

RESTORATIVE JUSTICE FORMULATION POLICY IN THE JUVENILE CRIMINAL JUSTICE SYSTEM IN INDONESIA¹

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Abstrak

Tujuan dari penelitian ini adalah untuk memahami dan mengevaluasi kebijakan formulasi keadilan restoratif dalam sistem peradilan pidana anak di Indonesia. Metode yang digunakan dalam pendekatan penelitian ini adalah metode yurisdiksi normatif. Untuk mewujudkan keadilan restoratif bagi setiap anak, maka perlu fokus pada pencapaian keadilan restoratif bagi setiap anak, yang tidak hanya sekedar merumuskan seluruh ketentuan dalam peraturan perundang-undangan, namun juga harus mempertimbangkan bagaimana ketentuan peraturan perundang-undangan tersebut dapat dilaksanakan di masyarakat. Untuk menjamin dan melindungi anak-anak dan hak-hak mereka serta memungkinkan mereka untuk dapat hidup, tumbuh, berkembang, dan berpartisipasi dalam masyarakat, penting untuk mencapai keseimbangan antara kepentingan pelaku dan korban.

Kata Kunci: Keadilan Restoratif; Formulasi; Kebijakan; Anak.

Abstract

The aim of this research is to understand and evaluate restorative justice formulation policies in the juvenile criminal justice system in Indonesia. The judicial normative method is employed in this research approach. It can be concluded that in order to achieve restorative justice for every child, to create a balance between the interests of the perpetrator and the victim, and to also pay attention to the impact settlement of criminal cases so that they can live, grow, and develop, it is necessary to pay attention to how these provisions can be implemented in society, not just in the formulation of all laws and regulations.

Keywords: Restorative Justice; Formulation; Legislation; Children.

A. Introduction

The childhood period is a period when the child is not yet independent, does not have full awareness of his actions, the personality is still unstable or a person who has not been fully formed who is very vulnerable in mental and mental conditions. *Juvenile delinquency* behavior in Indonesia is still a social phenomenon that raises concerns both in society as a whole and

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among parents in particular. Children, as members of the younger generation, are the heirs to the principles of the country's struggle and are a valuable supply of labour for the country's future growth. Alternatively put, his psychological state is still unstable, not independent, and easily influenced by the conditions around him. Under these conditions, the actions committed by children cannot be fully accounted for, because children as perpetrators are not pure perpetrators but can also be victims.

Children are God's gift and mission, the future of our values as a country. According to Syakirin (2018), they have a crucial strategic role in ensuring the existence of the country and state. They represent ideas about how a nation will act in the future as they determine its history and destiny (Karmilia & Kurniawansyah, 2022). Guidance and protection are required to guarantee complete, pleasurable, harmonious, and balanced physical, mental, and social growth and development based on the child's strategic position (Sibisi & Warria, 2020).

They as buds, potential, ... the young people who will make up the country's future must be properly raised, safeguarded, and educated. According to the Republic of Indonesia's 1945 Constitution, every child has the right to life, to survival, to growth and development, as well as the right to protection from violence and discrimination. In human life as social beings, the existence of children is part of a society that has a very vulnerable position. from various conditions because of his helplessness in various ways, and still depends on other people, more specifically adults.

Teenagers are sensitive to many stimuli on an emotional level. Teenagers frequently respond to problems in a reactive manner. Teenagers are frequently perceived as immature children because the gap between stimuli and response is so small (Bos et al., 2020). According to Ismail et al. (2002), teenagers' emotional maturity is typically rated as low to moderate. Adolescents are receptive to learning about the cognitive side of things, in accordance with Jean Piaget's idea. Teenagers have the capacity to think inherently abstract, concrete, and formal ways, therefore this issue also entails analysing the norms surrounding them. Adolescents also aim to question their own theories and then discover the truth by acting naturally. such that the complicated thinking of adolescents (Sidik, 2020). Adolescents are sensitive to the social world around them, including their family, teachers, and peers. Teenagers' actions, choices, and problem-solving strategies can all be greatly influenced by their social environment. Teenagers want to fit in with their surroundings, particularly their peers, during this time because they want to be popular (Kilford et al., 2016).

The reality that is seen today is that many of them no longer get what they should get to support their development into the next generation. The rights of many children are no longer upheld, and some of them no longer experience the joy that all children should. The incorporation of the concept of restorative justice into the formation of the rules and regulations in Indonesia as included in Law No. 11 of 2012 governing the Juvenile Criminal Justice System is one of the child protection initiatives provided by the government. A type of justice known as restorative justice puts the needs of victims, criminals, and society first.

In criminal law there is an opinion that (*Nullum Delictum, Nulla Poena Sine Praevialege Poenali*) A person cannot be punished for making a mistake if, at the time of the mistake, there was no law indicating that the mistake he had done was punishable by penalty. Article 1 paragraph (1) of the Criminal Code contains this premise. The way that criminal law is typically applied is based on the Criminal Code (KUHP), which does not teach kids to be better people, but can worsen conditions and can increase child crime rates. This is due to the paradigm of law enforcement officers who regard the child as a naughty child and not as a victim but merely as a criminal (Monalisa et al., 2019).

While restorative justice, which is a process in which all parties engaged in a particular crime collectively solve problems, how to cope with the consequences in the future, is expected, what has been taking place in Indonesia's criminal justice system is retributive justice. The

existence of a child who commits a crime, according to Sriwiyanti et al. (2021), is of concern to the global community. As a result, the United Nations creates international human rights conventions with a focus on child justice as well as regulations, guidelines, and standards.

Regarding the juvenile criminal justice system, Law No. 11 of 2012 upholds the idea of restorative justice, which is achieved through diversionary measures. The healing of victims, offenders, and the community is given priority under the criminal case settlement paradigm known as restorative justice. In order to ensure that the kid or offender won't again upset the peace that has been established in society, restorative justice involves both victims and perpetrators as well as citizens who act as facilitators in case resolution.

Through mediation between the victim and the perpetrator, discussion between the victim's family and the perpetrator's family, and programmes in the community that are reparative for both the victim and the offender, restorative justice can be achieved. A form of restorative justice alternative method of resolving disputes outside of court also known as Alternative Dispute Resolution (ADR). ADR is typically used in civil cases, not criminal cases. Consedine (1995), One of the forerunners of restorative justice claims that "the concepts of retributive and restitutive justice based on reconciliation, victim recovery, integration in society, forgiveness, and forgiveness must be replaced by restorative justice." (Consedine, 1995).

Regarding the aforementioned aim for rehabilitation, restorative justice concentrates on the demands of three parties—victims, offenders, and the community—that the judicial system is unable to address. Penal mediation is an alternate method of resolving disputes without going to court (also known as "Alternative Dispute Resolution" or "ADR"). Criminal mediation brings together offenders and victims, hence the terms "victim-offender mediation" (VOM), "Täter-Opfer-Ausgleich" (TOA), or "offender-offender agreement victim" (OVA) (Arief, 2016).

In order to prevent situations like the ones described above, Indonesia has incorporated the concept of restorative justice into the creation of its laws and regulations, especially those relating to children. The existing implementation is not only a tangible embodiment written in the law, but there are also provisions that are implied embodiments. So it takes a strong understanding of the idea itself by law enforcers so that restoration (restoration) can really occur, especially in cases of juvenile criminal law.

Actually, restorative justice has a strategic place in defending the rights of kids who are in legal trouble. But the issue is that if Restorative Justice is not applied correctly, it cannot function effectively. To be able to apply it properly, it is necessary to first understand how *Restorative Justice* is implemented in the formulation of existing statutory provisions. Although in the provisions of the child legislation itself there are still criminal provisions, law enforcers must understand how to apply them as best they can so that justice is still upheld and children's rights are protected.

B. Research Method

The application of Restorative Justice in constructing various child-related legal provisions in Indonesia, as well as the application of criminal provisions from the perspective of Restorative Justice in legal provisions, constitute the study's primary issues regulations for Indonesian children as one of the policies formulated and related to *Restorative Justice* in the future. In achieving the objectives of this study using a normative juridical approach.

According to Sudarto, the employment of procedures that simply examine what is logical or anti-logical, or in other systematic ways, in the entire set of rules, constitutes the legal method in a narrow sense. On the other hand, if what is seen is not only the relationship in the simple set of norms but also particularly the importance of the social effects of the formation of norms (laws), so that it is seen the significance of the social background, then this method is no less legal, specifically legal in the sense of broad (Braithwaite & Pettit, 2000).

Legal resources can be collected from publications, books, and papers relevant to the existence of the difficulties described in this research by using the library research approach. With a normative juridical method, this research can involve physiological, social, historical, and comparative contexts in addition to being examined logically or systematically as a whole utilising a set of rules.

Normative/doctrinal legal research, or legal research done by looking at library books or secondary data, is the form of research used in this study (Soekanto & Mamudji, 2018) contains primary legal documents, secondary legal documents, and tertiary legal documents connected to the criminal justice system for kids who get into legal trouble. The doctrines, principles, values, and norms of law and regulation must all be precisely consistent in order to follow this normative approach to legal study. The legislative approach, conceptual approach, and comparative approach are all used in this research methodology (Marzuki, 2021). The phrase "data type" is not recognised in the field of normative legal research; instead, legal terminology is utilised. Primary, secondary, and tertiary legal papers are all included in this legal document (Ali, 2018).

C. Result and Discussion

1. Implementation of the Idea of Restorative Justice in the Formulation of Child Legislation in Indonesia

Both the juvenile justice system's (Law Number 11 of 2012) and the legal protection for children's (Law Number 35 of 2014) provisions incorporate the concept of restorative justice. This is true across Indonesia. law (2002, law number 23). The United Nations' Handbook on Restorative Justice Programmes contains components of the Restorative Justice concept. The Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters published by the United Nations Economic and Social Council (ECOSOC) contains the aims in the meantime. These two clauses can be utilised as markers in putting the concept of restorative justice into practise because Indonesia is a member of the United Nations and is listed as a member of the United Nations Economic and Social Council (ECOSOC). Fundamental Rules For Using Restorative Justice Programmes In Criminal Cases (United Nations, 2000).

The development/legislative phase in the House of Representatives (DPR), the law enforcement phase (the application phase in the executive branch), and the penal system collectively make up criminal law policy. implementation (government) and implementation.the portion of criminal legislation used to carry out the intended penalty as a functional or operational unit. Beyond the child's rights, how a child is handled when dealing with the law. Additionally, it necessitates the use of restorative justice. A component of the diversion's application in the juvenile justice system is restorative justice. The persuasive or non-penal approach and offering people the chance to amend mistakes are the main tenets of the application of the notion of version (Elvina & Pujiono, 2023).

The United Nations published a handbook on restorative justice programmes in 2006 states that the implementation of *Restorative Justice* has the following objectives: 1) victims who agree to be involved in this process will run it safely and must be able to produce a sense of satisfaction; 2) the perpetrators of this crime are able to provide an understanding that their actions can affect the attitudes of victims and other people, therefore they will be responsible for the various consequences of their actions and have a commitment to make repairs/reparations; 3) The parties have mutually agreed on a flexible set of measures that emphasise the need to fix any harm done in order to minimise violations; 4) criminals who are committed to reviving all the damage that has occurred and trying to find factors that can influence their behavior; 5) victims and perpetrators can also understand all the dynamics that can lead to certain incidents in order to obtain the final result and can be reintegrated or can rejoin the community. Provisions in

Indonesian laws and regulations for children provide a framework for the discussion on the application of restorative justice in this case. All of these provisions will be divided into two categories that determine the criminal justice system and provisions for legal protection for children. This is done in order to clearly state all the terms of the Indonesian laws and rules governing these two things that are applicable to children.

2. Implementation of Restorative Justice Formulated in the Provisions of the Juvenile Criminal Justice System in Indonesia

Since the juvenile criminal justice system is an extension of the criminal justice system, we must first discuss the criminal justice system in order to provide an understanding of the juvenile criminal justice system. The criminal justice system (Criminal justice system) demonstrates how to work in combating crimes based on a systematic approach. Its components, which are subsystems, include: Police Agencies, Prosecutors' Agencies, Judiciary Institutions, and Correctional Institutions (Penitentiary), which have a goal. The goals include re-socializing criminals into society in the near term, preventing crime in the medium term, and promoting social welfare in the long run.

According to Law No. 11, 2012, "Law No. 3 of 1997 concerning juvenile justice is intended to protect and protect children in conflict with the law so that children can meet their long futures and can provide opportunities for children by guidance that will be obtained about their identities to become independent, responsible, and useful human beings. for himself, his family, society, nation, and country. However, in reality, a child is treated like an object and will typically be harmed by how a court case affects them. In addition, the legislation is no longer in line with the legal requirements that are applicable in society and has not been able to adequately offer children who are involved in such legal proceedings appropriate protection. Special treatment for adolescent offenders refers to a restorative justice strategy, according to Fathonah et al. (2021). Therefore, in this instance, Diversion can be described as a programme that seeks to produce Restorative outcomes.

In this instance, a study will be conducted to compare the five components that ECOSOC determined to be included in the rules governing Indonesia's juvenile criminal justice system. Therefore, based on the broad justification of Law No. 11 of 2012, it may be said that Restorative Justice is a diversionary process. In other words, there are a number of things that can be said to have represented a formulation as basic Restorative Justice provisions in Indonesia that have fulfilled the five elements listed below if the elements of Restorative Justice that have been described have met the provisions of certain Diversion formulations in Indonesia:

First Every programme that makes use of the Restorative Justice process has an aim to attain these outcomes, which makes the Restorative Justice programme an essential component. Article 8 of Law No. 11 of 2012 indicates that the Restorative Justice model is used to carry out the Diversion process. Results of restoration can be described by **second element**, specifically the conclusion of a deal as a result of the restoration of the restorative procedure. This second component, called Diversion, is stated in Article 6(a), and it tries to bring victims and children together in peace. From this, it can be observed that the repair of relationships between victims and children is the anticipated outcome of the Diversion process.

Third the restorative process, which is any procedure in which victims, offenders, and/or other individuals or members of the community affected by crime actively participate together in solving problems stemming from crime, frequently with the support of a fair and impartial third party, is a crucial component. This is stated in article 6(d)'s regulations, which state that in addition to both parties, Diversion also strives to promote participation in the community. Additionally, these provisions comply with the **fourth element**, Specifically, parties, or those who may participate in the Restorative Justice programme and include victims, offenders, and other people or members of the community who have been impacted by crime. **The fifth** is the

victim party. The **fifth** element is the Facilitator, which refers to a third party with a fair and impartial position who facilitates both victims' and perpetrators' involvement in the meeting programme. This requirement is found in the provisions of Article 52 (1), which state that the head of the court must name a judge or panel of judges to hear cases involving children no later than 3 (three) days after receiving the case file from the public prosecutor. In the instance of district court mediation based on article 52(4), the panel of judges might be thought of as an impartial facilitator whose job it is to make it easier for victims and offenders to participate in the meeting programme.

In general, a legislation no. 11 of 2012 about the juvenile criminal justice system, which has a legal foundation, can be used to execute the idea of restorative justice. Every child has the right to survival, growth, and development, as well as the right to protection from discrimination, according to Article 28 paragraph (2) of the 1945 Constitution. Both Law No. 23 of 2002 addressing child protection and Law No. 39 of 1999 about human rights have descriptions of this. In line with the Convention on the Rights of the Child, which the government of the Republic of Indonesia recognised by Presidential Decree No. 36 of 1990, Law No. 11 of 2012 regulating the Juvenile Criminal Justice System was formed.

The idea of restorative justice is a strategy that focuses on the conditions for achieving justice and balance for both the criminals who committed the crimes and the actual victims. To reach an understanding on a more equitable and just resolution of criminal cases for the victims and perpetrators, criminal justice that places a strong emphasis on punishment has been turned into a process of discussion and mediation (Aprilliandi, 2023).

In fact, Law No. 3 of 1997 governing Juvenile Court represents an attempt to shift Indonesia's criminalization of children away from a retributive perspective and towards one that is more focused on coaching young people for a brighter future. This paradigm, however, is thought to be insufficient due to the further development of the laws governing juvenile courts, where the paradigm that later developed was not only changing the type of crime into one that was educational in nature but, at the very least, including kids in the criminal justice system. As a result, the new Juvenile Criminal Justice System Law included the idea of restorative justice.

Children in conflict with the law are children who grow up to commit crimes. 12 to 18-year-olds who are suspected of committing a crime are considered to be children in confrontation with the law (Ferdiawan et al., 2020). The Convention on the Rights of the Child, which provides an opportunity for the process of diversion of cases (diversion) carried out by the Police and Public Prosecutors and other officials authorised to distance children from the judicial process, states that keeping children out of the criminal justice system is important because this is part of the effort to protect children's human rights.

Therefore, there is a requirement to seek diversion at every stage of the examination, beginning with the processes of inquiry, prosecution, and examination at a court hearing. Diversion is used to: a) bring about peace between victims and children; b) resolve child-related disputes outside of the legal system; c) stop youngsters from being deprived of their independence; d) promote community involvement; and, e) establish a sense of responsibility for the kid. The concept supporting the application of diversion in accomplishing the purpose of this diversion demonstrates that there has been a philosophical shift in the resolution of child custody issues, which was initially retributive justice, After that, the focus switched to rehabilitative, and now, in accordance with this statute, the idea underpinning the resolution of juvenile cases is restorative justice (Hafrida, 2019).

The ability to stop or discontinue/release from the criminal justice process, return to/hand over to the community, and engage in other types of social service activities is given to law enforcement officials to deal with or resolve the issue of child offenders without taking formal steps. To lessen the detrimental effects of involving children in the legal system, diversion can be applied at all levels of investigation.

In other words, the community does not just stay on the grounds that it has no connection with the ongoing criminal case against children. From the information above, it can be seen that the community still has a responsibility to protect children from prevention to social reintegration of children.

3. Implementation of *Restorative Justice* in the Provisions of Laws and Regulations Regarding Child Protection

Based on the written provisions regarding *Restorative Justice*, it is clearly written that it cannot be found in the law on child protection, either Law Number 23 of 2002 or its amendments, namely Law 35 of 2014. However, the provisions contained in this law if understood in more depth, it will appear that it leads to the goals of *restorative justice* as stated in the provisions based on an assessment at the United Nations Office on Drugs and Crime (UNODC) meeting in Vienna, January 30–31, 2006, of the Handbook on Restorative Justice Programmes published by the United Nations.

Handbook on Restorative justice programs related to the goal of *Restorative Justice*, the **first** Victims are involved in the process to ensure that it may be completed safely and satisfactorily. The provisions of this law's efforts are outlined in Law Number 23 of 2002's Article 56. This article can help the government carry out the mandatory maintenance and care required to find and help children, allowing children to, among other things, participate, freely express their opinions and think in accordance with their conscience and religion, and receive oral or written information appropriate to their age and developmental stage. This item also stipulates that these issues be established and tailored to the child's age, level of development, and environment in order to avoid impeding and interfering with the child's development.

Children who have been neglected may get the aforementioned maintenance and care both inside and outside of the institution (Article 55). According to Article 1 point (6), children who don't have their physical, mental, spiritual, or social needs satisfied are considered to be abandoned. The classification regarding the understanding of abandoned children means that children as perpetrators or victims as long as their needs are not properly met, both physically, mentally, spiritually and socially, can already be called neglected children. In other words, the provisions in Article 56 apply to children, whether they are victims or perpetrators. In terms of reaching a situation where the victim agrees to be involved in a process as referred to in the *Handbook on Restorative justice programs*, of course, it will be difficult if the victim here is a child whose condition can be said to be legally incompetent. In such circumstances, the child needs a legal guardian. In this regard, this law provides provisions for the discussion regarding the existence of guardianship for children. Additionally, provisions are also made in accordance with Article 56, Paragraph 10, which states that children who are in dispute with the law are given special protection by helping their parents, guardians, and other trustworthy adults.

From the explanation in the *Handbook on Restorative justice programs regarding the second* the goal of restorative justice is for criminals to accept responsibility for their actions and pledge to make repairs or amends after realising how their actions affected the victim and other people. The provisions of Law Number 23 of 2002's Article 56 show an effort made by this law. According to this article, the government is required to find children and provide for their needs, including providing them with free access to oral and written information. based on the age and developmental stage of the child.

The child's right to knowledge, whether oral or written, must be tailored to his or her developmental stage and level of understanding. Article 56 in this instance protects that the information given to a child must still be tailored to the stage of the child's age and development even though the goal is the perpetrators of crimes, who in this case are children who are expected to be able to understand how their actions have affected other people. The need to make repairs

in this instance must also be adapted to the child's age and developmental stage. Consequently, a qualified guardian is desperately needed in this situation.

The **third** goal of restorative justice is flexible methods agreed upon by the parties that place an emphasis on mending the harm done and, whenever possible, also preventing violations, according to the Handbook on Restorative Justice Programmes. Provisions under Law Number 35 of 2014's Article 64 facilitate the realisation of the aims of the Restorative Justice concept.

Based on the *Handbook on Restorative justice programs* related to the **fourth goal of Restorative Justice**, the perpetrators of crimes make commitments and are able to repair the damage that has occurred and try to find factors that influence their behavior. It is the same as what was explained earlier, that in achieving this goal it will be difficult if the perpetrators here are children who in their circumstances can be said to be legally incapable. In such circumstances, the child needs a legal guardian. In this regard, this law provides provisions regarding guardianship for children. Additionally, measures are made in accordance with Article 56, Paragraph 10, which states that children who are in dispute with the law are given special protection by helping their parents, guardians, and other trustworthy adults. Similar principles apply to the fifth purpose, which calls for victims and perpetrators to both comprehend the processes that led to specific incidences, get the outcomes, and reintegrate into and rejoin society. One of the efforts to achieve this also lies in Article 56, especially the provisions in paragraph (9) regarding the avoidance of publication of the child's identity. Publication of identity for children in conflict with the law can give a bad stigma to the child in society which cannot at all be regarded as an improvement step for children in conflict with the law. So that if the child's identity can be maintained properly, it will make it easier for the child to rejoin the community without any stigma in him.

D. Conclusion and Recommendation

These two clauses can be utilised as indicators in the execution of justice because Indonesia is a member of the United Nations (United Nations) and is named as a member of the United Nations Economic and Social Council (ECOSOC). Based on the findings of this study, Indonesia's laws and regulations for children, specifically the provisions of the juvenile criminal justice system (Law Number 11 of 2012) and provisions for legal protection of children (Law Number 35 of 2014 in conjunction with Law Number 23 of 2002), have been formulated with both the elements and objectives of restorative justice contained in these provisions. *Restorative Justice* embedded in the Act is not only directed at the perpetrators, victims, or law enforcement parties, but is also directed at the community to play a role in protecting children from prevention to social reintegration of children.

The criminal provisions of Law No. 11 of 2012 can be used to demonstrate how criminal law serves to regulate police activity. This legislation's criminal provisions are virtually exclusively directed against law enforcement, or what we often refer to as the police. In contrast, Law Number 35 of 2014 and Law Number 23 of 2002 nearly exclusively target those who commit crimes against minors as victims. The criminal sections of the two statutes are consistent with the principles and goals of restorative justice set forth in resolutions passed by the United Nations and its Economic and Social Council (ECOSOC). However, based on a number of recent court rulings, there are still exceptions to the applicable.

The creation of the most recent Draught Criminal Code (RKUHP) in 2015 can be used to understand how policies for Restorative Justice in child law in Indonesia will be developed in the future. The 2015 RKUHP can be considered the Indonesian constitutional referendum, which was in essence, it was created to take the place of the present Dutch KUHP. The 2015 RKUHP, which governs the handling of children in conflict with the law, types of crime (Strafsoort), the size of punishment (Strafmaat), and the form or method of punishment (Strafmodus), has also taken into account the principles of restorative justice, It has healing qualities in it and is aimed

for youngsters. This is likewise true of the legislation governing the juvenile justice system. Therefore, it can be claimed that efforts to implement restorative justice in instances involving children have now been incorporated into Indonesia's future criminal law policy for children.

It can be suggested that the implementation of the obligations of the Juvenile Court Law in every institution must be properly understood and implemented by overcoming existing obstacles, specifically the issuing of an Assignment Decree for the treatment of children who are in legal trouble. The effectiveness of law enforcement in achieving juvenile justice objectives partly depends on how they operate. Police, Prosecutor's Office, Judges and Children's Correctional Institutions must have good cooperation to achieve what is a common goal, namely protecting children. This will be realized if the first thing that is done is the existence of a unification/equalization of perceptions regarding the objectives of juvenile justice among the perpetrators of juvenile justice. Then, of course, cooperation between law enforcers as executors in juvenile justice. In a system consisting of several sub-systems which of course also have their respective tasks which are still interrelated because the goals they want to achieve are one/same. An alternative solution is to apply restorative justice to prevent perpetrators from being imprisoned but still be responsible so that perpetrators and victims get the same protection. This must be a collective agreement in every institution/institution and of course supported by the laws and regulations.

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