


The Implementation of Restorative Justice Principles in Handling Cases of Children in Conflict With the Law

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Article Info	ABSTRACT
<p>Keywords: Children Restorative Justice Rehabilitation Children in Conflict with the Law Juvenile Justice</p>	<p>Children, as the future of a nation, need special attention to ensure they grow into capable and well-rounded individuals. This requires not only proper guidance but also legal support to address any challenges they may face. When children come into conflict with the law, resolving their cases through diversion—using a restorative justice approach—can be a more constructive alternative. This approach focuses on healing and requires the consent of the victim and/or their family, as well as the child’s willingness to participate. This study takes a qualitative approach, gathering data through a literature review using sources from Google Scholar. The research method involves collecting and analyzing relevant written documents. Findings suggest that restorative justice offers a more humane and forward-thinking way to handle juvenile cases. By prioritizing rehabilitation, fostering responsibility, and involving all relevant parties, this method has the potential to create meaningful change for children, victims, and society as a whole.</p>
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INTRODUCTION

As society advances with technological and cultural developments, legal violations are no longer committed only by adults—children, whether consciously or unconsciously, can also come into conflict with the law (Reza & Siregar, 2023). In line with the principles of Pancasila and the 1945 Constitution of Indonesia, every citizen has the right to security and protection from violence. However, cases of violence and other criminal acts continue to occur, creating an unsafe environment. The 1945 Constitution explicitly states that Indonesia is a nation of laws, meaning that legal frameworks guide societal activities to ensure order, peace, and justice. The law should not merely serve as a tool for punishment but also as a means of providing solutions, particularly for juvenile offenders.

One approach to resolving juvenile cases without excessive punishment is restorative justice, which prioritizes reconciliation and rehabilitation over retribution (Warzuk, Suprijatna, & Aminullah, 2024). Indonesia has established various legal frameworks to protect children's rights, including the ratification of the Convention on the Rights of the Child in 1990 and several child protection laws. The juvenile justice system emphasizes that legal proceedings for children should uphold their rights and consider punishment as a last resort (*ultimum remedium*). Diversion—a non-formal legal resolution—allows juvenile cases to be settled through rehabilitation, education, or restorative measures, ensuring a balanced approach

between justice and child protection (Sugita, 2022). Riyadi (2023) highlights that diversion within the framework of restorative justice allows children in conflict with the law to be reintegrated into society while minimizing the negative impact of judicial proceedings. By implementing diversion strategies, law enforcement agencies and judicial institutions can balance justice and child protection, fostering a more humane and constructive approach to juvenile delinquency (Riyadi, 2023).

Restorative justice provides an alternative legal framework that focuses on healing rather than punishment. By emphasizing accountability, dialogue, and reconciliation, it fosters an environment where children can learn from their mistakes while restoring relationships with victims and the community. This process requires the consent of the victim and their family, as well as the child's willingness to participate, promoting a more humane and forward-thinking juvenile justice system (Witasari & Arif, 2019).

This study aims to explore the application of restorative justice in juvenile cases, analyzing its impact on children, victims, and society. Using a qualitative approach, data is collected through a literature review, drawing from scholarly sources such as Google Scholar. By examining relevant documents, this research highlights how restorative justice fosters responsibility, social reintegration, and long-term positive change. Ultimately, this study contributes to the ongoing discourse on improving juvenile justice through more compassionate and effective legal interventions.

METHOD

This study employs a qualitative research method with a literature review (library research) approach to evaluate the effectiveness of restorative justice in handling juvenile cases. A qualitative approach is chosen for its flexibility in exploring complex socio-legal concepts and its ability to provide an in-depth analysis of textual and contextual data.

The literature review method is used to collect, examine, and analyze various secondary sources relevant to the research topic. The primary data sources include books, scholarly journal articles, research reports, and official documents related to restorative justice and its implementation. These sources are obtained from online repositories and academic databases such as Google Scholar.

Data collection is conducted through documentation techniques, where relevant written materials are systematically gathered and reviewed. This method allows for a comprehensive understanding of how restorative justice is applied in juvenile legal cases, ensuring a well-rounded evaluation based on existing literature.

RESULTS AND DISCUSSION

The internationally recognized term for children who commit legal violations is "Children in Conflict with the Law." Since it was acknowledged that children also engage in unlawful acts, ongoing debates have emerged regarding the best approach to handle such cases. Diversion is widely recognized as the most effective and appropriate method for addressing children in conflict with the law.

Interventions for these children vary widely, but many legal systems still emphasize

detention and punishment, often disregarding the minor nature of the offense or the child's young age. Several external factors, such as peer influence, education, and social environment, play a significant role in a child's involvement in unlawful behavior. To protect children from the formal criminal justice system, legal experts and human rights advocates have developed formal mechanisms to divert them from traditional judicial proceedings and offer alternative solutions that are more beneficial for their well-being. This concept, known as diversion, is referred to in Indonesian as *diversi* or case redirection (Setiawan, 2017).

According to Article 1, Clause (6) of Law No. 11 of 2012 on the Juvenile Criminal Justice System (Undang-Undang Sistem Peradilan Pidana Anak or UU SPPA), restorative justice is a conflict resolution approach that involves the offender, victim, their families, and other relevant parties to seek a fair resolution. The primary focus is on restoring the situation to its original state rather than imposing retributive punishment.

The Indonesian government has formalized legal protections for children by enacting this law, ensuring that juvenile cases are resolved through diversion whenever possible. This guarantees that children receive legal protection and their rights are upheld without discrimination (Al-Ghony, Wijaya, & Hadi, 2024). The enactment of this law offers a fresh perspective on juvenile delinquency in Indonesia, urging law enforcement officers to approach these cases with greater wisdom and understanding. One of the key solutions is the implementation of diversion or restorative justice, where law enforcement officers—particularly the police—play a crucial role through their discretionary authority (Setiawan, 2017).

The Mahkamah Agung (Supreme Court of Indonesia) responded to the Undang-Undang Sistem Peradilan Pidana Anak (UU SPPA) or Juvenile Criminal Justice System Law in a highly progressive manner. The Chief Justice of Mahkamah Agung signed Peraturan Mahkamah Agung (PERMA) No. 4 of 2014 on Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System even before the issuance of the Government Regulation derived from the UU SPPA. A key provision of this PERMA mandates that judges must resolve juvenile cases through diversion, a relatively new legal procedure in Indonesia's criminal justice system reform.

The Juvenile Criminal Justice System encompasses all components involved in handling juvenile cases. These include the police, prosecution, courts, community counselors or correctional facilities, legal aid providers, the Special Child Development Institution (Lembaga Pembinaan Khusus Anak, or LPKA), the Temporary Child Placement Institution (Lembaga Penempatan Anak Sementara, or LPAS), and the Social Welfare Institution (Lembaga Penyelenggaraan Kesejahteraan Sosial, or LPKS). These institutions play a role from the moment a child enters the justice system—determining whether the child should be released or processed in a juvenile court—to deciding the appropriate resolution, whether through release or placement in a corrective institution within the framework of restorative justice (Reza & Siregar, 2023).

Restorative justice is an approach in the criminal justice system that prioritizes repairing relationships between the offender, the victim, and the community rather than focusing solely

on punishing the offender. This concept is rooted in social conflict resolution theory, which views crimes as violations of interpersonal relationships and community balance. The principle of restoration focuses on repairing the harm suffered by the victim, both materially and psychologically. Accountability emphasizes the offender's responsibility to acknowledge and rectify their wrongdoing. Community engagement highlights the role of society in supporting the recovery process and fostering an environment conducive to the offender's reintegration (Rasiwan, 2025).

The restorative justice approach addresses the needs of both victims and offenders while helping prevent future offenses. It is based on the theory of justice, which argues that crimes and violations are primarily offenses against individuals or communities rather than the state. Restorative justice fosters dialogue between the victim and the offender, leading to the highest levels of victim satisfaction and offender accountability (Arief & Ambarsari, 2018).

The restorative approach in juvenile justice emerged as a response to the dominant retributive paradigm, which traditionally focuses on punishment. Under the retributive approach, children in conflict with the law are often treated merely as offenders, with little consideration for rehabilitation and recovery efforts. In contrast, the restorative approach emphasizes repairing social relationships, fostering the child's moral responsibility, and actively involving victims and the community. The fundamental idea is that legal proceedings should not be solely punishment-oriented but should also help children recognize their mistakes and develop positive behavior for the future (Rasiwan, 2025).

History and Definition of Restorative Justice

The development of modern law and the application of restorative justice began in the 1970s in Canada with the introduction of a victim-offender mediation program. This initiative was designed as an alternative to traditional judicial proceedings, particularly for juvenile offenders. Before sentencing, offenders and victims were given the opportunity to meet and propose a resolution, which would be considered by the judge alongside other factors. The program was based on the idea that offenders would benefit from taking responsibility for their actions, while victims would receive direct attention and compensation. This approach was found to reduce recidivism among juvenile offenders and increase the number of young offenders who took responsibility for providing restitution to their victims. Studies showed that both victims and offenders reported higher levels of satisfaction with this process compared to traditional court proceedings.

The term restorative justice first appeared in contemporary criminal justice literature and practice in the 1970s. However, strong evidence suggests that the concept itself has deep historical roots, originating from ancient traditions and religious customs across many societies. Some scholars argue that restorative justice principles were already embedded in the legal traditions of ancient Greek and Roman civilizations. Legal expert Daniel Van Ness noted that although the term was coined by Albert Eglash in a 1977 article, the underlying ideas and practices can be traced back to early forms of human social organization.

Eglash introduced the concept of restorative justice while addressing the crisis within the criminal justice system. He proposed an alternative paradigm to replace the traditional punitive approach, which primarily focused on punishment. To clarify this shift, Eglash

distinguished between three types of justice in criminal law: retributive, distributive, and restorative justice. Retributive justice focuses on punishing the offender for their actions. Distributive justice emphasizes rehabilitating the offender. Restorative justice holds offenders accountable by prioritizing victim recovery while also considering the offender's rehabilitation and ensuring public order. Restorative justice represents a more balanced and holistic approach to criminal justice, aiming not only to address wrongdoing but also to repair harm, foster accountability, and maintain social harmony.

Eglash stated that the first two types of justice focus primarily on the crime itself, neglecting victim participation in the judicial process and allowing offenders to play only a passive role. In contrast, the third type, restorative justice, focuses on repairing the harm caused by the crime and actively involves all parties in the justice process. According to Eglash, restorative justice provides an opportunity for both offenders and victims to rebuild their relationships while also allowing offenders to take meaningful steps to compensate for the harm they have caused (Eglash, 1977).

Eglash's perspective was further elaborated by Howard Zehr in his influential work, *Changing Lenses*. Zehr argued that the traditional criminal justice system operates through a retributive lens, viewing crime as a violation of the law and justice as the process of assigning blame and punishment. He proposed a shift in perspective, emphasizing that crime is fundamentally "a wound in human relationships and an act that creates an obligation to heal and repair." To clarify the concept of restorative justice, Zehr contrasted it with the retributive model. While retributive justice perceives crime as an offense against the law and the state—where the court determines guilt and administers punishment within a structured legal framework—restorative justice takes a different approach. It sees crime as a violation against individuals and interpersonal relationships.

Restorative justice does not frame crime as a conflict between an individual and the state but rather as a conflict between individuals. This perspective encourages offenders and victims to see each other as people rather than as abstract legal entities. Consequently, the focus shifts toward restoring human bonds and fostering reconciliation between individuals or between an individual and the community. Zehr highlighted that this understanding of crime "creates an obligation to make things right." While retributive justice centers on legal violations, restorative justice prioritizes addressing the harm done to people and relationships.

Restorative justice emerged as a response to widespread dissatisfaction with the outcomes of conventional criminal justice systems. This approach serves as a framework for handling criminal cases by involving the community, victims, and offenders in a way that seeks justice for all parties. The ultimate goal is to restore conditions to what they were before the crime occurred while also preventing future offenses. Restorative justice balances the needs of victims, offenders, and society as a whole.

Over the past two decades, restorative justice has gained significant traction in various countries, including Australia, Canada, the United Kingdom, Wales, New Zealand, and several European and Pacific nations. Even the United States, despite its history of advocating for punitive justice measures, has been influenced by the growing prominence of restorative justice. Four key restorative justice practices have emerged in pioneering countries: Victim-

Offender Mediation (VOM), Family Group Conferencing (FGC), Circles, and Restorative Boards.

In Indonesia, restorative justice has long been embedded in customary practices, indigenous law, and cultural values. Before the enactment of the Juvenile Criminal Justice System Law (Law No. 11 of 2012), law enforcement officials implemented diversion based on discretionary authority. According to legal terminology, discretion refers to the ability to make decisions based on individual judgment in specific situations. Discretion complements the principle of legality, which requires that all state administrative actions be based on statutory regulations. However, given the complexities of real-life cases, it is impossible for laws to account for every possible situation. Restorative justice thus provides a necessary and flexible approach to addressing crime within the broader legal framework.

Children in Conflict with the Law

Children in conflict with the law are individuals under the age of 18 who become involved in legal proceedings, either as offenders or due to other legal matters. Many legal systems adopt a specialized approach to dealing with such cases, prioritizing the rights and protections afforded to minors. Rather than emphasizing punishment, a rehabilitative approach is often preferred, aiming to support the child's development and prevent future offenses.

Delinquent behavior among children is often linked to inadequate parenting, as the role of adults is crucial in shaping a child's self-concept. Acts of delinquency may include violence, theft, drug-related crimes, gang-related fights, and sexual offenses. Such behaviors can lead to a child being classified as a child in conflict with the law (CICL), a term that also applies to minors who are victims of criminal acts.

Socially, these behaviors are seen as forms of deviance because they disrupt the well-being of individuals and communities. They go against moral and ethical values, whether viewed from a societal, religious, or personal perspective. As a result, children involved in such situations often face stigma and are labeled as “delinquents” or “troubled youth.”

From a legal perspective, Indonesia's Juvenile Criminal Justice System Law No. 11 of 2012 defines CICL as individuals aged 12 to 18 years who come into contact with the criminal justice system due to being suspected, accused, or convicted of a crime (Al-Ghony, Wijaya, & Hadi, 2024). Children may encounter the justice system because they are accused of a crime, have been victims of criminal acts, or have witnessed, heard, or experienced a criminal offense firsthand (Saptaningrum, 2023).

Recognizing these distinctions helps legal frameworks ensure that justice is balanced with the best interests of the child. The focus remains on rehabilitation and reintegration into society rather than punitive measures, aiming to provide children with opportunities for a better future.

Implementation of Restorative Justice for Children in Conflict with the Law

The implementation of restorative justice is not without challenges. One of the main obstacles is resistance from law enforcement officers who are accustomed to a retributive approach. Additionally, a lack of public understanding of this concept often hinders its application. According to Weitekamp and Kerner, the success of restorative justice depends

on the readiness of legal institutions, communities, and individuals to participate in a collaborative and inclusive process.

Despite these challenges, restorative justice has proven to be highly beneficial. A study by Sherman and Strang found that this approach reduces recidivism rates and increases victim satisfaction. Furthermore, it facilitates the reintegration of offenders into society in a more constructive manner, preventing stigma and social exclusion. In the long run, restorative justice has the potential to create a more equitable and sustainable justice system (Rasiwan, 2025).

At its core, restorative justice seeks to divert cases from the formal criminal justice process toward resolution through deliberation, reflecting Indonesia's cultural values of resolving conflicts through consensus and familial approaches. This method ensures that children involved in legal cases—whether as offenders, victims, or witnesses—are protected by a child-friendly and gender-sensitive justice system, as well as by society. Given existing legal frameworks and real-world conditions, diversion and restorative justice are considered effective solutions for handling cases involving children in conflict with the law.

The restorative justice process primarily involves restorative dialogue, where offenders, victims, and their respective families participate alongside community representatives. These representatives are expected to reflect the social environment in which the offense occurred. By encouraging community support in resolving cases outside the formal juvenile justice system, the goal is to reach decisions that are not punitive but instead emphasize the interests and responsibilities of the child offender, the victim, and society as a whole.

Law enforcement, particularly the police, plays a crucial role in implementing restorative justice. They are granted discretionary power, allowing them to decide whether to proceed with a case. This discretion enables the police to divert cases involving children, thereby preventing them from undergoing formal criminal proceedings and ensuring a more rehabilitative approach (Edyanto, 2017).

One of the key efforts to protect children in conflict with the law is the implementation of Law No. 11 of 2012 on the Juvenile Criminal Justice System (Undang-Undang Sistem Peradilan Pidana Anak, or UU SPPA). This law mandates the enforcement of justice for children by applying restorative justice as an essential method for resolving juvenile cases in Indonesia (Saptaningrum, 2023).

Compared to previous legislation on juvenile courts, the UU SPPA provides stronger legal protection for children in conflict with the law (ABH). It establishes a comprehensive legal framework for juvenile criminal proceedings and introduces a restorative justice approach that emphasizes recovery and reconciliation. This approach considers the needs of children both as offenders and as victims. The core principle of proportionality in the juvenile justice system aims to promote the well-being of children. This principle limits the use of punitive sanctions by ensuring that penalties are proportionate to the severity of the offense while also taking into account the child's personal circumstances.

While restorative justice and diversion (*diversi*) are legally mandated by the UU SPPA, their practical implementation requires preparedness from law enforcement agencies, public awareness, and adequate infrastructure. Without these supporting factors, the effectiveness

of restorative justice may be compromised, creating new challenges in resolving juvenile cases.

Restorative justice is a progressive approach to criminal justice that responds to the limitations of conventional punitive systems. It seeks to involve the community and victims, who are often overlooked in formal legal proceedings. Under the UU SPPA, restorative justice is defined as a process that involves the offender, the victim, their families, and other relevant parties in a collective effort to find a fair resolution. This process prioritizes restoring the situation to its original state rather than imposing retributive punishment.

The principles of restorative justice emphasize collaborative and consensus-based procedures over adversarial and punitive legal mechanisms. In the field of criminal law, the primary goal of restorative justice is to restore the balance disrupted by the crime. The practical application of restorative justice in juvenile cases is carried out through diversion, which redirects legal proceedings from formal judicial processes to informal, community-based resolution.

According to Article 7, Paragraphs (1) and (2) of the UU SPPA, diversion must be pursued at the investigation, prosecution, and trial stages. Diversion applies to offenses punishable by less than seven years of imprisonment and cases that do not involve repeat offenses. In essence, diversion shifts juvenile cases from the formal justice system to an alternative dispute resolution process, ensuring a more rehabilitative and child-friendly approach to justice.

Restorative justice is a response to the need for a criminal justice system that delivers true justice, particularly in addressing legal protection for children in conflict with the law. This approach aligns with the fundamental values of Pancasila. However, as restorative justice is a relatively new concept in Indonesia's legal framework—especially within the criminal justice system—it only gained recognition and implementation following the enactment of Law No. 11 of 2012 on the Juvenile Criminal Justice System (SPPA). This law regulates the resolution of cases involving children through a restorative justice approach (Al-Ghony, Wijaya, & Hadi, 2024).

The implementation of restorative justice is outlined in Police Regulation No. 8 of 2021, which was signed on August 19, 2021. Based on this regulation, as well as the Juvenile Criminal Justice Law and other legal provisions, restorative justice applies to various types of cases, including juvenile criminal offenses, traffic violations, crimes related to electronic information and transactions, and cases involving women in conflict with the law (Warzuk, Suprijatna, & Aminullah, 2024).

Restorative justice is guided by five fundamental principles. First, it is a recognized form of justice within the criminal justice system, applied globally to various criminal cases. Second, it views criminal offenses not as crimes against the state or the public but as harm inflicted upon individuals or specific groups. Third, it prioritizes the suffering and losses of the victim over the punishment of the offender. Fourth, it involves direct or indirect dialogue, often in the form of mediation or reconciliation. Finally, it seeks to restore the pre-offense conditions rather than focusing solely on retribution.

The implementation of restorative justice serves several key objectives. It holds

offenders accountable for repairing the harm they have caused and allows them to demonstrate their capacity for personal growth while constructively addressing their guilt. It also involves victims, families, and other stakeholders in resolving the conflict, creating a cooperative forum for problem-solving. Additionally, it establishes a direct and meaningful connection between the wrongdoing and the social response (Nur, 2024).

Restorative justice can be implemented through various mechanisms, either with or without the involvement of law enforcement authorities. The key objective is to achieve reconciliation through dialogue, reaching a mutually agreed resolution that aligns with societal norms and legal principles (Sultoni, 2020).

The regulatory framework for restorative justice in Indonesia includes several important legal provisions. These include the Circular Letter of the Chief of Police (SE Kapolri) No. SE/8/VII/2018 on the application of restorative justice in criminal case resolution, Police Regulation No. 6 of 2019 on criminal investigations, Prosecutor's Regulation No. 15 of 2020 on the termination of prosecution based on restorative justice, and Decision of the Director General of the General Judiciary of the Supreme Court (No. 1691/DJU/SK/PS.00/12/2020, issued on December 22, 2020), which provides guidelines for implementing restorative justice (Yusrizal, Asmara, & Iskandar, 2021). This legal framework reflects Indonesia's commitment to ensuring a more humane and rehabilitative approach to justice, particularly for children in conflict with the law.

The Impact of Restorative Justice on Children

The primary impact of restorative justice on children is the reduction of destructive shame and the development of greater confidence in making future decisions. Through more intensive interactions between the child, the victim, their families, and the community, this approach fosters a deeper understanding of the consequences of criminal behavior. As a result, restorative justice not only brings positive change at an individual level but also strengthens social cohesion within the community. By engaging in dialogue, offering apologies, and providing restitution, this process creates a supportive environment that encourages children to reflect on their actions and make meaningful improvements in their behavior.

More broadly, the impact of restorative justice on children spans psychological, social, and educational aspects, all of which are interconnected. This approach has the potential to reduce trauma and stress, as children are treated with a focus on rehabilitation rather than mere punishment. It also enhances their understanding of social responsibility, fosters empathy, and deepens their moral awareness. Children learn that criminal acts are not just legal violations but also involve human relationships that can be repaired through dialogue and a willingness to change.

In terms of relationships, restorative justice strengthens a child's connection with their family and community, ultimately reducing the likelihood of reoffending. While challenges such as cultural differences and resource limitations exist, a well-planned restorative justice process that involves all stakeholders ensures that children receive the necessary support to rebuild their future responsibly. In doing so, they not only become more aware of the consequences of their actions but also play an active role in fostering peace within their

communities (Rasiwan, 2025).

CONCLUSION

This study concludes that the restorative approach offers a more humane and forward-looking perspective in addressing children in conflict with the law. By focusing on rehabilitation, instilling responsibility, and involving all relevant parties, this method has the potential to create positive transformations for the child, the victim, and society as a whole. When properly managed and supported by adequate infrastructure, restorative justice can serve as a sustainable solution for building a fairer, more effective, and compassionate juvenile justice system. However, the impact of restorative justice on children is not always entirely positive. Therefore, it is crucial for practitioners—including law enforcement officers and social workers—to fully understand restorative principles and apply them wisely. Community and institutional support play a key role in sustaining the positive outcomes of restorative justice for children. The reintegration process should not end once a family conference is concluded or an agreement is reached. Children require ongoing guidance and supervision to help them uphold their commitment to avoiding repeat offenses. In this regard, collaboration between government agencies, such as social services and local law enforcement, along with non-governmental organizations dedicated to child protection, is essential in ensuring long-term success.

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