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Restorative Justice for Juvenile Offenders Involved in Crimes with Adults: A Dilemma Between Rehabilitation and Punishment

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Abstrak:

Artikel ini mengkaji penerapan prinsip keadilan restoratif terhadap anak pelaku tindak pidana yang dilakukan bersama orang dewasa dalam sistem peradilan pidana Indonesia. Penelitian ini berangkat dari dua rumusan masalah, yaitu bagaimana penerapan prinsip keadilan restoratif terhadap anak pelaku tindak pidana yang dilakukan bersama orang dewasa dalam sistem peradilan pidana Indonesia, serta bagaimana dilema antara pembinaan dan pemidanaan dihadapi oleh aparat penegak hukum dalam menangani anak yang terlibat dalam tindak pidana bersama pelaku dewasa. Penelitian ini menggunakan pendekatan yuridis normatif dengan metode deskriptif kualitatif melalui analisis terhadap norma hukum, asas, dan doktrin yang berkaitan dengan perlindungan anak dalam hukum pidana. Hasil penelitian menunjukkan bahwa penerapan diversifikasi dan keadilan restoratif masih menghadapi berbagai tantangan, khususnya ketika tindak pidana melibatkan pelaku dewasa yang diproses melalui sistem peradilan umum. Kondisi ini menimbulkan dilema bagi aparat penegak hukum antara menegakkan hukum melalui pemidanaan dan memenuhi kewajiban negara untuk melindungi serta membina anak sesuai dengan prinsip *the best interest of the child*. Oleh karena itu, diperlukan pemisahan penanganan perkara antara anak dan pelaku dewasa serta penguatan kapasitas aparat penegak hukum dalam menerapkan pendekatan restoratif yang menyeimbangkan kepastian hukum, keadilan, dan kemanusiaan.

Kata Kunci : *keadilan restoratif, anak pelaku tindak pidana, pembinaan dan pemidanaan*

Abstract:

This article examines the application of restorative justice principles to juvenile offenders who commit crimes alongside adults within the Indonesian criminal justice system. This research begins with two research questions: how the principles of restorative justice are applied to juvenile offenders who commit crimes alongside adults within the

Indonesian criminal justice system, and how law enforcement officers navigate the dilemma between guidance and punishment when dealing with juveniles involved in crimes with adult offenders. This research employs a normative juridical approach using a qualitative descriptive method, involving an analysis of legal norms, principles, and doctrines related to child protection in criminal law. The findings indicate that the implementation of diversion and restorative justice continues to face various challenges, particularly when crimes involve adult offenders processed through the general justice system. This situation creates a dilemma for law enforcement officers between enforcing the law through punishment and fulfilling the state's obligation to protect and guide children in accordance with the principle of *the best interests of the child*. Therefore, it is necessary to separate the handling of cases involving juvenile and adult offenders and to strengthen the capacity of law enforcement officials in implementing a restorative approach that balances legal certainty, justice, and humanity.

Keywords: *restorative justice, juvenile offenders, rehabilitation and punishment*



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Introduction

The criminal justice system in Indonesia is fundamentally designed to uphold justice, protect society, and restore social balance following a legal violation. However, when the perpetrator of a crime is a child, these legal principles must be applied with caution and deep moral consideration. Children are not psychologically or socially mature individuals; they are still in the process of personality formation, which is heavily influenced by their environment, education, and parenting style. Therefore, a purely retributive or retaliatory approach is not always appropriate for children in conflict with the law¹. In this context,

restorative *justice* has emerged as a more humane alternative because it emphasises recovery, social responsibility, and reconciliation between offenders, victims, and the community.²

The concept of restorative justice is not new to the Indonesian social order. In customary law practices across various regions—such as Papua, Minangkabau, Bali, and Toraja—conflict resolution is often conducted through deliberation involving the perpetrator, victim, family, and community leaders to restore the disrupted social balance³. This principle was later incorporated into the national legal system via Law No. 11 of 2012 on the Juvenile Criminal Justice System, which

¹ Suzuki, M., & Yuan, X., 2021. How Does Restorative Justice Work? A Qualitative Metasynthesis. *Criminal Justice and Behaviour*, Vol. 48, pp. 1347–1365.

² Johnstone, G., 2022. Restorative justice and the culture of control. *The Howard Journal of*

Crime and Justice. <https://doi.org/10.1111/hojo.12461>.

³ Hasibuan, L., 2022. The Concept of Restorative Justice in the Juvenile Criminal Justice System: A Narrative Review of the Indonesian Context. *Scholars International Journal of Law, Crime and Justice*. <https://doi.org/10.36348/sijlcj.2022.v05i07.004>.

emphasises the need for diversion as a form of case resolution outside the formal justice system. Diversion underscores that criminalising children is a last *resort* after various alternative forms of correction are no longer feasible⁴. However, its implementation still faces significant challenges when the crime is committed by adults who are legally deemed fully responsible for their actions.⁵

The phenomenon of children's involvement in criminal acts alongside adults raises complex issues. In many cases, children are not the primary perpetrators, but are simply swept along by adult influence, social pressure, or unfavourable environmental conditions. However, the legal system often treats children and adults with nearly identical law enforcement mechanisms, particularly during the investigation and prosecution stages. This situation highlights the tension between two fundamental principles of juvenile criminal law: on the one hand, the state has an obligation to uphold justice and prosecute offenders; on the other hand, the state is also obliged to provide protection and guidance to children as individuals still in the process of development. This then gives rise to the dilemma between guidance and punishment in law enforcement practices for children who commit crimes alongside adults.

This dilemma becomes even more apparent when law enforcement officials, such as the police and prosecutors, are faced with the fine line between procedural and substantive justice. As the spearhead of law enforcement, the police are expected to balance legal certainty with humanity, so that children do not become victims of a

rigid legal system. However, in reality, many legal processes involving children remain formalistic and focused on punishment rather than rehabilitation. This is despite the fact that, as mandated by the principles of restorative justice, the resolution of juvenile criminal cases should involve dialogue between the offender, victim, family, and community to find a just solution for all parties. In this context, collaboration between law enforcement officials is crucial to ensure that restorative justice is not merely theoretical but genuinely implemented in daily legal practice.

The problem becomes even more complex when crimes are committed by children alongside adults who should act as moral guides, but instead lead children into delinquent behaviour. Adults' responsibility in such situations is not only legal but also moral, as they contribute to creating conditions that encourage children to break the law.⁶ Furthermore, the involvement of children in criminal acts alongside adults also highlights the shortcomings of social protection systems, character education and family supervision. Consequently, many children lack the ability to resist the influence of negative environments. This is where restorative justice becomes crucial—not only to repair the relationship between perpetrator and victim, but also to strengthen the social role of families and communities in educating and protecting children.

In addition to legal and social aspects, developments in technology and digital media have further complicated the issue. Many cases of child offenders go viral on social media, resulting in their

⁴ Amarini et al., 2024. Social Reintegration following the Implementation of Restorative Justice in the Indonesian Criminal Code. *Jurnal Media Hukum*. <https://doi.org/10.18196/jmh.v31i1.20655>.

⁵ Hadi et al., 2023. Restorative Justice Through Strengthening Community Legal Culture in Indonesia: Challenges and

Opportunities. *Mulawarman Law Review*. <https://doi.org/10.30872/mulrev.v8i1.1140>.

⁶ Abdullah, N., 2025. Comparison of Indonesian and South Korean Criminal Systems in Child Crime: Restorative Justice Review. *Estudiante Law Journal*. <https://doi.org/10.33756/eslaj.v7i1.30755>.

identities and criminal records being widely disseminated without consideration for the long-term psychological impact. This type of public stigmatisation can hinder the child's social rehabilitation process, alienate them from opportunities for change, and even potentially lead to new crimes due to the social pressures they experience.⁷ Therefore, the implementation of restorative justice is crucial as an effort to restore children's dignity before the law, whilst simultaneously guaranteeing their rights to grow and develop naturally.

Given these various issues, this study seeks to examine in depth how the principles of restorative justice are applied to children who commit crimes alongside adults within the Indonesian criminal justice system. This study also aims to understand how law enforcement officers navigate the dilemma between correction and punishment when children are not only legal subjects but also part of complex social relations with adult perpetrators. Therefore, this research is expected to provide theoretical and practical contributions to the development of a more humane, just, and socially just legal system for all children of the nation.

Discussion

The Application of Restorative Justice Principles to Child Criminals Committing Offences Together with Adults in the Indonesian Criminal Justice System

The concept of restorative justice in the Indonesian criminal law system emerged as a response to the weaknesses of the retributive justice system, which has so far emphasised punishment (punishment-

oriented) and has not provided adequate space for victim recovery or perpetrator rehabilitation, particularly for children. Restorative justice is understood as a mechanism for resolving criminal cases that involves the perpetrator, victim, family, and community working together to find restorative solutions, rather than simply imposing punishment. This principle aims to restore social balance and repair relationships disrupted by crime, whilst ensuring the protection of children's rights.

In the context of children committing crimes alongside adults, implementing restorative justice presents a unique challenge. Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA) explicitly stipulates that the resolution of juvenile cases must prioritise the principle of diversion, namely the transfer of case resolution from the criminal justice process to outside the court system with the primary goal of fostering and socially reintegrating children.⁸ However, this can only be done if the offence committed is punishable by imprisonment of less than seven years and is not a repeat offence. This provision creates difficulties when a child commits a serious offence or is involved with an adult, as such situations often hinder the process from proceeding as it should.⁹

In practice, the involvement of adults in criminal acts with children often results in disparities in criminal responsibility. Adults are prosecuted under general criminal law (the Criminal Code), whilst children are processed under a special justice system (special legislation).¹⁰ However, during the investigation and

⁷ Rizanizarli et al., 2023. The Application of Restorative Justice for Children as Criminal Offenders in the Perspective of National Law and Qanun Jināyat. *Samarah: Journal of Family Law and Islamic Law*. <https://doi.org/10.22373/sjkh.v7i1.15633> .

⁸ Flora et al., 2025. Effectiveness of the Implementation of Restorative Justice in the Juvenile Criminal Justice System. *Rechtsnormen:*

Journal of Law. <https://doi.org/10.70177/rjl.v3i1.2068> .

⁹ Deriana & Puspasari 2025. Restorative Resolution of Child Cases in the Implementation of the Child Criminal Justice System. *Jurnal Hukum Khaira Ummah*. <https://doi.org/10.30659/jhku.v19i4.43169> .

¹⁰ Saputra, R., & Indawati, Y., 2022. Criminal Liability for a Child Driver Causing the

prosecution process, the position of children is often not clearly distinguished from that of adult perpetrators, so that the principle of child protection is neglected.¹¹ In fact, theoretically, the legal system should view children as legal subjects who require special treatment based on the principle of the best interests of the child, as stated in the Convention on the Rights of the Child 1989, which has been ratified through Presidential Decree No. 36 of 1990. Thus, restorative justice should serve as a bridge between legal certainty and humanitarian protection for children.¹²

The application of restorative justice to children in collaboration with adults is also closely linked to Gustav Radbruch's Theory of the Purpose of Law, which identifies justice, certainty and utility as the three fundamental elements of law. In the case of child offenders, the goal of justice cannot be achieved solely through formalistic legal certainty. An overly rigid judicial process risks undermining social benefits by failing to provide space for the child's rehabilitation as part of society. The principle of restorative justice bridges these three values: providing justice for victims through dialogue, maintaining legal certainty through measured resolutions, and providing benefits through fostering and reintegrating children into society.¹³

From the perspective of Satjipto Rahardjo's Legal Protection Theory, law

should not be viewed as a set of rigid rules, but as a means to provide protection and happiness to humans.¹⁴ In this context, the application of restorative justice to children who commit crimes alongside adults is a manifestation of efforts to humanise the law, namely positioning children as human beings who still have the potential to be improved, not merely as offenders who must be punished. The developmental approach is a concrete manifestation of the law's function as a protector of society, because the ultimate goal is not only to punish the perpetrator, but also to prevent children from committing crimes again (recidivism).¹⁵

Furthermore, based on Howard Zehr's Restorative Theory, true justice is not about who is guilty and how much punishment is deserved, but rather about how to repair the harm caused and restore social relationships damaged by the crime.¹⁶ This theory emphasises three main pillars: victim involvement, perpetrator responsibility, and community participation. In the case of children and adults, this theory is relevant because it allows for a different approach to children, where responsibility is focused on redressing wrongdoing, rather than on retaliation. Thus, the legal system can

Death of a Road User (Study of Judgment No. 26/PID.Sus-Anak/2019/PN.Jayapura). *Sultan Jurisprudence: Journal of Legal Research*. <https://doi.org/10.51825/sjp.v2i1.14813>.

¹¹ Kessler, M., 2019. Childhood, impairment, and criminal responsibility. *Journal of Global Ethics*, 15, pp. 306–324. <https://doi.org/10.1080/17449626.2019.1687570>

¹² Carrim, S., 2024. Neuroscientific Evidence in Trials of Young Perpetrators Involved in Armed Conflict and Mass Atrocity. *Journal of Genocide Research*. <https://doi.org/10.1080/14623528.2024.2418673>

¹³ Ariefulloh et al., 2023. Restorative justice-based criminal case resolution in Salatiga,

Indonesia: Islamic law perspective and legal objectives. *Ijtihad: Journal of Islamic Law and Humanitarian Discourse*. <https://doi.org/10.18326/ijtihad.v23i1.19-36>.

¹⁴ Al'anam, M., 2025. The Theory of Justice from the Perspective of Gustav Radbruch: The Relationship between Morality and Law. *Jurnal Humaniora: Journal of Social Sciences, Economics and Law*. <https://doi.org/10.30601/humaniora.v9i1.6393>.

¹⁵ Bogdan & Serediuk, 2024. Ideological and methodological foundations of Gustav Radbruch's 'idea of law'. *Uzhhorod National University Herald. Series: Law*.

¹⁶ Castell-Britton, S., 2024. Speaking about Restorative Justice. *Qeios*. <https://doi.org/10.32388/4xo9q2.2>.

continue to uphold justice without compromising the child's future.¹⁷

The implementation of restorative justice is also supported by positive legal practices in Indonesia. The police, prosecutors, and courts have a clear legal basis for implementing restorative resolution of juvenile cases. For example, National Police Chief Regulation No. 8 of 2021 and Prosecutor's Office Regulation No. 15 of 2020 authorise law enforcement officers to terminate legal proceedings through a peace agreement between the perpetrator and victim. In the context of children involved with adults, this requires officers to be able to distinguish the child's role and level of culpability, so that they are not equated with adult offenders who possess full legal awareness.¹⁸

Thus, it can be concluded that the application of restorative justice to child perpetrators of crimes committed with adults must be based on a balance between legal certainty and child protection.¹⁹ Restorative justice is not merely an alternative method of case resolution, but rather a legal approach that is more in line with humanitarian principles and the psychological development of children. Through the application of Radbruch's theory of justice, Satjipto Rahardjo's concept of legal protection, and Howard Zehr's restorative justice, the legal system is expected to uphold substantive justice—justice that not only punishes but also nurtures, restores, and rehabilitates children as valuable members of society.

¹⁷ Suzuki, M., 2023. Victim Recovery in Restorative Justice: A Theoretical Framework. *Criminal Justice and Behavior*, 50, pp. 1893–1908.

<https://doi.org/10.1177/00938548231206828> .

¹⁸ Xie et al., 2022. Flow experience and city identity in the restorative environment: A conceptual model and nature-based intervention. *Frontiers in Public Health*, 10. <https://doi.org/10.3389/fpubh.2022.1011890> .

¹⁹ Egner et al., 2020. Proposing a Framework for the Restorative Effects of Nature

The Dilemma between Guidance and Punishment for Children Who Commit Crimes Together with Adults

One of the most complex issues in Indonesia's juvenile justice system is the dilemma between the implementation of guidance and punishment. This dilemma arises when a child is involved in a crime committed alongside an adult, where legally the child is considered not yet fully responsible for his or her actions, whilst the adult already possesses a mature legal awareness. In this situation, the legal system faces a contradiction between two fundamental principles: the principle of protecting children and the principle of upholding justice for the victim and society.²⁰

From a normative perspective, Law No. 11 of 2012 on the Juvenile Criminal Justice System (SPPA Law) emphasises that the legal process for children must prioritise the principle of the best interests of the child, with a primary focus on social development and reintegration. This means that the purpose of sentencing children is not to punish them, but rather to improve their behaviour and character so that they can be accepted back into society. However, when children are involved in criminal acts alongside adults, implementing this principle becomes difficult due to public demands for retributive justice.²¹

In practice, law enforcement officers often face ethical and legal dilemmas. On the one hand, they are

through Conditioning: Conditioned Restoration Theory. *International Journal of Environmental Research and Public Health*, 17. <https://doi.org/10.3390/ijerph17186792> .

²⁰ Nur et al., 2021. Model of Punishment: Juvenile Justice Systems. , 3, pp. 35–56. <https://doi.org/10.33756/jlr.v3i0.8313> .

²¹ Muhaimin, M., 2021. Reconstruction of the Juvenile Criminal Justice System and the Use of Diversion. *De Jure Law Research Journal*. <https://doi.org/10.30641/dejure.2021.v21.253-266> .

obliged to rigorously enforce the law against perpetrators of criminal acts, including children. On the other hand, they must also ensure that the legal process does not deprive children of their right to protection and education. This tension often leads law enforcement officers to resort to formalism, namely continuing to subject children to the criminal justice process without considering more humane alternative solutions. Consequently, the development goals envisaged by the Child Protection Act (UU SPPA) are not optimally achieved.²²

This dilemma becomes even more apparent when the crime committed alongside adults is considered serious, such as gang violence, robbery with violence, or murder. In these cases, children are usually positioned as co-perpetrators (accomplices) or as participants in the crime. In principle, Article 55 of the Criminal Code states that anyone who participates in a crime can be held equally responsible. However, this principle becomes problematic when applied to children, as psychologically and socially, children do not possess the same level of awareness and moral maturity as adults.²³ In such circumstances, the legal system must exercise caution to ensure that children are not treated as criminals on a par with adult perpetrators.

According to the Theory of the Purpose of Punishment put forward by Van Bemmelen and Mulder, punishment has two dimensions: the absolute theory, which is revenge-oriented (retaliation), and the relative theory, which is oriented

towards prevention and the rehabilitation of offenders (goal theory). In the context of children, punishment should be framed within the relative theory by emphasising educational and corrective functions. Children are not subjects deserving of state retribution, but rather individuals who need guidance to recognise their mistakes and return to good behaviour. However, in practice, many law enforcement officers still rely on the absolute theory, on the grounds of maintaining legal certainty and a deterrent effect. This approach often leads to the criminalisation of children, undermining humanitarian values— —and actually worsening their psychological well-being.²⁴

On the other hand, Marc Ancel's theory within the Social Defence Movement provides a moral foundation for a developmental approach. Ancel states that criminal law should be used to protect society by rehabilitating individual offenders, not merely punishing them. Children who commit crimes are the product of social conditions that fail to provide protection and moral education. Therefore, the state's responsibility is not only to enforce the law but also to improve the social system that allows children to become involved in criminal activity alongside adults. In this context, development should be interpreted as a form of social protection, not a weakness in law enforcement.²⁵

The dilemma between rehabilitation and punishment can also be explained through Howard Zehr's Restorative Justice Theory, which

²² Sarwadi & Bawono, 2021. The Restorative Justice Approach in the Diversion System for the Settlement of Criminal Cases Involving Children in Indonesia. *Daulat Hukum Journal*. <https://doi.org/10.30659/jdh.v3i4.13145>

²³ Jaya et al, 2020. Criminal Law Enforcement Against Children Involved in Criminal Cases Through Diversion (A Study at the Medan City Police Headquarters). , 3, pp. 78–84. <https://doi.org/10.34007/jehss.v3i1.196>

²⁴ Yulianti & Fakrulloh ., 2021. Protection of Children in Conflict with the Law Due to Delinquency: A Review of the Juvenile Criminal Justice System. . <https://doi.org/10.4108/eai.6-3-2021.2306384>

²⁵ Mansar, A., 2020. Reconstruction of the Child Criminal Justice System (As part of efforts to uphold children's rights in conflict with the Press Law according to Legal Aid). , 2, pp. 206–213. <https://doi.org/10.33258/biohs.v2i1.172>

emphasises that true justice must repair the social damage caused by crime, not merely punish the perpetrator. Within this framework of ‘’, rehabilitation for children is not intended to absolve them of responsibility, but rather to shift the focus of responsibility from retribution to restoration.²⁶ Children are encouraged to understand the consequences of their actions on the victim and society, and are given the opportunity to rectify them through mediation, apology, or beneficial social action. This principle strikes a balance between the child’s need for guidance and the demands of justice for the victim.

However, significant obstacles to implementing correctional facilities within the juvenile justice system remain. Structurally, there is a lack of specialised juvenile correctional institutions in various regions, resulting in many children being placed in general correctional facilities alongside adult inmates. This situation contradicts the principle of separating children from adults as stipulated in Article 85 of the Juvenile Justice and Child Protection Law. Furthermore, in some cases, law enforcement officials face significant social and political pressure to impose the harshest possible penalties on offenders, including children, particularly when the crime goes viral or results in loss of life. Consequently, correctional facilities are often sacrificed to satisfy the public’s emotional sense of justice.²⁷

From the perspective of Satjipto Rahardjo’s Progressive Legal Theory, this dilemma must be addressed by humanising the law. Satjipto emphasised that the law should not be a rigid and mechanistic

institution, but rather should side with humanity.²⁸ Good law is not merely one that provides certainty, but also one that allows room for social and humanitarian justice. In the context of children involved with adults, law enforcement officers are required to have the courage to interpret the law progressively—recognising that the ultimate goal of the law is to restore, not destroy, the child’s future. Thus, development becomes a concrete manifestation of civilised justice.

Furthermore, Émile Durkheim’s Social Restoration Theory provides a sociological basis for the belief that crime is a normal social phenomenon, and that societal responses to it should be directed towards restoring disrupted social solidarity. Within this framework, child development is not merely an individual action, but part of a social effort to repair community relations damaged by crime. This means that punishment oriented towards retribution actually widens the gap between the perpetrator and society, whilst development can strengthen social cohesion through the child’s reintegration process.

Implementation of policies differing from restorative justice In practice, Indonesian law has actually provided a way out of this dilemma. Through various provisions, law enforcement officials have the authority to divert juvenile cases from criminal to non-judicial proceedings, provided certain conditions are met. This also applies to the policy of terminating prosecution based on restorative justice, as stipulated in Prosecutor’s Regulation Number 15 of 2020. However, in cases where juveniles

²⁶ Manurung, S., 2020. Legal Phenomena Resulting from the Criminal Justice System Mechanism and Restorative Justice from a Utilitarian Justice Perspective. , 3, pp. 181–190. <https://doi.org/10.30996/jhmo.v3i2.3463> .

²⁷ Nuryana, Z., Aji, A., & Herdian, H., 2025. Navigating LMICs challenges through educational and legal reforms to strengthen

adolescent mental health in Indonesia. *Asian Journal of Psychiatry*, 111, pp. 1046–14. <https://doi.org/10.1016/j.ajp.2025.104614> .

²⁸ Romlah et al., 2020. Implementation of Progressive Legal Theory in Law Enforcement in Indonesia. , 1, pp. 24–30. <https://doi.org/10.37899/journal-la-sociale.v1i6.187> .

commit crimes alongside adults, this mechanism often fails because the legal process against the adult perpetrators continues, leaving the juveniles tied to the same criminal process. This situation highlights a legal loophole and the need to strengthen the mechanism for separating cases to ensure the principle of child protection is upheld.

Ultimately, the dilemma between the rehabilitation and punishment of juvenile offenders alongside adults can be resolved not only through changes to legal norms, but also through a shift in the paradigm of law enforcement itself. The old paradigm, which prioritises punishment as the primary instrument of justice, must shift to a new paradigm that views the law as a means of rehabilitation, restoration, and the protection of humanity. In this paradigm, justice is measured not only by the severity of punishment, but also by the extent to which the law is able to improve, educate, and restore children to a healthy and dignified social life.

Thus, the dilemma between guidance and punishment in cases where children collaborate with adults must be understood as a test of the maturity of the Indonesian legal system. Guidance must remain a top priority because children are legal subjects with the potential for improvement. Punishment can only be imposed within proportionate limits and accompanied by an educational rehabilitation programme. The principle of last resort must truly become the main guideline, so that restorative justice can go hand in hand with retributive justice without sacrificing the future of children and the sense of justice in society.

Conclusion

The application of restorative justice principles to juvenile offenders involved in crimes alongside adults within the Indonesian criminal justice system is essentially governed by Law No. 11 of 2012

on the Juvenile Criminal Justice System, through a diversion mechanism and an approach that prioritises the best interests of the child. However, in practice, the implementation of these principles still faces obstacles, particularly when the offence involves an adult offender or falls within the category of serious crimes that do not meet the criteria for diversion. This situation often results in the judicial process for juveniles continuing within the formal criminal justice system, meaning that restorative justice cannot be fully and optimally implemented. Therefore, it is necessary to separate the handling of cases involving juvenile and adult offenders to ensure that the principle of child protection is upheld throughout the criminal justice process.

The dilemma between guidance and punishment in dealing with juvenile offenders who collaborate with adults arises due to two demands that must be met simultaneously: the protection and guidance of juveniles, and law enforcement's duty to deliver justice for victims and the community. Law enforcement officials are frequently faced with the choice of implementing a guidance-based approach, as mandated by the juvenile criminal justice system, or proceeding with the criminal process due to the juvenile's involvement in the crime alongside adults. This situation demonstrates that the application of guidance and punishment to juveniles in such cases still requires a balance between protecting children's rights and ensuring legal certainty.

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