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Settlement Of Juvenile Offenses In Klitih Cases Through Restorative Justice

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Abstract: Klitih is a form of street violence committed by teenagers in Yogyakarta and is a serious concern. This research aims to analyze the application of restorative justice in the settlement of juvenile crime in klitih cases. The research approach used is normative juridical and empirical juridical, with primary data in the form of interviews and observations, as well as secondary data which includes legal documents and case reports. The results showed that the application of restorative justice can provide rehabilitation for the perpetrator and facilitate social reintegration, while restoring the victim's condition through the mediation and negotiation process. This process increases the offender's understanding of the impact of their actions, fosters responsibility, and builds empathy. However, the implementation of restorative justice faces obstacles, such as limited resources, community stigma towards offenders, and law enforcement skepticism towards the effectiveness of this method compared to the conventional punishment system. This research offers a new contribution by highlighting the unique sociocultural dynamics of Yogyakarta that influence the effectiveness of restorative justice in klitih cases. In addition, it provides policy recommendations, including community involvement in community-based programs and culturally sensitive training for facilitators. The conclusion of this study confirms that restorative justice has significant potential to effectively address juvenile delinquency, provided it is supported by training, adequate facilities, legal reforms, and strategies that are adaptive to the social and cultural context.

Keywords: Klitih; Juvenile Delinquency; Restorative Justice; Rehabilitation; Social Reintegration

Abstrak: Klitih merupakan salah satu bentuk kekerasan jalanan yang dilakukan oleh remaja di Yogyakarta dan menjadi perhatian serius. Penelitian ini bertujuan untuk menganalisis penerapan keadilan restoratif dalam penyelesaian tindak pidana anak pada kasus klitih. Pendekatan penelitian yang digunakan adalah yuridis normatif dan yuridis empiris, dengan data primer berupa wawancara dan observasi, serta data sekunder yang meliputi dokumen hukum dan laporan kasus. Hasil penelitian menunjukkan bahwa penerapan keadilan restoratif dapat memberikan rehabilitasi bagi pelaku dan memfasilitasi reintegrasi sosial, sekaligus memulihkan kondisi korban melalui proses mediasi dan negosiasi. Proses ini meningkatkan pemahaman pelaku terhadap dampak tindakannya, menumbuhkan tanggung jawab, dan membangun empati. Namun, penerapan keadilan restoratif menghadapi kendala, seperti keterbatasan sumber daya, stigma masyarakat terhadap pelaku, dan skeptisisme penegak hukum terhadap efektivitas metode ini dibandingkan sistem pemidanaan konvensional. Penelitian ini menawarkan kontribusi baru dengan menyoroti dinamika sosiokultural khas Yogyakarta yang memengaruhi efektivitas keadilan restoratif pada kasus klitih. Selain itu, penelitian ini memberikan rekomendasi kebijakan, termasuk pelibatan masyarakat dalam

program berbasis komunitas dan pelatihan yang peka terhadap budaya lokal bagi para fasilitator. Simpulan dari penelitian ini menegaskan bahwa keadilan restoratif memiliki potensi signifikan dalam menangani kenakalan remaja secara efektif, asalkan didukung oleh pelatihan, fasilitas yang memadai, reformasi hukum, dan strategi yang adaptif terhadap konteks sosial dan budaya.

Kata kunci: Klitih; Kenakalan Remaja; Keadilan Restoratif; Rehabilitasi; Reintegrasi Sosial

INTRODUCTION

Klitih is a term used in Indonesia, particularly in Yogyakarta, to describe a form of street violence perpetrated by teenagers. This phenomenon has garnered significant attention due to its alarming nature and the fact that it involves young individuals engaging in criminal activities such as assault, theft, and vandalism¹. Klitih incidents often occur spontaneously, driven by a mix of social, psychological, and environmental factors. These acts of violence are typically executed in groups, where the collective behavior of the youth amplifies the severity of their actions. The term itself has evolved from its original meaning, which referred to a form of youthful mischief, to now encompass more severe and violent behaviors that have serious legal and social implications².

The phenomenon of juvenile delinquency, including klitih, is a complex social issue that arises from various contributing factors. Family background plays a crucial role; children from dysfunctional families or those experiencing neglect and abuse are more prone to engage in criminal activities³. Additionally, peer pressure is a significant factor, as adolescents are highly influenced by their social circles. When surrounded by peers who condone or participate in delinquent behavior, young individuals are more likely to conform to these behaviors to gain acceptance or avoid rejection. Socio-economic conditions also contribute, as poverty, lack of education, and limited access to recreational facilities can lead youths to seek excitement and a sense of belonging through illegal activities.

Psychological aspects such as low self-esteem, aggressive tendencies, and a lack of impulse control further exacerbate the issue. The rapid physical and emotional changes during adolescence can lead to confusion and the desire to assert independence, sometimes resulting in rebellion against societal norms. The community environment, including neighborhood safety, the presence of gang activities, and the effectiveness of law enforcement, also influences juvenile delinquency rates. Inadequate legal responses and preventive measures can lead to the proliferation of such behaviors, as the lack of consequences emboldens young offenders⁴.

Overall, klitih and juvenile delinquency reflect the broader challenges faced by society in addressing the needs of its youth. Effective interventions require a multi-faceted approach that includes family support, educational opportunities, community engagement, and a justice

¹ Yoseph Romora, *Analisis Yuridis Pertimbangan Hakim dalam Memutus Perkara Kejahatan Klitih yang Disertai Tindak Pidana Kekerasan oleh Remaja (Studi Kasus Putusan No. 9/Pid. Sus-Anak/2021/Pn. Yyk)* (Dissertation, Universitas Kristen Indonesia, 2023).

² Adinda Rajabani Widjaja, dkk., "Pola Asuh Orang Tua Dalam Mengatasi Penyimpangan Pada Remaja (Fenomena Klitih Di Yogyakarta)," *Community: Pengawas Dinamika Sosial* 10, no. 1 (2024): 101-111.

³ Muhammad Nazhifuddin Fikri dan Vani Dias Adiprabowo, "Framing Analysis of Klitih Reporting in Online News in the Special Region of Yogyakarta" (2023).

⁴ Chisa Belinda Harahap dan Iqrak Sulhin, "Pengendalian Kejahatan Pada Sub-Kebudayaan Gang Klitih (dalam Paradigma Kriminologi Budaya)," *Deviance Jurnal Kriminologi* 6, no. 1 (2022): 86-102.

system that emphasizes rehabilitation over punishment. Addressing the root causes of juvenile delinquency and providing positive alternatives for young people are essential steps in curbing this troubling trend⁵.

Statistics of Klitih Cases Involving	Minors in Indonesia (2020-2023)
Statistics of Kiltili Cases Hilvolvilli	a ivilliois ili lilaolicsia (EOEO EOES)

Statistics of Kittii Cases involving willors in indohesia (2020-2023)			
Year	Number of	Number of	Remarks
	Klitih Cases	Minors	
		Involved	
2020	52	Data not	-
		specified	
2021	58	Data not	-
		specified	
2022	Data not	Data not	-
	specified	specified	
Jan-	Data not	76	-
Feb	specified		
2023			
26 Mar	Data not	9	15 perpetrators detained; incident on Jalan
2023	specified		Tentara Rakyat Mataram, Bumijo, Jetis, resulted
			in a 15-year-old victim in critical condition.

Source: Dataku Bapedda DIY

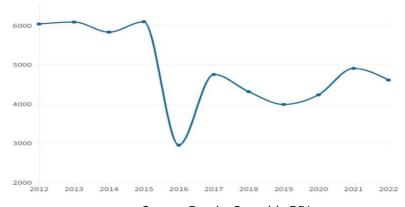
Additional Data on Street Crimes in Yogyakarta Year Total Conventional Crimes in Yogyakarta 2012 6,044

2022 4,617

Source: Dataku Bapedda DIY

Number of Crimes in the DI Yogyakarta Regional Police Area

It is a conventional crime which includes crimes against life, property and honor, which cause both physical and psychological harm.



Source: Dataku Bapedda DIY

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⁵ Fuadi Isnawan, "Law Number 11/2012 on the Juvenile Criminal Justice System in Overcoming Street Crime 'Klitih' in Yogyakarta City," *Jurnal Mahkamah: Kajian Ilmu Hukum dan Hukum Islam* 8, no. 1 (2023): 1-16.

Restorative approaches play a crucial role in addressing juvenile delinquency by focusing on rehabilitation and reconciliation rather than mere punishment. This method emphasizes repairing the harm caused by criminal behavior through cooperative processes that include all stakeholders: the victim, the offender, and the community. One of the primary advantages of restorative justice is its focus on the needs of the victim. Unlike traditional punitive systems, restorative justice allows victims to express their feelings, describe the impact of the crime, and participate in the resolution process. This can significantly contribute to their emotional healing and sense of closure⁶.

For the offender, restorative justice provides an opportunity to understand the real impact of their actions and to take responsibility in a constructive manner. This understanding fosters empathy and remorse, which are essential for genuine behavioral change⁷. Juveniles, who are still in their formative years, benefit greatly from this approach as it guides them toward positive societal reintegration rather than branding them with a criminal record that could hinder their future opportunities. The approach also encourages personal development and accountability, which are critical for preventing recidivism⁸.

From a community perspective, restorative justice helps to rebuild trust and social cohesion. When communities are actively involved in the justice process, they are better equipped to support both the victim and the offender. This collective involvement can lead to a deeper understanding of the root causes of delinquent behavior, such as social inequality, family issues, or lack of education and employment opportunities. Addressing these underlying issues can help prevent future crimes and contribute to a safer, more supportive environment for all community members.

Moreover, restorative justice can alleviate the burden on the legal system. By resolving conflicts through mediation and dialogue, many cases can be settled without resorting to lengthy and costly court procedures⁹. This not only reduces the strain on judicial resources but also expedites the resolution process, providing timely justice to the involved parties.

Juvenile delinquency, also known as child criminal behavior, refers to illegal actions committed by individuals under the age of 18. These offenses are characterized by their occurrence during adolescence, a period marked by significant psychological, social, and emotional development¹⁰. Juvenile delinquency encompasses a range of activities, from minor infractions to serious crimes such as theft, assault, and drug offenses. The defining characteristics of juvenile delinquency often include impulsivity, peer influence, and a lack of

⁶ Umar Ma'ruf, "Substantial Justice in Handling of Child Actors 'Klitih'," *Jurnal Daulat Hukum* 2, no. 2 (2019).

⁷ Aldi Rizki Padila, et.al, "The Role of Students in Controlling the Klitih Phenomenon in the Special Region of Yogyakarta, Indonesia," *Haluan Sastra Budaya* 8, no. 1 (2024): 35-55.

⁸ Ila Magfirah dan Ramadhanita Mustika Sari, "Pandangan Cognitive Behavior Therapy Terhadap Klitih Pada Remaja," *Innovative: Journal Of Social Science Research* 4, no. 1 (2024): 7124-7131.

⁹ Ruth Ann Strickland, *Restorative Justice*, vol. 5 (Peter Lang, 2004).

¹⁰ Samuel Fikiri Cinini dan Sazelo Michael Mkhize, "Criminal Behavior and Youth Crime: A Juvenile Delinquency Perspective on Adverse Childhood Experience," in *Criminal Behavior-The Underlyings, and Contemporary Applications* (IntechOpen, 2023).

full cognitive maturity, which can lead to a higher likelihood of engaging in criminal behavior. In Indonesia, the legal framework governing juvenile offenders is outlined primarily in the Juvenile Justice System Law (Undang-Undang Sistem Peradilan Pidana Anak), which was established to address the unique needs and circumstances of young offenders¹¹. This legislation emphasizes rehabilitation over punishment and includes provisions for diversion programs, restorative justice, and specialized juvenile courts. It seeks to provide a more humane and constructive approach to juvenile justice, focusing on the reintegration of young offenders into society while addressing their rehabilitation needs. The Indonesian legal system recognizes that children and adolescents require different treatment compared to adults, reflecting a commitment to protecting their rights and fostering their development rather than solely imposing punitive measures¹².

Klitih refers to a specific form of street violence prevalent in Yogyakarta, Indonesia, where groups of teenagers engage in aggressive and criminal behavior, often targeting individuals with physical assault or vandalism¹³. This term has evolved to describe a series of violent incidents typically involving juveniles who act in groups, contributing to an escalation of the violence and a greater impact on victims. The characteristics of klitih include spontaneous and often random acts of aggression, a high degree of group involvement, and a pattern of recurrent incidents. Several factors contribute to the emergence and perpetuation of klitih¹⁴. Social dynamics, such as peer pressure and the desire for group identity, play a significant role, as adolescents may engage in violent behavior to gain acceptance or assert dominance within their peer group. Socio-economic conditions also contribute, with poverty, limited educational opportunities, and a lack of recreational activities creating an environment where young people might resort to criminal behavior as a form of escapism or excitement. Additionally, family factors, including dysfunctional family environments, inadequate supervision, and exposure to violence at home, can drive youths towards participating in such criminal activities. The interplay of these factors creates a conducive environment for klitih, necessitating targeted interventions to address the root causes and mitigate its impact on the community¹⁵.

Restorative justice is a justice approach focused on repairing the harm caused by criminal behavior through inclusive processes that engage all affected parties: the victim, the

Pramudita, et al | 234

¹¹ Shelly A. McGrath, Ashlyn Abbott Nilsen, dan Kent R. Kerley, "Sexual Victimization in Childhood and the Propensity for Juvenile Delinquency and Adult Criminal Behavior: A Systematic Review," Aggression and Violent Behavior 16, no. 6 (2011): 485-492.

¹² John W. McDavid dan Boyd R. McCandless, "Psychological Theory, Research, and Juvenile Delinquency," J. Crim. L. Criminology & Police Sci. 53 (1962): 1.

¹³ David Efendi, Sanny Nofrima, dan Herdin Arie Saputra, "Strategy for Anticipating Violence and Intolerance Practices in the Special Region of Yogyakarta 2016-2019," JHSS (Journal of Humanities and Social Studies) 6, no. 1 (2022): 052-058.

¹⁴ Choirul Muna, "A Literature Review Study of the Role of Family Education in Minimizing Klitih Crime and Moral Decadence in Yogyakarta," Muslim Education Review 3, no. 1 (2024): 145-172.

¹⁵ Dessy Pranungsari, et.al., "Description of the Psychological Needs of Klitih Perpetrators in Yogyakarta Using Thematic Apperception Test (TAT)," Journal of Educational, Health & Community Psychology (JEHCP) 10, no. 1 (2021).

offender, and the community. The core principles of restorative justice include accountability, where offenders take responsibility for their actions; repairing harm, which emphasizes restitution and making amends to victims; and community involvement, which seeks to reintegrate offenders and address the root causes of their behavior¹⁶. Unlike conventional criminal justice systems that primarily focus on punishment and retribution, restorative justice aims to restore relationships and provide healing for victims while encouraging offenders to understand the impact of their actions and make amends. Conventional criminal justice systems often prioritize the infliction of penalties and deterrence, frequently sidelining the needs and voices of victims and the potential for offender rehabilitation. In contrast, restorative justice fosters dialogue and reconciliation, seeking to balance the scales of justice in a manner that promotes healing rather than solely punishing wrongdoing. The implementation of restorative justice varies globally, reflecting diverse legal and cultural contexts. In New Zealand, for example, restorative justice practices are well-integrated into the juvenile justice system, involving family group conferences where offenders, victims, and their families collaboratively discuss and resolve the harm caused 17. Similarly, in Canada, restorative justice programs are incorporated into various aspects of the criminal justice system, including youth justice and community-based initiatives. In contrast, other countries may adopt restorative practices more selectively or in pilot programs, often influenced by local legal frameworks and societal attitudes toward justice. The global adoption of restorative justice reflects its growing recognition as an effective alternative to traditional punitive approaches, aiming to create more equitable and rehabilitative outcomes for all parties involved¹⁸.

The application of restorative justice in cases of juvenile delinquency involves specific procedures and mechanisms designed to address the unique needs of young offenders while promoting healing for victims and the community. The process typically begins with the identification of suitable cases, where the offense and the offender's background suggest that a restorative approach would be beneficial. Key steps include victim-offender mediation, where facilitated meetings between the victim and the offender allow for open dialogue, expression of feelings, and mutual understanding. Family group conferencing is another mechanism, involving the offender, their family, the victim, and community representatives in a structured discussion to develop a restorative plan. This plan may include apologies, restitution, community service, and other actions aimed at making amends and preventing future offending. The success of these mechanisms relies on the voluntary participation of all parties and the presence of skilled facilitators who can guide the process impartially and sensitively.

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¹⁶ Titik Muti'ah, et.al., "'Klithih' Aggression Behavior of 'Digital Native' Generation," in *Proceedings of the 2nd International Conference of Science and Technology for the Internet of Things, ICSTI 2019*, September 3rd 2019, Yogyakarta, Indonesia (2020).

¹⁷ Kathleen Daly, "Restorative Justice in Diverse and Unequal Societies," *Law Context: A Socio-Legal Journal* 17 (2000): 167.

¹⁸ B. Naude, "An International Perspective of Restorative Justice Practices and Research Outcomes," *Journal for Juridical Science* 31, no. 1 (2006): 101-120.

A case study highlighting the implementation of restorative justice in Indonesia can be seen in the approach taken by the Yogyakarta Police Department in handling juvenile delinguency, particularly in cases of klitih¹⁹. In one instance, a group of teenagers involved in a violent street attack was diverted from the traditional criminal justice system to a restorative justice program. This program included mediated sessions where the offenders met with the victim and their family to discuss the impact of the crime. Through these dialogues, the offenders were able to express remorse and understand the real consequences of their actions, while the victim had the opportunity to share their pain and seek closure. The restorative plan developed involved the offenders performing community service, participating in counseling sessions, and engaging in educational workshops designed to foster empathy and conflict resolution skills. The police, in collaboration with local community leaders and social workers, provided ongoing support and monitoring to ensure the success of the rehabilitation process²⁰. This approach not only addressed the immediate harm caused by the offense but also aimed to reintegrate the young offenders into society, reducing the likelihood of recidivism and enhancing community safety. The positive outcomes of such cases underscore the potential of restorative justice to transform the handling of juvenile delinquency in Indonesia, offering a more humane and constructive alternative to punitive measures.

METHOD

The research employs both juridical-normative and juridical-empirical approaches to comprehensively address the issue of juvenile delinquency in klitih cases through restorative justice²¹. The juridical-normative approach focuses on the legal frameworks and principles governing juvenile justice and restorative practices, while the juridical-empirical approach examines the practical implementation and outcomes of these frameworks in real-world scenarios. This study is descriptive-analytical in nature, aiming to provide a detailed and systematic description of the phenomenon and analyze its various dimensions. Primary data for this research is gathered through literature reviews, which include an extensive examination of existing academic works, legal texts, and theoretical foundations relevant to juvenile justice and restorative justice. Secondary data comprises legal documents, case reports, and other relevant literature that provide insights into the application of restorative justice in cases of juvenile delinquency. Data collection techniques include literature review, document analysis, and observation, ensuring a thorough understanding of both theoretical and practical aspects. The collected data is then subjected to qualitative analysis, allowing for an in-depth interpretation of the findings, identification of patterns, and development of nuanced insights into the efficacy of restorative justice in addressing juvenile delinquency. This comprehensive

¹⁹ Mohamad Derin Putra Pradana, *The Cause Factor and Criminal Law Enforcement of Vigilante in Yogyakarta City* (Dissertation, Universitas Islam Indonesia, 2023).

²⁰ Timothy Pieter Christian Siahaan dan Nurhadi Susanto, "Digital Advocacy for Punitive Justice and Vigilantism: Analyzing Citizen Dissatisfaction with the Klitih Prevention Policy," *Policy & Governance Review* 7, no. 1 (2023): 21-37.

²¹ Khudzaifah Dimyati dan Kelik Wardiono, *Metodologi Penelitian Hukum* (Fakultas Hukum UMS, Surakarta, 2004).

methodological approach ensures a balanced and robust examination of the subject, contributing valuable knowledge to the field of juvenile justice.

DISCUSSION

Implementation of Restorative Justice in the Klitih Case.

a. Mediation and negotiation process between perpetrators, victims, and the community.

The implementation of restorative justice in klitih cases, a form of juvenile delinquency in Indonesia, involves a comprehensive and carefully structured process of mediation and negotiation between the offender, the victim, and the broader community²². This approach is designed to repair the harm caused by criminal acts through dialogue and mutual agreement, rather than through punitive measures alone. The process begins with the careful identification of cases suitable for restorative justice. Typically, these cases involve minor offenders and crimes that, while serious, are deemed amenable to rehabilitative efforts. The selection process often involves input from law enforcement, legal professionals, and community leaders who assess the potential for positive outcomes through restorative measures²³.

The initial phase involves a thorough assessment to determine if the case is appropriate for restorative justice. Factors considered include the nature of the offense, the willingness of the offender to participate, and the potential benefits for the victim and community. Once a case is deemed suitable, preparations for mediation sessions commence. These preparations are crucial as they set the stage for effective communication and resolution²⁴.

Mediation sessions are conducted in a safe and controlled environment, often facilitated by trained professionals who ensure that the process remains constructive and focused on healing. During these sessions, the offender is given the opportunity to hear directly from the victim about the impact of their actions. This direct communication helps the offender develop a sense of accountability and remorse²⁵. The victim, on the other hand, has a platform to express their feelings, seek closure, and participate actively in the resolution process. This is often a significant departure from traditional judicial proceedings, where victims may feel sidelined and powerless.

Community representatives, including family members, local leaders, and social workers, also participate in these sessions. Their involvement is crucial as it emphasizes a collective resolution that prioritizes restoration and reconciliation over retribution. The presence of community members helps to contextualize the offense within the broader social environment and facilitates the development of a support network for both the victim and the offender²⁶.

The negotiations during mediation aim to develop a restorative plan that includes

²² Maria Gracia Amara Pawitra dan Malvin Geoffrey Cristianto, "Jogja Berhenti Nyaman?: Kepribadian Terang, Kepercayaan pada Perbaikan Diri, dan Penilaian tentang Keadilan Restoratif bagi Pelaku Klitih," *Journal Psikologi Forensik Indonesia* 3, no. 2 (2023).

²³ Chisa Belinda Harahap, Anwar Ibrahim Triyoga, dan Denti Titisia, "Dynamics of the Deviant Subculture Klitih Gang and Al-Fatah Transgender Boarding School in Yogyakarta," *Social Impact Journal* 2, no. 1 (2023): 65-75.

²⁴ Fatwa Nurul Hakim, Drajat Tri Kartono, dan Argyo Demartoto, "Power Relations of Children Facing the Law in the Application of Diversion" (2021).

²⁵ Ameylia Puspita Rosa Dyah Ayu Arintyas, Hakimul Ikhwan, dan Muhadjir Darwin, "Protection Innovation Actions as an Effort to Fulfill the Social Rights of Children in Conflict with the Law: Case Study in DKI Jakarta and Yogyakarta," *Available at SSRN 4819137* (2024).

²⁶ Geneviève Parent, "Reconciliation and Justice After Genocide: A Theoretical Exploration," *Genocide Studies and Prevention* 5, no. 3 (2010): 277-292.

tangible actions designed to address the harm caused and support the offender's rehabilitation. Components of this plan may include formal apologies, restitution, community service, and participation in rehabilitative programs such as counseling or educational workshops. The plan is tailored to meet the specific needs of the victim and to support the offender's reintegration into society, ensuring that the resolution is meaningful and sustainable²⁷.

The role of the facilitator in the restorative justice process is pivotal. Facilitators are trained professionals who guide the mediation sessions, ensuring that the dialogue remains respectful and productive. They create an atmosphere of trust where all parties feel heard and valued. Facilitators help clarify misunderstandings, manage emotional exchanges, and maintain a balanced power dynamic, preventing any party from dominating the conversation. This is particularly important in klitih cases, where emotions can run high and the potential for conflict is significant²⁸.

Facilitators also work closely with the community to build support systems for both the victim and the offender. They coordinate with local organizations to provide ongoing support such as counseling, educational opportunities, and follow-up services. This comprehensive approach helps ensure that the restorative plan is not only implemented but also effective in the long term. By maintaining impartiality and fostering empathy, facilitators help transform the conflict into an opportunity for learning and growth, contributing to the reduction of future offenses and the restoration of community harmony²⁹.

The involvement of the community is a cornerstone of the restorative justice process. Community members play a dual role of support and oversight, ensuring that the agreements reached during mediation are honored and that both the victim and the offender receive the necessary support. This can involve mentoring, providing opportunities for community engagement, and monitoring the offender's progress in fulfilling the restorative plan. The community's involvement helps to reestablish trust and build a safer, more cohesive social environment³⁰.

Long-term follow-up is an essential component of the restorative justice process. Regular check-ins and progress assessments help ensure that the offender is adhering to the restorative plan and making positive changes. Support services such as ongoing counseling, educational support, and job training can be crucial in preventing recidivism and promoting the offender's successful reintegration into the community. For the victim, continued support can help in their healing process and reinforce the sense of justice achieved through the restorative process.

b. Relevant Legal Provisions for Implementing Restorative Justice in Klitih Cases

Implementing restorative justice in klitih cases in Indonesia requires an understanding of the relevant legal provisions that support alternative dispute resolution methods within the juvenile justice system. Here are some of the key legal frameworks and articles that provide a basis for restorative justice³¹:

²⁷ Harry Mika, Kimberley Cole, dan Anmarie Aylward, "Mediation Interventions and Restorative Potential: A Case Study of Juvenile Restitution," *Journal of Dispute Resolution* (1989): 89.

²⁸ Mark Umbreit dan Marilyn Peterson Armour, *Restorative Justice Dialogue: An Essential Guide for Research and Practice* (Springer Publishing Company, 2010).

²⁹ Charles KB Barton, *Restorative Justice: The Empowerment Model* (Hawkins Press, 2003).

³⁰ Susan L. Miller, *After the Crime: The Power of Restorative Justice Dialogues Between Victims and Violent Offenders* (NYU Press, 2011).

³¹ Milenia Ramadhani, Oktiva Anggraeni, dan Fithriatus Shalihah, "Klithih Restorative Solutions for Minors," *Journal*

1) Law No. 11 of 2012 on the Juvenile Criminal Justice System

This law is the primary legal framework governing the juvenile justice system in Indonesia. It emphasizes the protection of children's rights and introduces restorative justice as a key component in handling juvenile delinquency cases³².

The Juvenile Criminal Justice System, as defined in Article 1 (2), encompasses all elements of the judicial process specifically designed for minors. According to Article 5 (1), this system emphasizes the use of restorative justice approaches and diversion from formal judicial proceedings whenever possible. Article 6 further elaborates on the principles of restorative justice, which focus on reconciliation, rehabilitation, and the reintegration of minors into society. In line with these principles, Article 7 (1) specifies that diversion should be attempted for minors accused of crimes punishable by less than seven years in prison and for first-time offenders. The process for diversion, as outlined in Article 9, involves deliberation that includes the victim, the minor, their parents or guardians, social advisors, and professional facilitators, ensuring a collaborative approach to resolving juvenile cases.

2) Law No. 23 of 2002 on Child Protection

This law provides comprehensive protections for children and underscores the importance of prioritizing the best interests of the child in all legal matter³³s.

- a) Article 16 (1): Affirms the right of children to be protected from mistreatment, neglect, and all forms of violence.
- b) Article 59: Obligates the government and other state institutions to take all necessary measures to protect children from abuse and neglect, including providing appropriate rehabilitation and social reintegration services.

3) Government Regulation No. 65 of 2015 on Guidelines for the Implementation of Diversion and Handling of Children Under 12 Years Old

This regulation provides detailed guidelines on how to implement diversion programs and handle cases involving minors, including those who are under the age of criminal responsibility³⁴.

- a) Article 3: Details the procedures for initiating diversion, including the involvement of social workers and community organizations.
- b) Article 7: Specifies the criteria for diversion eligibility, ensuring that the child's welfare and the victim's rights are considered.
- c) Article 15: Outlines the roles and responsibilities of facilitators in the diversion process, emphasizing the importance of a supportive and rehabilitative approach.

4) Circular Letter of the Supreme Court (SEMA) No. 4 of 2014 on the Implementation of Diversion in Juvenile Criminal Cases

This circular provides additional guidance to judges and judicial officers on applying diversion and restorative justice in juvenile cases³⁵.

- a) Section 1: Reiterates the importance of prioritizing restorative justice and diversion in juvenile cases.
- b) Section 3: Provides specific instructions on how judges should approach cases

of Law and Regulation Governance 2, no. 5 (2024).

³² Law No. 11 of 2012 on the Juvenile Criminal Justice System

³³ Law No. 23 of 2002 on Child Protection

 $^{^{34}}$ Government Regulation No. 65 of 2015 on Guidelines for the Implementation of Diversion and Handling of Children Under 12 Years Old

³⁵ Circular Letter of the Supreme Court (SEMA) No. 4 of 2014 on the Implementation of Diversion in Juvenile Criminal Cases

involving minors, including the consideration of diversion and restorative justice principles.

5) Law No. 39 of 1999 on Human Rights

This law ensures the protection of human rights for all citizens, including minors, and supports the implementation of humane and rehabilitative justice practices.

- a) Article 58 (1): Emphasizes the right of children to receive special protection and treatment in legal proceedings.
- b) Article 66: Affirms that children should not be subjected to harsh or degrading treatment and that their rehabilitation and social reintegration should be prioritized.

c. Challenges and Obstacles in Implementing Restorative Justice in Klitih Cases.

Implementing restorative justice in klitih cases a form of youth delinquency in Indonesia presents several significant challenges and obstacles. Addressing these challenges is essential for the successful adoption and effectiveness of restorative justice practices in the juvenile justice system. One of the primary issues is the limitation of human resources and facilities. Restorative justice requires skilled facilitators trained in mediation and conflict resolution to guide the process. However, there is often a shortage of such professionals, particularly in regions with limited access to specialized training programs. Facilitators play a crucial role in ensuring that the mediation sessions are conducted in a structured, safe, and supportive environment, which is essential for achieving meaningful outcomes³⁶.

The scarcity of trained facilitators is compounded by the lack of appropriate facilities for conducting mediation sessions. Many regions, especially rural or underserved areas, do not have dedicated spaces that provide the necessary privacy and security for these sensitive discussions. This lack of infrastructure hampers the ability to conduct restorative justice effectively and consistently, reducing its potential impact³⁷.

Another significant challenge is the perception of restorative justice among the community and law enforcement agencies. Skepticism about the efficacy of restorative justice is prevalent, with many viewing it as too lenient compared to traditional punitive measures. This skepticism can lead to resistance against adopting restorative justice practices, as both the public and some law enforcement officers may prefer conventional criminal justice approaches that emphasize punishment and deterrence³⁸.

Changing these perceptions requires substantial education and awareness campaigns. Highlighting the benefits of restorative justice, such as its potential to reduce recidivism and promote social reintegration, is crucial. Educating the public and law enforcement about the restorative justice process and its positive outcomes can help build support and acceptance. This can involve community workshops, informational campaigns, and success stories from other regions where restorative justice has been effectively implemented.

The existing legal framework often does not fully support restorative justice, presenting a significant hurdle to its implementation. Many jurisdictions have legal systems that are heavily oriented towards punitive measures, with limited provisions for alternative dispute resolution methods like restorative justice. The lack of comprehensive legal guidelines and

³⁶ Andrias Wibowo, "Resolving Criminal Acts of Sexual Abuse Committed by Children Against Children Using a Restorative Justice Approach in the Kudus Police Area," *Journal of Law Science* 6, no. 3 (2024): 462-470.

³⁷ Oki Bogitama dan Rakhmat Bowo Suharto, "Juridical Analysis of the Effectiveness of Termination of Prosecutions Based on Restorative Justice," *Law Development Journal* 3, no. 2 (2023): 307-314.

³⁸ Matthew D. Kim, "Redesigning Restorative Justice for Criminal Justice Reform," *Tennessee Law Review* 88 (2020): 947.

supportive policies can make it difficult to implement restorative justice practices consistently and effectively.

In many cases, restorative justice initiatives rely on the discretionary power of individual judges or law enforcement officers. This reliance can lead to inconsistency and unpredictability in the application of restorative justice, as it depends on the willingness and understanding of these individuals. Advocating for legal reforms that provide a robust framework for restorative justice is essential. Such reforms can include clear guidelines, protocols, and support structures that facilitate the integration of restorative justice into the formal legal system.

Socio-cultural factors also play a role in the challenges faced by restorative justice implementation. Traditional views on justice and retribution may conflict with the principles of restorative justice, which focus on healing and reconciliation rather than punishment. In communities where retributive justice is deeply ingrained, promoting restorative justice can be particularly challenging³⁹.

Addressing these socio-cultural challenges requires a deep understanding of the local context and the involvement of community leaders and influencers who can advocate for restorative justice. Building trust within the community and demonstrating the effectiveness of restorative justice through pilot programs and positive case outcomes can help shift cultural perceptions over time.

Effective implementation of restorative justice requires adequate funding and resources. This includes not only the training of facilitators and the establishment of facilities but also ongoing support for restorative justice programs. Securing funding can be challenging, particularly in regions with limited budgets or competing priorities.

Advocating for increased investment in restorative justice involves demonstrating its long-term benefits, such as reduced recidivism rates, lower costs associated with incarceration, and improved community relations. Policymakers and stakeholders need to be convinced of the cost-effectiveness and social benefits of restorative justice to allocate the necessary resources for its implementation.

Increasing investment in training programs for facilitators is crucial. Developing comprehensive training modules and establishing partnerships with educational institutions can help build a pool of skilled professionals. Additionally, investing in facilities that provide safe and supportive environments for mediation sessions is essential. This can involve repurposing existing community centers or constructing new spaces dedicated to restorative justice activities.

Implementing widespread education and awareness campaigns to change public and institutional perceptions of restorative justice is vital. These campaigns can highlight success stories, present statistical evidence of reduced recidivism rates, and emphasize the rehabilitative and reintegrative benefits of restorative justice. Engaging with media, community organizations, and schools can help disseminate this information effectively.

Advocating for legal reforms that support restorative justice is critical. This involves working with policymakers, legal experts, and advocacy groups to develop and implement policies that integrate restorative justice into the legal framework. Clear guidelines and protocols should be established to ensure consistent and effective application of restorative justice practices. Engaging with the community and addressing socio-cultural challenges requires a collaborative approach. Involving community leaders, local influencers, and cultural

³⁹ Nur Rochaeti, "A Restorative Justice System in Indonesia: A Close View from the Indigenous Peoples' Practices" (2023).

experts in the promotion of restorative justice can help build trust and acceptance. Tailoring restorative justice programs to align with local cultural values and practices can also enhance their effectiveness and sustainability.

Demonstrating the long-term benefits of restorative justice to secure funding is essential. This involves presenting data on cost savings, reduced recidivism rates, and improved community outcomes. Engaging with government agencies, non-profit organizations, and private sector partners can help secure the necessary resources to support restorative justice initiatives. Implementing restorative justice in klitih cases faces several significant challenges, including limitations in human resources and facilities, skepticism among the community and law enforcement, a restrictive legal framework, socio-cultural barriers, and funding constraints. Addressing these challenges requires a multifaceted approach involving investment in training and facilities, education and awareness campaigns, legal reforms, community engagement, and securing adequate funding. By overcoming these obstacles, restorative justice can be more effectively integrated into the juvenile justice system, providing a more humane and constructive approach to addressing youth delinquency and community harm.

Impact of Restorative Justice on Juvenile Offenders: Rehabilitation and Social Reintegration.

The application of restorative justice has profound and positive impacts on juvenile offenders, particularly in terms of rehabilitation and social reintegration. Unlike traditional punitive measures that often stigmatize and alienate young offenders, restorative justice focuses on their personal development and reintegration into society. By emphasizing accountability and understanding, restorative justice processes encourage juveniles to acknowledge the harm they have caused and to actively participate in making amends. This approach helps offenders develop empathy and a deeper sense of responsibility for their actions, which are crucial components for genuine behavioral change⁴⁰.

Rehabilitation through restorative justice involves tailored interventions that address the underlying causes of delinquent behavior, such as emotional issues, peer pressure, or family problems. Offenders often engage in counseling, educational programs, and skill-building activities as part of their restorative plans. These interventions provide them with the tools and support needed to make positive life choices, thereby reducing the likelihood of reoffending. The emphasis on constructive activities and personal growth helps juveniles to see themselves as capable of change and improvement, fostering a positive self-image and a more optimistic outlook on their future.

Social reintegration is another critical benefit of restorative justice for juvenile offenders. The process actively involves the community, including the offender's family, victims, and local organizations, in the rehabilitation journey. This collective approach helps to rebuild trust and support networks that are essential for the offender's successful reintegration. By restoring relationships and fostering community ties, restorative justice ensures that juveniles are not isolated but instead are welcomed back into their communities with a renewed sense of belonging and purpose. This support network is vital for sustaining long-term behavioral changes and preventing recidivism.

In essence, restorative justice transforms the juvenile justice system from one that

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⁴⁰ Hafrida Hafrida, "Restorative Justice in Juvenile Justice to Formulate Integrated Child Criminal Court," *Jurnal Hukum dan Peradilan* 8, no. 3 (2019): 439.

punishes to one that heals. It provides young offenders with opportunities to learn from their mistakes, make amends, and rebuild their lives in a supportive and understanding environment. By focusing on rehabilitation and social reintegration, restorative justice not only addresses the immediate harm caused by delinquent behavior but also lays the foundation for a safer, more cohesive society where young individuals can thrive and contribute positively.

a. Impact of Restorative Justice on Victims: Healing and Justice

Restorative justice significantly benefits victims of crime by focusing on their healing and delivering a sense of justice that traditional criminal justice systems often fail to provide. In conventional legal proceedings, victims are typically relegated to the role of witnesses, with little opportunity to express their feelings or seek meaningful closure. In contrast, restorative justice places the victim at the center of the process, allowing them to voice their experiences, emotions, and needs directly to the offender. This active participation helps victims regain a sense of control and empowerment, which is crucial for their emotional and psychological recovery.

One of the primary aspects of restorative justice is the opportunity for victims to receive a sincere apology from the offender. This personal acknowledgment of wrongdoing can be deeply therapeutic, as it validates the victim's suffering and initiates the process of healing. The face-to-face meetings facilitated by restorative justice enable victims to ask questions and seek answers that are often left unaddressed in conventional court settings. Understanding the reasons behind the offender's actions and seeing their remorse can help victims move past feelings of anger and resentment, paving the way for forgiveness and emotional closure.

Moreover, restorative justice emphasizes restitution and making amends, which provides tangible outcomes for victims. Offenders may be required to compensate the victim for their losses or perform community service as a form of reparation. This aspect of the process ensures that the harm caused is addressed in a concrete manner, contributing to the victim's sense of justice. Knowing that the offender is taking active steps to make amends and is being held accountable in a constructive way can significantly alleviate the victim's sense of injustice.

Additionally, the inclusive nature of restorative justice fosters community support for victims. The involvement of community members and the offender's family in the process creates a network of support that can assist the victim in their recovery. This collective approach helps to rebuild the social fabric that may have been damaged by the crime, ensuring that the victim does not feel isolated or abandoned. The communal aspect of restorative justice reinforces the idea that the entire community is invested in the well-being of both the victim and the offender, promoting a more holistic and restorative form of justice.

b. Impact of Restorative Justice on the Community: Preventing Juvenile Delinquency and Enhancing Public Trust

The implementation of restorative justice has a profound and positive impact on the broader community by contributing to the prevention of juvenile delinquency and enhancing public trust in the justice system. Restorative justice initiatives emphasize the involvement of the community in the resolution of crimes, fostering a collective sense of responsibility and cohesion. By engaging community members, including local leaders, educators, and social workers, restorative justice creates a supportive environment that addresses the root causes of juvenile delinquency, such as social inequality, family dysfunction, and lack of educational opportunities. This collaborative approach helps identify and mitigate risk factors before they

escalate into criminal behavior, thereby serving as a proactive measure in crime prevention⁴¹. One of the key aspects of restorative justice is its focus on rehabilitation rather than punishment. When young offenders are reintegrated into the community through restorative processes, they are less likely to reoffend. This not only benefits the individuals involved but also contributes to the overall safety and well-being of the community. By providing offenders with the tools and support needed to make positive life choices, restorative justice reduces recidivism rates and breaks the cycle of crime. Community-based programs, such as mentoring, educational workshops, and vocational training, are often integral to restorative justice plans, equipping young people with skills and opportunities that divert them from criminal pathways.

Moreover, the visible participation of the community in the justice process enhances public trust. When community members see that the justice system is focused on healing and restoring relationships rather than solely on punishment, their confidence in its fairness and effectiveness increases. Restorative justice processes are transparent and inclusive, allowing the community to witness the steps taken towards reconciliation and the offender's genuine efforts to make amends. This openness fosters a sense of justice that resonates more deeply with the public, as they can see tangible outcomes and improvements within their community. The communal involvement in restorative justice also strengthens social bonds and promotes a culture of empathy and support. As communities work together to address the consequences of juvenile delinquency, they build a stronger, more resilient social fabric. This collective effort not only supports the victims and rehabilitates the offenders but also instills a shared commitment to maintaining a safe and nurturing environment for all members, especially the youth.

CONCLUSION

This research highlights the significant benefits of applying restorative justice to juvenile delinquency cases, particularly in the context of klitih. The findings demonstrate that restorative justice offers a more humane and effective alternative to traditional punitive measures, focusing on the rehabilitation of young offenders and the healing of victims. Restorative justice processes, including mediation and community involvement, promote accountability and empathy among offenders, helping them understand the impact of their actions and facilitating their reintegration into society. For victims, these processes provide a platform for emotional closure and tangible restitution, fostering a sense of justice and healing. Additionally, the involvement of the community in restorative justice initiatives enhances social cohesion and trust in the justice system, contributing to crime prevention and the overall well-being of the community. In the specific case of klitih, the application of restorative justice has shown to reduce recidivism and improve outcomes for both offenders and victims, demonstrating its effectiveness in addressing the underlying issues of juvenile delinquency and promoting a safer, more supportive community environment.

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