resolved through restorative justice, including cases involving negligence resulting in death. As a result, restorative justice cannot easily be applied in juvenile criminal cases where the victim has died

because the regulation does not explicitly establish strict limitations as outlined in Article 7 of the Civil Code. This ambiguity opens room for multiple interpretations. Meanwhile, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System limits diversion to criminal offenses punishable by imprisonment of less than seven years. Furthermore, the Circular Letter of the Chief of Police Number SE/8/VII/2018 regulates material requirements for the implementation of restorative justice, including the stage of settlement and the timing of the issuance of the Notification Letter for Commencement of Investigation (SPDP) to the Prosecutor's Office. This becomes a practical obstacle because restorative justice in juvenile criminal cases often requires considerable time to achieve peace agreements between offenders and victims. In certain situations, investigators may already submit the SPDP and Phase I case files to prosecutors before restorative agreements are reached, thereby complicating the application of restorative justice due to procedural limitations within the Criminal Procedure Code.

In carrying out restorative justice for juvenile criminal cases, investigators handling children in conflict with the law sometimes encounter differences of interpretation with the Juvenile Criminal Justice System Law. Consequently, restorative justice is implemented when diversion processes fail and without the issuance of a formal termination of investigation order (SP3) or court determination. Once reconciliation has been achieved, prosecutors are informed that peace has been reached between the parties. In this context, investigators act primarily as facilitators and advisors because the ultimate resolution remains within the authority of the conflicting parties themselves. The following section provides details of law enforcement practices within the jurisdiction of the South Sumatra Regional Police based on direct interviews conducted by the author with Commissioner Yuliansyah, S.H., Head of Administration of the General Criminal Investigation Directorate of the South Sumatra Regional Police, concerning juvenile criminal cases in the South Sumatra Regional Police jurisdiction during 2020–2022 (Hanafi & Ambarsari, 2018; Hutauruk, 2013).

Table 1 presents the details of juvenile criminal cases within the jurisdiction of the South Sumatra Regional Police from 2020 to 2022. In 2020, there were 19 juvenile criminal cases consisting of child sexual intercourse cases, molestation, kidnapping or taking minors away from their guardians, violence against children, and child trafficking. Of these 19 cases, only 2 cases, specifically molestation cases, were resolved through the restorative justice approach, representing 10.53% of the total cases. In 2021, the number of juvenile criminal cases increased significantly to 36 cases. These

cases included 9 cases of child sexual intercourse, 10 molestation cases, 6 cases involving taking minors away from guardians, and 6 cases of violence against children. Out of these cases, 4 cases were resolved through restorative justice, accounting for 11.11% of the total juvenile criminal cases. In 2022, the number of juvenile criminal cases slightly decreased to 33 cases, consisting of 8 cases of child sexual intercourse, 6 molestation cases, 5 cases involving taking minors away from guardians, and 6 cases of violence against children. Similar to 2021, 4 cases were resolved through restorative justice, representing 12.12% of the total cases. The gradual increase in the implementation of restorative justice demonstrates the growing recognition of restorative approaches as an alternative mechanism for resolving juvenile criminal cases while emphasizing rehabilitation and reconciliation rather than punishment alone (Zehr, 2002; Umbreit & Armour, 2011).

Figure 1 illustrates the trend of juvenile criminal cases in the jurisdiction of the South Sumatra Regional Police during the 2020–2022 period. The figure demonstrates that the number of juvenile criminal cases increased from 19 cases in 2020 to 36 cases in 2021, before slightly declining to 33 cases in 2022. On the other hand, the number of cases resolved through restorative justice also increased from 2 cases in 2020 to 4 cases in both 2021 and 2022. Furthermore, the percentage of juvenile criminal cases resolved through restorative justice increased from 10.53% in 2020 to 11.11% in 2021 and 12.12% in 2022. This means that the average annual percentage of cases resolved through restorative justice during the three-year period was approximately 11.25%. These findings indicate that restorative justice has gradually become part of practical law enforcement efforts in handling juvenile criminal cases, although its implementation remains limited to cases that fulfill certain legal criteria established by statutory regulations (Hanafi & Ambarsari, 2018; Daly, 2016).

Not all juvenile criminal cases can be resolved through restorative justice because only specific crimes meeting legal requirements and restorative criteria are eligible for settlement outside the formal judicial process. Cases that fail to meet these criteria must proceed through formal court proceedings. This limitation reflects the principle that restorative justice should only be applied in cases where reconciliation, victim recovery, and offender accountability can realistically be achieved without undermining legal certainty and public justice (Braithwaite, 2004; Bazemore & Schiff, 2005).

The third part of this section discusses the obstacles encountered in resolving cases through the restorative justice approach. According to the informants interviewed in the field, investigators implementing restorative justice primarily act

as facilitators and advisors because reconciliation remains within the authority of the conflicting parties themselves. Informants also acknowledged the necessity of special training to properly understand and apply restorative justice due to the existence of numerous legal regulations governing its implementation. Training programs conducted by legal experts are essential to improve the competence and professionalism of law enforcement officers responsible for implementing restorative justice mechanisms (Karim, 2016; Marlina, 2009).

Additional obstacles arise from the community itself. Witnesses are often reluctant to become involved in legal matters due to fear of legal consequences, while evidence is sometimes lost because criminal acts are not immediately reported. Furthermore, some members of society oppose restorative justice because they believe that every criminal case should be resolved through formal judicial proceedings resulting in imprisonment or proportional punishment for offenders. Without formal punishment, victims and society may perceive the settlement process as unsatisfactory and incapable of delivering justice. Therefore, public support and legal awareness are essential to ensure broader acceptance of restorative justice as a legitimate approach to criminal case resolution (Christie, 1977; Dignan, 2005).

Finally, based on the three findings above, the researcher concludes that there are three major factors supporting the successful implementation of restorative justice in resolving juvenile criminal cases: 1) a clear legal basis for law enforcement officers in carrying out their duties, 2) the competence and quality of human resources responsible for implementing restorative justice, and 3) community support. Based on these findings, the researcher proposes a model for implementing juvenile criminal case resolution through a restorative justice approach. The proposed model emphasizes legal certainty, professional competence, and community participation as the main pillars in achieving effective restorative justice implementation within the juvenile criminal justice system (Umbreit, Coates, & Vos, 2007; Zehr, 2002).

## CONCLUSION

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## REFERENCES

- Bazemore, G., & Schiff, M. (2005). *Juvenile justice reform and restorative justice: Building theory and policy from practice*. Willan Publishing.
- Braithwaite, J. (2004). *Restorative justice and responsive regulation*. Oxford University Press.
- Christie, N. (1977). Conflicts as property. *The British Journal of Criminology*, 17(1), 1–15. <https://doi.org/10.1093/oxfordjournals.bjc.a046783>
- Daly, K. (2016). What is restorative justice? Fresh answers to a vexed question. *Victims & Offenders*, 11(1), 9–29. <https://doi.org/10.1080/15564886.2015.1107797>
- Hadisuprpto, P. (2009). Ilmu hukum (pendekatan kajiannya). Makalah disajikan dalam Kuliah Umum (Stadium Generale) Program Magister Ilmu Hukum, Universitas Jambi, 23 Mei 2009.
- Hanafi, A., & Ambarsari, N. (2018). Penerapan prinsip restorative justice dalam sistem peradilan pidana di Indonesia. *Al 'Adl*, 10(2), 173–190.
- Hutauruk, R. H. (2013). Penanggulangan kejahatan korporasi melalui pendekatan restoratif: Suatu terobosan hukum. Sinar Grafika.
- Karim. (2016). Tanggung jawab pelaku pidana pelanggaran dalam perspektif restorative justice. *Jurnal Yuridika*, 31(3), 402–417.
- Kelsen, H. (2010). *Teori hukum murni: Dasar-dasar ilmu hukum normatif* (R. Muttaqien, Trans.; N. Mangunsong, Ed.; 3rd ed.). Nusa Media.
- Marlina. (2009). *Peradilan pidana anak di Indonesia: Pengembangan konsep diversi dan restorative justice*. Refika Aditama.
- Umbreit, M. S., & Armour, M. P. (2011). *Restorative justice dialogue: An essential guide for research and practice*. Springer Publishing Company.
- Umbreit, M. S., Coates, R. B., & Vos, B. (2007). *Restorative justice dialogue: Evidence-based practice*. Center for Restorative Justice & Peacemaking, University of Minnesota, 1–20.
- Zehr, H. (2002). *The little book of restorative justice*. Good Books.