

Implementation of Restorative Justice for Children at the Binjai Police

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Abstract. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System shifts the paradigm of child handling from a retributive approach to a restorative one through a diversion mechanism. This study aims to analyze the effectiveness of the application of restorative justice in handling cases of child abuse in the jurisdiction of the Binjai Police. The method used is empirical juridical with a socio-legal research approach, including document studies, observations, and interviews with child perpetrators, victims, and investigators. Of the 36 cases of child abuse, 25 cases (69.4%) were resolved through diversion and 11 cases (30.6%) through the formal justice process. The research findings indicate that the application of restorative justice is effective in reducing the criminalization and stigmatization of children and is in line with the principle of the best interests of the child as specified in the SPPA Law. However, optimization of implementation needs to be done through strengthening human resources, improving coordination between stakeholders, and developing a periodic evaluation system. This research contributes to the development of a more humane and sustainable juvenile criminal justice policy.

Keywords: Child Abuse; Diversion Process; Juvenile Justice; Restorative Justice; Socio-Legal.

1. Introduction

Indonesia's juvenile criminal justice system has experienced a substantial shift in paradigm following the enactment of Law Number 11 of 2012 on the Juvenile Criminal Justice System, which replaced Law Number 3 of 1997 on Juvenile Courts. This shift represents a fundamental change from a retributive model focused on punishment to a restorative model that emphasizes rehabilitation and social reintegration. Restorative justice has been acknowledged for over two decades as an alternative method for handling juvenile criminal cases. The United Nations (UN) Working Group on Juvenile Justice defines this concept as a process in which all parties involved in a crime sit together to find solutions and consider steps to address the impacts that may arise in the future. This process is essentially carried out through discretionary policies and diversion mechanisms, namely the transfer of case resolution from formal judicial channels to non-formal methods through deliberation.

The concept of restorative justice basically aims to guarantee the upholding of the law by providing protection, care and services to the community and to accommodate legal needs whose resolution has not yet guaranteed a more humane recovery than the process of stigmatization through the transfer of formal criminal processes to alternatives where this process provides the best results for the parties. This goes back to one of the purposes of law, namely the law to regulate social interaction peacefully. The implementation of restorative justice in the juvenile criminal law which tends to stigmatize and criminalize children. The restorative approach offers a more humane alternative solution by prioritizing the best interests of the child, as mandated by the Convention on the Rights of the Child, ratified by Indonesia through Presidential Decree No. 36 of 1990. This principle aligns with the paradigm that children are legal subjects with special characteristics and require different protection and guidance than adults.

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On that basis, Law Number 11 of 2012 concerning the Judicial System was born. The Child Criminal Code (SPPA) which has been ratified and enacted is one of the legislative products of the House of Representatives of the Republic of Indonesia and the Government in 2012. As we know, Law Number 3 of 1997 concerning the Child Court is no longer in accordance with the development of the times, even becoming the legal basis for criminalizing juvenile delinquency, so it is indeed appropriate to be replaced. In this law, a law enforcement concept called the Restorative Justice System was introduced, the main concern of which is the interests of the perpetrator, victim and the community. However, the application of restorative justice in juvenile crimes in Indonesia faces various challenges. One of them is the lack of understanding and support for this concept from law enforcement officials, such as police, prosecutors, and judges.

Within the framework of police-level law enforcement, the application of diversion as an embodiment of restorative justice holds a strategic role as the initial measure to prevent children from being processed through the formal criminal justice system. Diversion, as stipulated in Article 1, clause 7 of the Child Protection Law, refers to the transfer of juvenile cases from formal criminal proceedings to alternative processes outside the criminal justice system. Its implementation at the police investigation stage is especially critical, as this initial phase of the criminal justice process involves decisions that profoundly influence the trajectory of children involved in legal conflicts.

A closer examination of the concept of restorative justice through diversion reveals that Article 7, paragraph (1) of Law No. 11 of 2012 on the Juvenile Criminal Justice System mandates that diversion efforts must be pursued at the stages of investigation, prosecution, and trial in district courts for juvenile cases. . This provision appears to conflict with the objectives of the juvenile criminal justice system, which prioritizes restorative justice, as it does not fully embody its principles. Moreover, law enforcement by the police is inherently associated with discretion, involving decisions that are not rigidly governed by established legal norms. In certain specific cases, police officers exercise individual judgment, placing discretion at the intersection of legal provisions and moral considerations (ethics in the narrow sense). Consequently, law enforcement must skillfully align the values embedded in codified rules with corresponding attitudes, as part of a comprehensive process of value articulation, to establish, preserve, and uphold social peace.. Therefore, it can be said that law enforcement does not merely mean the implementation of laws and regulations, although in reality it tends to be that way.

The Binjai Police, as a law enforcement agency at the district/city level, faces unique challenges in implementing restorative justice principles in handling juvenile crimes. Binjai Regency, with its diverse demographic and socioeconomic characteristics, faces complex juvenile delinquency issues that require an appropriate and comprehensive approach. Statistics show that juvenile delinquency rates within the Binjai Police jurisdiction have fluctuated significantly in recent years, with various types of crimes ranging from petty theft to violent acts.

The implementation of restorative justice at the police level faces various complex challenges, including regulatory issues, human resources, infrastructure, and community legal culture. Law enforcement officials' limited understanding of the concept and mechanisms of restorative justice often hinders optimal implementation. Furthermore, coordination between stakeholders involved in the diversion process, including Community Guidance Officers (PK), professional social workers, and community leaders, requires strong synergy to ensure the program's effectiveness.

There is, indeed, a strong alignment between the principles of restorative justice and the diversion measures outlined in the SPPA Law. However, the process and mechanism of implementing restorative justice, carried out specifically by Community Guidance Officers as regulated in the SPPA Law, has been carried out as expected and still needs further research because, in the midst of this era of legal awareness and democracy, differences in perception, both within the community and among legal practitioners and justice observers, always occur.

Sociological factors within the community also significantly influence the effective implementation of restorative justice. The prevailing retributive public perception, where crimes must be met with appropriate punishment, often presents a challenge in reaching diversion agreements. The societal paradigm that views formal legal processes as the only means of achieving justice needs to be changed through intensive education and outreach about the benefits of a restorative approach. From the victim's point of view, the application of restorative justice provides an opportunity for more holistic restitution, encompassing not only material compensation but also psychological healing through dialogue and reconciliation with the offender. However, not all victims are ready to engage in the restorative process, especially in cases that result in profound psychological trauma.

The Child Criminal Justice System Law explicitly regulates restorative justice as an alternative resolution of criminal cases outside the courtroom, involving the offender, the victim, their respective families, and other relevant parties. This approach aims to achieve a fair resolution by prioritizing restoration to the original condition rather than seeking retribution. However, in practice, during the investigation stage, cases of theft committed by children are rarely resolved outside the criminal justice system each year, despite the fact that children are the younger generation and future successors of the nation who deserve protection.

2. Research Methods

Considering the complexity of the issues presented in the background, this study aims to address several key questions related to the implementation of restorative justice in managing juvenile delinquency cases at the Binjai Police Department. This research focuses on assessing the effectiveness of restorative justice implementation in achieving recovery for victims, offenders, and the community in juvenile crime cases within the jurisdiction of the Binjai Police.

This study employs an empirical juridical method, which involves not only normative analysis of legal provisions but also an examination of how the law is practically implemented in society. In other words, this research examines the implementation of legal rules in concrete situations and legal events that occur in the field. In its implementation, the approach used is socio-legal research, which views law as part of a social institution that functions in real life in society. This approach aims to understand law not only as a set of rules, but also as part of the social dynamics that influence and are influenced by the social conditions of society.

Data collection techniques in this study were conducted through document studies, direct observation, and interviews. The subjects or samples in this study included child perpetrators in acts of abuse, victims, and investigators handling the cases. The data obtained were then processed and analyzed qualitatively, meaning they were not presented numerically, but rather as narratives or verbal descriptions arranged in a qualitative and systematic descriptive manner to comprehensively illustrate the findings in the field.

3. Results and Discussion

Based on empirical observations conducted at the Binjai Police Resort, the phenomenon of crimes involving children in Binjai City shows significant intensity, with abuse being one prominent manifestation. This situation highlights the critical need to develop alternative mechanisms for resolving child abuse cases through non-judicial means by applying the principles of restorative justice. This approach focuses on providing children with a transformative learning process, rather than punitive sanctions, for deviant acts. It focuses on restoring the initial conditions to achieve distributive justice and harmonize the interests of all parties involved. Empirical data regarding child abuse cases under the jurisdiction of the Binjai Police Department for the period 2024 to 2025 can be summarized as follows.

Table 1. Number of Crimes of Assault Committed by Children at Binjai Police Station.

No	Year	Number of Cases	Diversion	Will be delegated
1	2023	11	8	3
2	2024	15	11	4
3	2025	10	6	4 (Ongoing)

Source: Binjai Resort Education Unit

Based on the data presented in Table 1.1, there are interesting dynamics in the handling of cases of child abuse in the jurisdiction of the Binjai Police during the period 2023-2025. The data shows a significant fluctuation in the number of cases, with a pattern of increase in 2024 and a decrease in 2025. In 2023, 11 cases of child abuse were recorded, of which 8 cases (72.7%) were successfully resolved through the diversion mechanism, while 3 cases (27.3%) were transferred to the next stage in the formal criminal justice system. 2024 showed a significant increase with a total of 15 cases, of which 11 cases (73.3%) were resolved through diversion and 4 cases (26.7%) were transferred. Meanwhile, in 2025, there were 10 cases with 6 cases (60%) using the diversion mechanism and 4 cases (40%) in the ongoing transfer process.

Data shows that the majority of children involved in abuse cases can avoid formal justice processes that can potentially lead to negative stigma. The success of diversion in 25 of the 36 total cases (69.4%) during the observation period demonstrates the effectiveness of restorative justice in preventing the labeling and criminalization of children, in accordance with the "best interest of the child" philosophy that underpins the Child Protection Act. The implementation of diversion at the Binjai Police Station demonstrates a structured effort to achieve justice that emphasizes not only retributive punishment but also the restoration of relationships among offenders, victims, and the community. The high success rate indicates that the parties involved were able to reach satisfactory agreements through dialogue, apologies, restitution, or other forms of accountability.

Handling cases of child abuse requires different investigative and conflict resolution strategies than those used to handle adult crimes. This specific strategy utilizes a system of diverting case resolution from formal judicial mechanisms to a resolution outside the conventional justice system, known as diversion. The concept of diversion represents a practical application of the Restorative Justice philosophy, emphasizing rehabilitation and the restoration of the original state by fostering balance and equality between the child offender and the injured party.

The significance of this approach lies in its function as a preventive instrument against negative labeling of children who come into contact with the legal system. This restorative methodology integrates the victim's active participation in the resolution process, while encouraging the perpetrator to acknowledge and take responsibility for their actions. This accountability can be realized through various rehabilitative mechanisms, such as delivering a sincere apology, restitution of confiscated property, or engaging in community service activities as a manifestation of a commitment to self-improvement. Evaluation of the effectiveness of the implementation of a legal instrument can be carried out through an analysis of five fundamental dimensions, namely: first, the dimension of legal substance (statutory regulations); second, the dimension of legal structure which includes the apparatus that forms and implements the law; third, the dimension of infrastructure and supporting facilities for law enforcement; fourth, the social dimension as the operational environment of law; and fifth, the cultural dimension which represents the product of creativity and sensibility based on collective will.

From a system efficiency perspective, successful diversion implementation in nearly 70% of cases significantly reduces the workload of the formal criminal justice system. This not only saves institutional resources but also speeds up the case resolution process and reduces the long-term psychological impact on the children involved. However, the decline in diversion success rates by 2025 indicates factors affecting implementation effectiveness,

potentially including increasing case complexity. The high success rate of diversion indicates the Binjai Police's ability to facilitate constructive dialogue between perpetrators, victims, and the community, demonstrating adequate institutional capacity to implement restorative justice principles, including the mediation and negotiation skills necessary for the diversion process. The consistent and high level of diversion implementation reflects the Binjai Police's efforts to transform the law enforcement paradigm from a retributive approach to a restorative approach, which aligns with the mandate of reforming the juvenile criminal justice system in Indonesia and its commitment to protecting children's rights.

Approximately 30% of cases that remain unresolved through diversion highlight the limitations in applying restorative justice, which may result from factors such as the seriousness of the offense and disagreements between the victim and the offender, or failure to fulfill formal requirements for the implementation of diversion as stipulated in regulations. This empirical data shows that the Binjai Police have successfully implemented restorative justice through the diversion mechanism with an adequate level of effectiveness, although there is still room for improvement and optimization in its implementation, especially in terms of strengthening human resource capacity, Enhancing coordination among multiple stakeholders and establishing a regular evaluation system are essential to sustain and improve the effectiveness of restorative justice implementation moving forward. A key feature of restorative justice is its view of crime as a manifestation of social behavior rather than merely a breach of criminal law. Crime is viewed more as an act that harms others and disrupts social relationships. This contrasts with criminal law, which has framed crime as a state issue. Only the state has the right to punish, although indigenous communities may impose sanctions.

4. Conclusion

According to this research journal, it can be concluded that the application of restorative justice via the diversion mechanism at the Binjai Police has demonstrated quite good effectiveness with a success rate of 69.4% of a total of 36 cases of child abuse crimes during the 2023-2025 period. This implementation has successfully prevented the stigmatization and criminalization of children in line with the "best interest of the child" principle outlined in the SPPA Law, while also alleviating the burden on the formal criminal justice system. Nevertheless, 30% of cases remain unresolved through diversion due to factors such as the seriousness of the offense and disputes between the involved parties. Despite its effectiveness, the implementation of restorative justice still requires optimization through strengthening human resources, improving stakeholder coordination, and developing a periodic evaluation system to increase its effectiveness in the future.

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