



## **The Application of Restorative Justice as a Resolution of the Criminal Act of Theft by Child Perpetrators: A Case Study at Klaten Police, Central Java**

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**Abstract:** *This study aims to analyze the implementation of the restorative justice approach in handling theft offenses committed by minors within the jurisdiction of the Klaten Police Resort, Central Java. The research employs an empirical juridical method, collecting data through interviews and a literature review. The findings reveal that Law No. 11 of 2012 concerning the Juvenile Criminal Justice System provides the legal foundation for applying restorative justice at every stage of the juvenile criminal process, including the investigation phase. The Klaten Police implement diversion through deliberative meetings involving the offender, the victim, their families, and community counselors, taking into account humanitarian considerations and the best interests of the child. Non-litigation settlement is prioritized in the law enforcement process involving juvenile offenders and is supported by active community participation and the flexibility of law enforcement officers in facilitating restorative processes. The study implies that the application of restorative justice by law enforcement officers can foster a sense of fairness and justice for children, both as offenders and as victims of crime.*

**Keywords:** *Restorative Justice, Criminal Theft, Child Criminals*

**Abstrak:** Studi ini bertujuan untuk mengetahui bagaimana penerapan pendekatan *restorative justice* dalam penyelesaian tindak pidana pencurian yang dilakukan oleh anak di wilayah hukum Polres Klaten, Jawa Tengah. Metode yang digunakan adalah metode yuridis empiris dengan teknik pengumpulan data melalui wawancara dan studi kepustakaan. Hasil penelitian menunjukkan bahwa Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak, menjadi dasar penerapannya keadilan restoratif pada setiap tahapan proses peradilan pidana anak, termasuk pada tahap penyidikan. Polres Klaten melaksanakan diversifikasi melalui musyawarah antara pelaku, korban, keluarga, dan petugas pembimbing kemasyarakatan, dengan mempertimbangkan aspek kemanusiaan dan kepentingan terbaik bagi anak. Penyelesaian perkara melalui non litigasi adalah prioritas utama penegakan hukum bagi anak sebagai pelaku kriminal, dan didukung oleh partisipasi aktif masyarakat dan fleksibilitas aparat penegak hukum dalam memfasilitasi proses pemulihan. Implikasinya penerapan restoratif justice oleh aparat penegak hukum dapat memberi rasa keadilan terhadap anak sebagai pelaku kriminal maupun sebagai korban kejahatan.

**Kata Kunci:** Keadilan Restoratif, Pidana Pencurian, Anak Pelaku Kriminal

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## A. Introduction

Criminal law in Indonesia is undergoing significant changes and developments, particularly in the context of protecting children who come into conflict with the law. Children are a gift given by God Almighty to every family to be looked after and educated properly. Children are also the next generation of the nation, who have a strategic position in a country. Based on this, the state is obliged to ensure the optimal growth and development of children. As this has been regulated in Law Number 35 of 2014 concerning Child Protection, which explains that children are individuals who have not reached the age of 18 years, whose existence must be protected.

Although children are in a position that must be protected, not all mistakes made by children can be tolerated and forgiven. This is due to various facts, where children are often involved in various social phenomena that are against the law, such as theft cases. According to data from the Directorate General of Corrections, Ministry of Law and Human Rights (KEMENKUMHAM RI) in 2021, theft cases are the most serious criminal offenses committed by children. This case is carried out by children with various motives, including: (1) having a specific purpose, and (2) revenge.<sup>1</sup> In handling this case, the authorities can apply a formal judicial process to punish children firmly, thereby providing a deterrent effect. However, on the other hand, this process can have a serious psychological impact on children and has the potential to keep children in the cycle of crime.<sup>2</sup>

In general, the juvenile criminal justice system in Indonesia is still influenced by the retributive justice approach, namely a legal justice system where perpetrators of criminal acts (children) must be given appropriate punishment as a form of retribution for the crimes they have committed.<sup>3</sup> However, this approach is considered less relevant because children do not yet have the maturity in thinking and good self-control skills. Through this approach, a restorative justice system is employed, where perpetrators of criminal acts and victims work towards reconciliation through mediation.<sup>4</sup> The purpose of this approach is to achieve substantive justice by bringing

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<sup>1</sup>Emma Villman, "Early Release from Prison with Electronic Monitoring: Hook for or Hindrance to Change?," *Criminology and Criminal Justice* 24, no. 1 (2024); Matthew Hall, "Victims of Crime: Constructions, Governance and Policy," in *Victims of Crime*, 2017; Ralph C. Serin et al., "Using Dynamic Risk to Enhance Conditional Release Decisions in Prisoners to Improve Their Outcomes," *Behavioral Sciences & the Law*, 2016; Juan Tauri, "An Indigenous Commentary on the Globalisation of Restorative Justice," *British Journal of Criminology* 12, no. 2 (2014).

<sup>2</sup>Ivan Zinger, "Conditional Release and Human Rights in Canada: A Commentary," *Canadian Journal of Criminology and Criminal Justice*, 2012; Ioan Durnescu, Esther Montero Perez de Tudela, and Luisa Ravagnani, "Prisoner Transfer and the Importance of the 'Release Effect,'" *Criminology and Criminal Justice* 17, no. 4 (2017).

<sup>3</sup>Mathias Twardawski, Karen T.Y. Tang, and Benjamin E. Hilbig, "Is It All About Retribution? The Flexibility of Punishment Goals," *Social Justice Research* 33, no. 2 (2020); Dedy Sumardi et al., "Transition of Civil Law to Public Law: Integration of Modern Punishment Theory in Criminal Apostasy," *Ahkam: Jurnal Ilmu Syariah* 22, no. 1 (June 30, 2022).

<sup>4</sup>Josep Tamarit and Eulalia Luque, "Can Restorative Justice Satisfy Victims' Needs? Evaluation of the Catalan Victim-Offender Mediation Programme," *Restorative Justice* 4, no. 1 (2016): 68-85; Shannon M. Sliva and Mark Plassmeyer, "Effects of Restorative Justice Pre-File Diversion Legislation on Juvenile Filing Rates: An Interrupted Time-Series Analysis," *Criminology and Public Policy* 20, no. 1 (2021).

together perpetrators, victims, families, and the community to find a fair solution for all parties, thereby restoring the normal social relationships and ensuring their continued well-being.<sup>5</sup>

The restorative justice approach in Indonesia has been adopted through Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA).<sup>6</sup> In the law, diversion is a primary instrument for implementing restorative justice. Diversion is the process of transferring the settlement of children's cases from the criminal justice system to an alternative setting outside the criminal court.<sup>7</sup> The purpose of diversion is to avoid and distance children (perpetrators) from the judicial process, so that they can avoid stigmatization related to the law and return to their social community environment.

This restorative justice approach is also in line with the values of Islamic law, which prioritizes the principle of "*Ishlah*" or peace and restoration of social relations between children (perpetrator) and victims. In addition, in the context of Islamic law, children who have not yet reached the age of puberty (minors) are not given the same punishment as adults. In other words, the approach used prioritizes education and peace in resolving criminal cases involving child perpetrators. In cases of theft with child perpetrators, "*Fiqh al-Jinayah*" concerns the concepts of "*al-'Afwu*" and "*Ishlah*", where the victim apologizes to the perpetrator before the hudud law is enforced, especially if the hudud requirements have not yet reached the highest level. This is reflected in Qur'an, Surah Al-Mā'idah (5): 38–39, namely "a thief who repents after his actions, Allah accepts his repentance because Allah is Most Forgiving, Most Merciful.

However, in fact, the restorative justice approach in Indonesia is still not well implemented. This is due to various things, including: (1) lack of awareness of law enforcement officers; (2) limited public understanding of restorative justice; and (3) victims who refuse to resolve problems through mediation due to demands for compensation or a sense of justice that is not appropriate<sup>8</sup>. This situation raises various questions about the extent to which the implementation of restorative justice in Indonesia provides the best solution for children as perpetrators of theft, without linking formal legal channels, and not ignoring the interests of the victim.

Based on these issues, the author is interested in conducting research on the application of restorative justice in addressing theft crimes committed by child

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<sup>5</sup>Ali Sodikin, "Restorative Justice Dalam Tindak Pidana Pembunuhan : Perspektif Hukum Pidana Indonesia Dan Hukum Pidana Islam," *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 49, no. 1 (2015): 1–10.

<sup>6</sup>Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

<sup>7</sup>Dedy Sumardi, Mansari Mansari, and Maulana Fickry Albaba, "Restoratif Justice, Diversi Dan Peradilan Anak Pasca Putusan Mahkamah Konstitusi Nomor 110/Puu-X/2012," *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum* 11, no. 2 (2022): 248–65; Sri Wiyanti Eddyono, "Restorative Justice for Victim's Rights on Sexual Violence: Tension in Law and Policy Reform in Indonesia," *Journal of Southeast Asian Human Rights* 5, no. 2 (2021).

<sup>8</sup>Chepi Ali Firman Zakaria, Ade Mahmud, and Aji Mulyana, "Legal Protection for Child Victims of Sexual Assault in a Restorative Justice Perspective," *Jurnal Penelitian Hukum De Jure* 23, no. 1 (2023); Hafrida Hafrida, "Restorative Justice In Juvenile Justice To Formulate Integrated Child Criminal Court," *Jurnal Hukum Dan Peradilan* 8, no. 3 (2019).

perpetrators. The focus of this research study is based on a case study conducted at the Klaten Police. The objectives of this research include: (1) analyzing the implementation of the application of the restorative justice approach in resolving criminal acts of theft with child perpetrators, both in accordance with the Law and Islamic law; (2) analyzing the implementation of the application of restorative justice towards children as perpetrators of theft at the Klaten Police, Central Java; and (3) knowing the supporting and inhibiting factors in the application of the restorative justice approach in criminal acts of theft with child perpetrators.

This research was conducted in the jurisdiction of the Klaten Police Resort, Central Java. The selection of the location was based on data, where an active diversion mechanism for children as perpetrators of theft was applied. The subject of this research is the jurisdiction of the Klaten Police Resort in Central Java, while the object of this research is the application of the restorative justice approach to perpetrators (children) of theft.

Data collection techniques were employed using both primary and secondary data. Primary data were obtained through interviews with Sugeng Riyadi, the Head of Operational Development Affairs of the Criminal Investigation Unit at the Klaten Police Resort, Central Java. Meanwhile, secondary data were obtained through a review of legal documents, including Law Number 12 of 2012 concerning the Juvenile Criminal Justice System, Police Regulations, and Islamic legal literature, as well as relevant scientific articles and academic literature, which served as the theoretical basis. The data analysis technique employed a descriptive analytical approach, which involved describing the results of field findings obtained and then linking them to relevant theory, applicable legal provisions, and the social context in the field.

## **B. Legal Basis for the Implementation of Restorative Justice at the Klaten Police Resort**

Based on the results of an interview with the Head of Operational Development Affairs of the Criminal Investigation Unit of the Klaten Police Resort, Central Java, the data obtained is that the restorative justice approach has been implemented since the issuance of the Republic of Indonesia Police Regulation No. 8 of 2021. This regulation governs the handling of criminal acts based on restorative justice, which seeks to resolve criminal cases by prioritizing the restoration of relationships between the perpetrator (in this case, a child) and the victim, as well as the broader community. In its implementation, every criminal case committed by a child, particularly theft cases, will be recorded, examined, and assessed by a specially trained child investigator. If the child is threatened with a criminal sentence of less than 7 years and is not a repeat, then diversion efforts are carried out as regulated in Article 7 of Law No. 11 of 2012.

Based on data on theft cases involving child perpetrators that went through the diversion process at the Klaten Police Resort from 2022 to May 2025, a total of 10 cases were identified. The following table presents these cases.

Table 1. Data on Theft Cases with Child Perpetrators in Klaten

No	Year	Child's Initials	Amount of Loss
1	2022	DK	Rp 500.000
2	2022	YG	Rp 500.000
3	2023	NI	Rp 1.000.000
4	2023	YK	Rp 2.000.000
5	2023	L	Rp 1.500.000
6	2023	T	Rp 600.000
7	2024	AP	Rp 300.000
8	2024	EP	Rp 250.000
9	2024	P	Rp 500.000
10	2025	B	Rp 1.000.000

Source: Interview with Sugeng Riyadi, the Head of Criminal Development Affairs of the Klaten Police Resort, Central Java

Based on the interview results, it is known that handling of theft cases with child perpetrators goes through 3 stages, including: (1). data collection and examination; (2) diversion activities; (3) submission of diversion results. The data collection stage is initiated when the Police receive a report related to a child perpetrator of theft. The examination stage is conducted by presenting the child and their companion, who may be parents, guardians, or local residents, for examination. The diversion stage is initiated by inviting the victim to participate in a discussion designed to divert attention. At this stage, the victim is facilitated by the child investigator, the fathers, or the school. If the victim forgives the perpetrator (child) and agrees to make a settlement outside the court process with appropriate compensation or a peace agreement, then a written diversion result will be made, which will be submitted to the Prosecutor's Office to obtain a determination to stop the prosecution based on the results of the diversion agreement.

Based on the interview results, the implementation of restorative justice at the Klaten Police, Central Java, from 2022 to June 2025 proceeded smoothly. This is because the Police always coordinated with Bapas, Peksos, the Legal and Examination Service, and the social community, who helped implement restorative justice activities so that it ran smoothly. However, on the other hand, there is a weakness related to this implementation, where the diversion results obtained require a relatively long time to be published. This is because the Police have constraints in issuing letters due to various new problems that often arise every day. However, overall, the implementation of restorative justice at the Klaten Police, Central Java, has been successful, with an

achievement rate of around 75-80 %, as its handling is also consistently guided by Law No. 11 of 2012.

### **C. Restorative Justice According to Law No. 11 of 2012**

The application of the restorative justice approach first appeared formally in Canada in 1974, primarily in the effort to resolve cases outside the traditional court process, known as Victim-Offender Mediation.<sup>9</sup> This approach provides a process for resolving criminal cases outside the formal court system by conducting mediation between the perpetrator and the victim, facilitated by a third-party mediator. This approach is employed to discuss the violations committed by the perpetrator, assess the impact, and formulate a settlement that is fair and mutually beneficial for both parties. The restorative justice approach aims to restore various things that have a negative and detrimental impact on both parties, so that the problem can be resolved without having to go through the court process.

Tom Marshall defines restorative justice as “through the process of restorative justice, parties involved in a particular offense decide together how to handle the fallout and future ramifications of the offense”. This means that the restorative justice approach is a process of resolution between the perpetrator and the victim, aiming to achieve justice while prioritizing the restoration of losses caused by the crime. The restoration is not only related to the victim, but also to the perpetrator and the community who feel the impact of the crime.

The restorative justice approach is a method of addressing criminal acts that focuses on achieving peace among the victim, the perpetrator, and the broader community in resolving the conflict. This approach is designed to resolve a criminal issue through mediation between the victim and the perpetrator, bypassing the judicial process. This approach is also employed to establish a strong and sustainable moral and ethical framework for restorative justice, or the Just Peace Principle,<sup>10</sup> which means that the principles of justice and peace are inseparable elements that go hand in hand. In other words, justice achieved without peace is a form of torture that does not provide recovery for the various parties involved. In a holistic paradigm, the view of children in conflict with the law must pay attention to and prioritize the principles of protection, social recovery, and avoidance of repressive actions that can cause stigma against children.<sup>11</sup> In this case, the restorative justice approach is a principle that

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<sup>9</sup>Masahiro Suzuki and Tamera Jenkins, “The Role of (Self-)Forgiveness in Restorative Justice: Linking Restorative Justice to Desistance,” *European Journal of Criminology* 19, no. 2 (2022); Hasbi Hasan, “Penerapan Keadilan Restoratif Dalam Sistem Peradilan Pidana Anak Di Indonesia,” *Jurnal Hukum Dan Peradilan* 2, no. 2 (2013).

<sup>10</sup>Mahendra Ridwanul Ghoni and Pujiyono Pujiyono, “Perlindungan Hukum Terhadap Anak Yang Berhadapan Dengan Hukum Melalui Implementasi Diversi Di Indonesia,” *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (2020).

<sup>11</sup>Stephanie Price et al., “A Review of Restorative Justice Programmes for First Nations Peoples in Queensland,” *International Journal of Comparative and Applied Criminal Justice* 49, no. 1 (2025); Mursyid Djawas et al., “Restitution to Victims of Rape Crimes: Examination of Judicial Decision Number 06/JN/2019/MS.Lsm,” *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum* 13, no. 2 (2024);

emphasizes that justice and peace must go hand in hand; justice without peace is empty, and peace without justice is a disguise for injustice.

According to Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, the restorative justice approach must be prioritized, starting from the investigation level to the trial. This aims to protect the rights of children as perpetrators of criminal acts, which is carried out through the diversion process. The diversion process is carried out in accordance with Article 8 paragraph 1 of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, namely the punishment for children as perpetrators of criminal acts that are contrary to the law, without going through the trial process, but only through a deliberation process involving children, orangutans or guardians of children, victims, parents or guardians of victims, community counselors and professional social workers in producing an agreement that is not detrimental to both parties. The diversion process is only applied to minor criminal offenses, such as theft of an item of low value and victimless crimes, which are violations of the law that indirectly harm the perpetrator but do not harm other individuals. In this case, the loss is only in the form of material, where the value does not exceed the local provincial minimum wage (UMP).

The diversion process between the victim and the perpetrator (child) can be carried out in various forms, including:<sup>12</sup>

1. Peace with or without compensation
2. Returning to parents or guardians
3. Inclusion of the child in educational or training institutions, such as Social Welfare Institutions, for a period of 3 months
4. Community service

#### **D. Restorative Justice According to Islamic Law**

Surah al-Ma'idah verse 38 explains that, if there is a thief, either male or female, then the applicable punishment is cutting off the hand. This is also explained in the interpretation of al-Muyassar, where humans who commit theft, whether male or female, cutting off the hand is a punishment that can be carried out by the leader according to the Sharia, according to the demands as a form of retaliation for the behavior of seizing other people's property in a wrong and improper way. The purpose of this punishment is to prevent others from committing similar acts, because Allah is All-Mighty in determining His punishment and All-Wise in providing all His commands and prohibitions.<sup>13</sup>

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<sup>12</sup>Rizanizarli Rizanizarli et al., "The Application of Restorative Justice for Children as Criminal Offenders in the Perspective of National Law and Qanun Jināyat," *Samarah* 7, no. 1 (2023); Ulang Mungun Sosiawan, "Perspektif Restorative Justice Sebagai Wujud Perlindungan Anak Yang Berhadapan Dengan Hukum (Perspective Of Restorative Justice as A Children Protection Against The Law)," *Jurnal Penelitian Hukum De Jure* 16, no. 4 (2017).

<sup>13</sup>Muhammad Abu Zahrah, *Al-Jarimah Wa Al-'Uqubah Fi Al-Fiqh Al-Islami*, ed. Muhammad Rafiki, V, vol. V (Kairo: Maktabah Tawfiqiyah, 2014); Muhammad Ali Al-Shabuni, *Tafsir Ayat Al Ahkam Min Al Qur'an, Juz 1* (Bairut: Dar al-Qur'anul Karim, n.d.); Mohd Din and Al Yasa' Abubakar, "The Position of the

In Moeslim, a person who has reached puberty (*mukallaf*) who commits a legal act must be held accountable for his actions. This is as expressed by Iman Abu Hanifah, namely that puberty is one of a person's abilities to distinguish between right and wrong actions. If a child is in the Mumayyiz phase, able to distinguish between right and wrong actions, then the child can be sentenced to ta'azir to provide a lesson and a deterrent effect. However, in Islam, cases of criminal acts committed by children, such as theft, are not appropriate to be carried out by cutting off hands, because they have not reached puberty or *mukallaf*. This is because minors tend not to be able to understand the consequences or impacts of the actions they have committed, so that children are free from punishment.

In the Compilation of Islamic Law, paragraph 99a, it is explained that a child is a gift born in a legal marriage relationship, where the child has a mother and a father.<sup>14</sup> Based on this, every parent is obliged to be responsible for the child's actions towards others in a family manner, such as holding discussions with the victim and family regarding the mistakes made by the child, and providing compensation for the losses experienced by the victim and family. On the other hand, parents can administer ta'zir punishment in the form of a mild penalty to the child, in order to educate and improve the child's behavior.<sup>15</sup> As the punishment is in accordance with the Compilation of Islamic Law Chapter XII No. 4 concerning the Rights and Obligations of Husband and Wife, which explains that a husband or father is obliged to provide the best education and teaching for the child, because the child's survival is the full responsibility of the parents, including the manners, behavior and behavior of the child.<sup>16</sup>

Based on the explanation, it is concluded that the restorative justice approach is related to the perspective of Islamic Law, where problem-solving is carried out through a family approach by prioritizing apologies, compensation, and coaching. The restorative justice approach that prioritizes behavioral recovery and improvement by setting aside repressive punishment shows a real form of restorative justice values in Islam.

#### **E. Restorative Justice for Children as Perpetrators of Theft at the Klaten Police, Central Java**

The crime of theft, according to Article 362 of the Criminal Code, is defined as an act carried out by taking someone else's property, either partially or in whole,

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Qanun Jinayat as a Forum for the Implementation of Sharia in Aceh in the Indonesian Constitution," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 2 (2021): 689–709.

<sup>14</sup>Abd al-Qadir 'Awdah, *Al-Tasyri' Al-Jina'i Al-Islami: Muqaranan Bi Al-Qanun Al-Wadh'i*, 8th ed., vol. II (Beirut: Dar al-Muassasah, 2016); Abdullahi Ahmed An Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Right and Intern Law* (USA: Syracuse University Press, 1996).

<sup>15</sup>Rico Nur Cahyo and Irma Cahyaningtyas, "Kebijakan Hukum Pidana Tentang Diversi Terhadap Anak Pelaku Recidive Guna Mencapai Restorative Justice," *Jurnal Pembangunan Hukum Indonesia* 3, no. 2 (2021).

<sup>16</sup>Dyah Listyarini, "Juvenile Justice System Through Diversion And Restorative Justice Policy," *Diponegoro Law Review* 2, no. 1 (2017); Jessika Eichler and Fanny Verónica Mora Navarro, "Proceduralising Indigenous Peoples' Demands: Indigenous Environmental Rights and Legal Pluralism in Contemporary Jurisprudence," *Legal Pluralism and Critical Social Analysis* 55, no. 1 (2023).

accompanied by the intention to break the law. This definition aligns with the opinion of R. Soesilo, who explains that theft is the act of secretly and without permission taking goods that are in the owner's control, with the intention of owning the goods. An act is considered theft if the stolen goods have moved.<sup>17</sup>

Perpetrators of theft crimes with child perpetrators often face judgmental behavior in the social environment, in the form of abuse by the community, as well as negative labels against children's behavior, even before the legal process is carried out fairly. This behavior provides various potentials that have a negative impact on children, such as psychological trauma for children, and fostering a desire for children to commit theft again. Therefore, a restorative justice approach is needed, where the justice system not only prioritizes victims but also considers the growth and development of children as perpetrators of criminal acts.

In resolving criminal cases involving children, the juvenile criminal justice system must adopt a restorative justice approach at every level, from investigation and prosecution through trial, implementation of the crime, and beyond. At the investigative level, investigators must prioritize diversion, namely, the transfer of case resolution outside the criminal justice process. During the investigation stage of the diversion process, investigators must consider various categories of crimes, age, and the results of community research originating from the correctional center (BAPAS).<sup>18</sup> The implementation of diversion can be applied to perpetrators aged 12-18 years who have a prison sentence of less than 7 years and are not repeat offenders.<sup>19</sup> The implementation of diversion is carried out through deliberative activities involving children and their parents or guardians, victims and/or their parents or guardians, community counselors, and professional social workers, based on a restorative justice approach. In some cases, social welfare workers and/or the community can be involved if necessary.

The agreed-upon diversion agreement, in the form of a diversion agreement document, must be submitted by the head of the authorized official at each level of examination to the district court no later than three days after the agreement is made. The district court will then issue a decision, no later than 3 days after the agreement document is received. A copy of the decision document is then distributed to the community counselor, investigator, public prosecutor, or judge, no later than 3 days after the date of the decision. After receiving the decision, the investigator issues a

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<sup>17</sup>Justin T. Pickett and Ted Chiricos, "Controlling Other People's Children: Racialized Views of Delinquency and Whites' Punitive Attitudes toward Juvenile Offenders," *Criminology* 50, no. 3 (2012).

<sup>18</sup>Fajar Ari Sudewo, Hamidah Abdurrachman, and Fajar Dian Aryani, "The Application of Restorative Justice System through the Diversion of Children in Conflict with Laws in Central Java Polda (Regional Police of the Republic of Indonesia)," *International Journal of Psychosocial Rehabilitation* 24, no. 2 (2020).

<sup>19</sup>Claudia Carolina Indra Putri, "Juridical Review of Restorative Justice in the Juvenile Justice System through Diversion," *IJCLS (Indonesian Journal of Criminal Law Studies)* 4, no. 1 (2019).

decision to terminate the investigation, or the public prosecutor issues a decision to terminate the prosecution.<sup>20</sup>

Based on the results of interviews conducted with the Klaten Police Resort, Central Java, it is known that the application of restorative justice against children as perpetrators of theft has been implemented since the issuance of the Republic of Indonesia Police Regulation No. 8 of 2021. The implementation of this approach began following a reported case of theft involving a minor in 2022. In the early stages of its implementation, the Klaten Police experienced difficulties because the regulation was classified as a new regulation. To overcome this, the Police actively coordinated with Wassidik Pola to get direct assistance from the upper unit in handling cases of child perpetrators.<sup>21</sup> Based on the interview results, over the past three years, 10 cases of theft involving child perpetrators were resolved through diversion. The criminal acts of theft committed were minor thefts, such as cellphones, shoes, and watches, where the items were under two million rupiah or below the Klaten City UMP. The criminal acts committed by the child met the requirements for implementing restorative justice and diversion approaches.

The process of resolving child criminal cases in the Klaten Police area mostly takes place outside the formal legal process (especially at the Polsek level). This is due to increasing public awareness of the concept of resolving problems through deliberation and the principle of restorative justice. In addition, the community tends to want to resolve criminal cases directly through the mediation process and compensation (to the victim), without reporting the case to law enforcement officers. This aligns with the nature of the restorative justice approach, which focuses not only on punishment but also on restoring social relations among children (perpetrators), victims, and the community.

The process of resolving child criminal cases that are carried out outside the legal process is carried out through a diversion process at the police level. The diversion process is carried out collaboratively between investigators, correctional institutions, social workers, legal advisors, victims, perpetrators, and families. In this case, the police act as facilitators and mediators in reaching a fair agreement for all parties. Meanwhile, investigators act as administrators and communicators to social workers or the BAPAS. This indicates that the restorative approach is not only adopted normatively, but has also become the foundation for implementing practical police work mechanisms.

Based on the interview results, it was also found that the implementation of restorative justice encountered no obstacles. This can be seen in several cases, where the child's family (the perpetrator) initially came to the victim to apologize and provide some compensation, which facilitates the process of deliberating case resolution. If an

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<sup>20</sup>Agustri Heriyanto, Erwin Owen Hermansyah, and Dwi Atmoko, "Legal Protection For Children In The Crime Of Theft," *International Journal of Law Reconstruction* 6, no. 1 (2022).

<sup>21</sup>Interview with Sugeng Riyadi, Head of Operational Development Affairs of Klaten Police, Personal Interview, Klaten, Tuesday, May 20, 2025, at 10:00 WIB.

agreement is reached, the police will submit a report to be filed as official documentation with the Bapas.

The results and interview data are relevant to the case study data on diversion resolution at the police level in several regions, such as Yogyakarta and Surabaya, which receive 5-6 cases each year. In 2020 and 2021, the Yogyakarta Police handled 12 diversion cases, with 6 cases per year. Furthermore, in 2022, the Yogyakarta Police handled 3 cases of resolution through the diversion process.<sup>22</sup> Meanwhile, in 2019, the Surabaya Police handled 4 diversion cases, 7 diversion cases in 2020, and 6 diversion cases in 2021.<sup>23</sup> Based on these data, when compared to the Klaten Police, the number of diversion cases at the Klaten Police tends to be 30% higher. This is because the public tends not to report cases of theft that do not result in fatalities or material losses experienced are not large, by prioritizing the restoration of social relations. In addition, the public often holds discussions between children (perpetrators), victims, and their families to seek justice for all parties. In other words, the restorative justice approach, combined with the diversion process, not only emphasizes the efficiency of resolving problems quickly but also prioritizes cultural norms and values in society, such as direct apologies, family peace, and social reintegration.

The success of restorative justice is determined by three key elements, including active participation between perpetrators and victims, involvement of the broader community, and the flexibility of law enforcement officers in implementing the recovery process. Based on the results of a case study on the application of restorative justice to perpetrators of theft involving children at the Klaten Police, the three elements have been practically fulfilled. This is because the settlement process often occurs without an official report to the relevant institutions, which typically begins with the perpetrator and their family apologizing to the victim's family. Thus, the application of restorative justice can prevent stigmatization of children as perpetrators, as well as protect children's rights from processes related to the law, where this can not only resolve conflicts, but also provide space for complete psychological and social recovery for children.<sup>24</sup>

## **F. Supporting and Inhibiting Factors in the Implementation of Restorative Justice**

The implementation of restorative justice for children as perpetrators of theft is supported by various factors, including:<sup>25</sup>

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<sup>22</sup>Bunga Dwi Agnez, "Implementasi Diversi terhadap Tindak Pidana bagi Anak yang Berkonflik dengan Hukum melalui Metode Statistik Kriminologi di Polresta Yogyakarta", Naskah Publikasi, Universitas Ahmad Dahlan, (2024): 34-36.

<sup>23</sup>Vita Hestiningrum, Erna Dewi, and Ahmad Irzal Fardiansyah, "Legal Considerations of Judges in Imposing Coaching Sanctions Against Children of Thieves with Objection," *Pancasila and Law Review* 1, no. 1 (2020).

<sup>24</sup>La Gurusi et al., "Islamic Legal Perspective on Data of Child Victims of Sexual Violence: A Case Study of the Indonesia's Court," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 2 (2024).

<sup>25</sup>Ufran Ufran and Armindo D'Amaral, "Initiating The Utilization Of Restorative Justice In Completing Of The Environmental Crime Cases," *Jurnal Hukum & Pembangunan* 49, no. 3 (2019).

1. Strong legal basis

The legal basis for implementing restorative justice in relation to diversion for children is regulated in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) and Perma No. 4 of 2014 concerning the Affirmation of the Implementation of Diversion.

2. Victim Awareness and Openness

The victim's awareness and openness in the process of implementing restorative justice enable them to consciously engage in dialogue with the perpetrator, expressing feelings, experiences, and impacts that are directly experienced. This allows the perpetrator to understand the consequences of their actions. Additionally, openness is employed to mitigate feelings of injustice and enhance satisfaction with the process.

3. The presence of a competent facilitator or community mentor.<sup>26</sup>

A competent facilitator or community mentor serves as a mediator or neutral party, facilitating dialogue between the perpetrator and the victim, and helping both parties reach a fair and mutually acceptable agreement. In this case, the facilitator is responsible for ensuring that the implementation of restorative justice runs well, fairly, and effectively

4. The presence of social environmental support

Social environmental support plays a crucial role in the implementation of restorative justice, as it aims to enhance the relationship between the perpetrator (in this case, a child), the victim, and the community. The presence of social environmental support will help victims and perpetrators recover by being accepted and supported, thereby creating a more positive environmental atmosphere. In addition, the presence of support can prevent the recurrence of criminal acts because children (perpetrators) receive psychological support and feel appreciated.

5. Commitment of law enforcement officers

The commitment of law enforcement officers (APH) consists of police, prosecutors, and judges. The commitment of APH to the implementation and its legitimacy significantly affects the implementation of restorative justice, as without clear legal support, the community may doubt the validity of restorative justice outcomes. In addition, the commitment of APH can help reduce tension between the law, as APH acts as a facilitator that can alleviate the burden on the court and expedite the resolution of criminal cases.

The implementation of restorative justice for children as perpetrators of theft also has several inhibiting factors, including:<sup>27</sup>

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<sup>26</sup>Kenneth R. Lang, "Utilization of Restorative Justice in Violent Offenses," *Internet Journal of Restorative Justice* 8 (2020).

<sup>27</sup>Ruslan Abdul Gani and Retno Kusuma Wardani, "Restorative Justice For Settlement Of Minor Maltraetment In The Legal Area Of The Merangin Police, Jambi Province," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 23, no. 1 (2023).

1. Lack of understanding of the apparatus and the community  
APH has a crucial role in supporting the implementation of restorative justice. If APH does not understand the implementation of restorative justice, it can result in delays or the rejection of restorative justice cases. This certainly has an impact on the community, where public trust will tend to decrease towards restorative justice, because APH is not active and firm in handling cases that require the implementation of restorative justice
2. The unavailability of victims in the implementation of restorative justice  
The unavailability of victims to carry out restorative justice is caused by several factors, including fear, emotional trauma, and distrust of the process, which affects the reconciliation process.
3. The existence of community stigma against children as perpetrators of criminal acts.<sup>28</sup>  
Community stigma refers to the assessment and discriminatory behavior directed against an individual. Community stigma against children as perpetrators of criminal acts can cause various things, including: (1) can hinder the process of social reintegration, because society rejects the presence of children in their environment again; (2) can hinder the process of psychological recovery of children, because children feel inferior, hopeless and traumatized due to social rejection; (3) can reduce the effectiveness of mediation; and (4) can increase the risk of recidivism or crime prevention, due to the limited opportunities for children to return to the environment and get decent education and work
4. Limited facilities, means, and infrastructure  
Limited facilities, means and infrastructure in implementing restorative justice for children result in several things, namely: (1) the mediation and peace process is not optimal; (2) the coaching and rehabilitation process is less effective; (3) limited professional staff, such as facilitators, counselors and mediators; and (4) hampered public trust in the restorative justice implementation process.

#### **D. Conclusion**

Based on the study's results, it can be concluded that the application of the Restorative Justice approach in resolving theft crimes committed by children in the Klaten Police area has been implemented in accordance with the provisions of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Settlement of cases through the diversion mechanism shows a bias towards the principle of child protection by prioritizing deliberation, peace, and restoration of relations between perpetrators and victims. The implementation of diversion at the police level is carried out collaboratively with the Correctional Center, social workers, legal counsel, family, and the community, with consideration for the child's best interests. The success of this approach is supported by the flexibility of law enforcement officers and high public

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<sup>28</sup>Stephanie Price et al., "Restorative Justice as Diversion for Adult Offenders in Queensland, 1990-2021," *Queensland Review* 29, no. 2 (2023).

awareness of resolving cases peacefully outside of formal channels. Thus, Restorative Justice is a case resolution model that warrants further development to ensure educational and humanistic justice for children in conflict with the law.

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