



## Revitalizing Justice: Empowering Juvenile Sexual Offenders through a Restorative Approach in Indonesia

Abdurrakhman Alhakim<sup>1\*</sup>, Teguh Prasetyo<sup>2</sup>, Henry Soelistyo Budi<sup>3</sup>

<sup>1-3</sup>Faculty of Law, Universitas Pelita Harapan, Indonesia

\*Corresponding email: [01657210009@student.uph.edu](mailto:01657210009@student.uph.edu)

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### Abstract

Sexual offense is a serious crime which could pose significant negative impacts on personal level and community. When committed by minors, sexual offense becomes a much more complicated problem and raises many different intricacies. Despite being a popular topic within the legal sphere, restorative justice in Indonesia still has research gap, particularly on the focus of applying restorative justice measures for juvenile sexual offenders. The purpose of this research is to address this research gap and analyze the potentials of using the restorative justice approach to deal with sexual offense cases committed by minors, with the focus of impacts, recovery, and preventing future recidivism. Using the normative legal research method his research dives into the Indonesian legal system to uncover the legal problems that may hinder or discourage people from using this approach, despite the potentials benefits it possesses. Through the statutory approach, this research finds the links within the relevant laws and regulations that may or may not support the use of restorative justice approach to deal with juvenile sexual offenders. The analysis of this finds that the restorative justice approach is indeed beneficial and can help Indonesia in dealing with this issue by not only focusing on delivering justice and recovery the victims, but also holding offenders responsible without sacrificing their youth development and their future.



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### A. INTRODUCTION

The issue of juvenile sexual offense is a complex and challenging problem that has significant consequences for both the victims and the offenders (Zgourides et al., 1997). In Indonesia, as in many other countries, the traditional approach to dealing with juvenile sexual offenders has been to rely on the criminal justice system, with a focus on punishment and retribution. However, recent years have seen a growing interest in alternative approaches, such as restorative justice, which seeks to address the underlying causes of offending behavior and promote healing and rehabilitation for both the victims and the offenders. One of the main reasons to the existence of this alternative is the fact that this issue presents highly diverse risk factors (Schoeneberg, 2018). Restorative justice is a holistic and proactive approach to justice that aims to repair the harm caused by criminal

behavior and restore relationships between the victims, the offenders, and the community (Lasmadi et al., 2020). Unlike the traditional criminal justice system, which focuses on punishment, restorative justice seeks to empower all parties involved to work together to find a solution that meets the needs of everyone affected by the crime (Silaswaty Faried et al., 2022). This approach has been successfully used in a variety of contexts, including youth justice, domestic violence, and hate crime. Through the restorative justice approach, the optimal resolution to the intricacies of a case is achieved through the integration of both the values and customs system and the formal justice system (Okoh, 2021).

There is growing evidence that restorative justice can be a valuable and effective approach to dealing with juvenile sexual offenders (Anderson & Ross, 2018). By focusing on the needs of the victims, the offenders, and the community, restorative justice can provide a more comprehensive and compassionate response to the problem of juvenile sexual offending (Murhula & Tolla, 2020). Furthermore, by addressing the root causes of offending behavior, such as trauma, mental health issues, or social disadvantage, restorative justice can help to prevent reoffending and reduce the risk of future harm to the community. The application of restorative justice to the issue of juvenile sexual offending is particularly important in Indonesia, where the criminal justice system has been criticized for its lack of transparency, accountability, and human rights protections. Moreover, the high rates of poverty, unemployment, and social inequality in Indonesia mean that many young people are at risk of offending and reoffending, making it crucial to find alternative approaches to dealing with this problem.

Despite the potential benefits of restorative justice, there are also valid concerns and objections to this approach. Critics argue that restorative justice is too lenient and that it fails to hold offenders accountable for their actions. Some also argue that restorative justice is not appropriate for serious or violent crime like sexual offending. These objections must be carefully considered and addressed if restorative justice is to be adopted as a viable alternative to the traditional criminal justice system in Indonesia. The issue of juvenile sexual offending is a complex and challenging problem that requires a proactive and holistic approach. The criminal justice system with all of its limitations, in nature, can't fully account to all of complex intricacies and the impacts caused by juvenile sexual offense cases in many communities in Indonesia. Restorative justice has the potential to provide a more comprehensive and compassionate response to this problem, by addressing the needs of the victims, the offenders, and the community. While there are valid concerns and objections to this approach, it is crucial to consider and address these objections in order to determine the best way forward for dealing with juvenile sexual offenders in Indonesia.

## B. RESEARCH METHOD

This research used the normative legal research method to analyze the problem (Tan, 2021), using the lens of the existing legal framework surrounding the criminal act of sexual offense. To uncover the potentials of using the restorative justice approach to deal with sexual offense cases committed by minors, this research used the statutory approach consisting of secondary data in the form of primary legal sources. The secondary data utilized in this research are Law No. 12 of 2022 on Sexual Violence Crime, Law No. 35 of 2014 on Amendments to Law Number 23 of 2002 on Child Protection, and Law No. 11 of 2012 on Juvenile Justice System.

## C. RESULTS AND DISCUSSIONS

### Complexity of Sexual Offense Committed by Minors

Sexual offenses are a grave concern in any society. However, when the perpetrator is a minor, the complexity of the issue increases manifold. Minors are presumed to be incapable of consent to sexual activities, and it is the responsibility of the legal system to protect them from harm. However, it doesn't mean that minors are incapable of wanting to commit many types of sexual offense. Sexual offenses committed by minors are different from those committed by adults in several ways, and it is essential to understand these differences to ensure that justice is served. The urgency of this issue is even more relevant, when diversity and complexity of a population is taken into account, as it presents variety of challenges (Schoeneberg et al., 2020).

One of the primary differences between sexual offenses committed by minors and adults is the capacity to understand the gravity of the offense (Grattagliano et al., 2018). Children and adolescents are still in the process of developing cognitively and may not have the ability to fully comprehend the consequences of their actions. This immaturity may lead to a lack of understanding of the concept of consent, resulting in minors engaging in sexual activities that may be inappropriate, abusive, or illegal. In contrast, adults are presumed to have a greater capacity for understanding the ramifications of their actions and may be held more accountable for their behavior.

Another difference between sexual offenses committed by minors and adults is the range of offenses that may occur. While adult sexual offenses often involve force, coercion, or manipulation, minors may engage in sexual activities with peers or engage in consensual relationships that may be deemed inappropriate or illegal. Such activities may be viewed as less severe than those involving adult perpetrators (Sparks & Wormith, 2021), leading to a perception that the harms caused by such behaviors are less severe. On the other hand, making sure that both ends of the issue understand what sexual consent is also important, as both the supposed offender and victim might have actually had consensual sexual relationship (Strout

et al., 2021). This is useful to prevent the overcriminalization of sexual relationship among adolescents that could have significant negative impact on one side of the parties involved.

The legal system may treat minors who commit sexual offenses differently from adults who commit similar offenses. This is because minors are often seen as less culpable than adults, as they may not fully understand the consequences of their actions or may be coerced or pressured into committing the offense. In such cases, the legal system may focus on rehabilitation rather than punishment. The aim is to address the underlying issues that led to the offense, such as trauma or abuse, and prevent further harm to the minor and others (Grattagliano et al., 2018). However, the legal system may also hold minors accountable for their actions and punish them accordingly, depending on the severity of the offense.

Due to this recognition of minors' unique situation, the legal system may focus on rehabilitation as a way to get a closer look at the whole situation and the impacts caused by it. The goal is to address the underlying issues that led to the offense and assess those factors to lower the risk of recidivism which could cause an even bigger community problem. This may involve providing a series of therapy or counseling to help the minor understand and cope with the impact of the abuse or trauma that led to their behavior (Bustnay, 2020). It may also involve addressing social or environmental factors that contributed to the offense, such as poverty or lack of supervision.

However, while rehabilitation is an important aspect of addressing sexual offenses committed by minors, accountability is also necessary. Minors who commit sexual offenses should be held responsible for their actions to some degree. The legal system may still impose consequences for the offense, but these consequences should be commensurate with the level of responsibility that the minor can be expected to take. Punishments may be tailored to the minor's developmental level and the severity of the offense. For example, minors may be required to attend therapy, community service, or educational programs, rather than being incarcerated.

Determining the appropriate balance between rehabilitation and accountability can be challenging. It requires taking into account a range of factors, such as the nature and severity of the offense, the minor's age and developmental level, and the harm caused to the victim. There are also differing views among experts and policymakers on the best approach to address sexual offenses committed by minors. Some argue that minors should not be held fully responsible for their actions, while others argue that they should be held accountable to the same degree as adults.

Ultimately, the approach that is taken should aim to promote both justice and the well-being of minors who commit sexual offenses. By focusing on rehabilitation and accountability, it is possible to help minors understand the

impact of their actions and prevent them from engaging in further inappropriate sexual behavior, while also addressing the harm caused to victims. The legal system must strike a delicate balance between addressing the complexities of minors who commit sexual offenses and ensuring that justice is served.

Psychological and emotional impacts of sexual offenses committed by minors may differ from those committed by adults. On the other hand, victims who are also minors may also show different reactions to adult victims. Minors who experience sexual abuse may suffer from a range of psychological and emotional problems, including depression, anxiety, post-traumatic stress disorder (PTSD), and even suicide. The impact of sexual abuse of minors can be particularly severe, as it may affect their ability to form healthy relationships, trust others, and lead a normal life. On the other hand, adult victims may have already developed coping mechanisms and support systems to deal with the aftermath of such abuse (Bogetic & Jugovic, 2019).

There is debate among experts and policymakers regarding how to address sexual offenses committed by minors. Some argue that minors should not be held fully responsible for their actions and should be provided with treatment and support to prevent them from engaging in further inappropriate sexual behavior. Others argue that minors should be held fully accountable for their actions and should face legal consequences, including punishment and rehabilitation. The optimal approach may vary depending on the circumstances of each case and may require consideration of factors such as the age and developmental stage of the offender, the severity of the offense, and the needs of the victim (Caldwell & Caldwell, 2022).

Sexual offenses perpetrated by minors exhibit notable distinctions from those committed by adults, encompassing aspects such as their understanding of the severity of the crime, the breadth of offenses that can arise, and the resulting legal and psychological ramifications. Consequently, an effective response to these offenses necessitates a subtle and empirically-based approach that takes into consideration the unique circumstances of each individual case. By pursuing this course of action, the legal system can ensure that justice is equitably dispensed while simultaneously providing adequate protection to minors from any associated harm.

### **Impact-focused Approach to Implement Restorative Justice Approach**

In Indonesia, the restorative justice approach is received increasing attention due to its potential for human resource development overall (Permatasari & Ma'ruf, 2021). The topic of restorative justice for juvenile sexual offenders in Indonesia has received increasing attention in recent years as a potential alternative to the traditional criminal justice approach (Budoyo & Kumala Sari, 2019). A growing body of literature suggests that restorative justice can be an

effective and appropriate response to juvenile sexual offending, providing a way to address the harm caused by the crime and promote healing and reconciliation between the victim and the offender.

One of the key advantages of restorative justice is its focus on the needs of both the victim and the offender, rather than just the latter (Eddyono, 2021). This can be especially important in cases of juvenile sexual offending, where the victim is a vulnerable individual who may be struggling with the aftermath of the trauma and who may need support to overcome the psychological and emotional effects of the crime. Research has shown that restorative justice can help to address the harm caused by the crime and promote healing and reconciliation, which can in turn reduce the risk of further offending and promote positive outcomes for both the victim and the offender. However, the literature also acknowledges that restorative justice can be a complex and challenging approach to use in cases of juvenile sexual offending, particularly when the victim is also a minor (Armstrong, 2021). This requires careful consideration and specialized expertise in order to ensure that restorative justice is used in an appropriate and effective way (Arief & Ambarsari, 2018). For example, it may be necessary to involve trained facilitators or mediators to help facilitate communication between the victim and the offender, and to ensure that the process is safe and supportive for both parties. Additionally, specialized counseling or therapy may be required to help the victim and the offender process the trauma and overcome the psychological and emotional effects of the crime.

Restorative justice is an approach to justice that emphasizes repairing harm caused by crime, rather than solely punishing offenders (Gang et al., 2021). It is a process that brings together those who have been harmed, those who have caused the harm, and other members of the community to work together to repair the harm and prevent future harm (Muhaimin, 2019). Restorative justice is gaining increased recognition as an effective approach to address sexual offenses committed by minors. An impact-focused approach to implement restorative justice in such cases is one that emphasizes the needs of the victim and focuses on preventing future harm.

An impact-focused approach to implementing restorative justice in sexual offense cases committed by minors recognizes the importance of addressing the harm caused to the victim. This approach centers the victim's experience and empowers them to be involved in the process of repairing harm. Through restorative justice, the victim has a voice in the process and is able to express their needs and desires for how the harm caused to them can be repaired (Flora, 2018). This may include apologies, restitution, or community service on the part of the offender.

In an impact-focused approach, the focus is not solely on the offender's punishment, but on preventing future harm. This approach recognizes that

addressing the underlying causes of the offense is crucial in preventing future harm. In the case of sexual offenses committed by minors, this may involve addressing trauma, abuse, or other factors that contributed to the offense. An impact-focused approach may involve providing therapy or counseling to the offender, as well as addressing environmental or social factors that contributed to the offense. Community response is much needed in this framework of actions as this issue also affects the well-being of the related communities (Bogetic & Jugovic, 2019).

The implementation of an impact-focused approach to restorative justice in sexual offense cases committed by minors requires a multifaceted analysis of various aspects. One key consideration is the severity of the offense. The nature and extent of harm caused to the victim and the community should be carefully evaluated. The offender's intent, history, and level of involvement in the offense should be thoroughly assessed, taking into account the potential for recidivism (Pradityo, 2016). One approach to restorative justice in cases involving juvenile sexual offenders is the use of youth courts or youth panels. These are alternative court systems that are designed specifically for young people and focus on rehabilitation and restoration, rather than punishment.

In a youth court, a panel of trained youth and adults hear the case and make decisions about how to hold the offender accountable and repair the harm caused by the crime. The panel typically includes trained youth and adults who are representative of the community, and the hearing is conducted in a less formal and more youth-friendly environment than a traditional courtroom. The panel may consider a variety of factors in determining an appropriate outcome, including the severity of the crime, the offender's age, maturity, and level of understanding of the harm caused, and the offender's willingness to take responsibility for their actions. The panel will also consider the safety and well-being of the victim, as well as the offender, when making decisions. The outcome of a youth court hearing may include a range of sanctions, such as community service, apologies, or restorative circles, where the offender and victim can talk about the impact of the crime. Youth court can help facilitate these specialized programs, which in turn could help prevent recidivism (Kettrey & Lipsey, 2018). The goal of these sanctions is to repair the harm caused by the crime and to hold the offender accountable for their actions.

Another key factor to consider in implementing an impact-focused approach to restorative justice in sexual offense cases committed by minors is the needs and desires of the victim. The victim's preferences and input should be given careful consideration in designing an appropriate response to the offense. It is important to note that the victim's needs may evolve over time, requiring ongoing communication and reassessment throughout the process. In addition, the developmental level of the offender is a crucial consideration. Adolescents are still in the process of developing their decision-making skills and impulse control, and may not fully appreciate the consequences of their actions. This is particularly

relevant in cases where the offender may have been coerced or pressured into committing the offense. It is important to assess the level of maturity and responsibility of the offender to determine the most appropriate response (Mahendra, 2022).

Furthermore, the approach must take into account the harm caused to the victim. The impact of the offense on the victim's mental, emotional, and physical well-being should be carefully evaluated to ensure that the response to the offense is appropriately tailored to meet the victim's needs (Mohammad & Azman, 2021). Restorative justice practices may include counseling or therapy for the victim to support their healing process and help them cope with the harm caused by the offense (Peleg-Koriat & Klar-Chalamish, 2020). The impact-focused approach to restorative justice must also consider the needs of the community, including the need for safety and accountability. While the focus is on repairing the harm done to the victim, it is important to ensure that the response to the offense also addresses the needs and concerns of the community. This may involve measures to ensure the offender does not reoffend, such as education or monitoring. It may also involve holding the offender accountable for their actions through appropriate sanctions.

Achieving a balance between all of these factors is a complex and challenging process. It requires expertise and collaboration from professionals in the fields of psychology, criminology, and law to develop a comprehensive and effective response to sexual offenses committed by minors. Implementing an impact-focused approach to restorative justice in these cases requires a holistic understanding of the circumstances surrounding the offense and the needs of all parties involved.

There are many potential benefits to an impact-focused approach in implementing restorative justice in sexual offense cases committed by minors. For the victim, this approach can offer a greater sense of empowerment and control, as well as the opportunity to have their needs and desires heard and addressed (Hobson et al., 2022). Through these mechanisms, victims can find the mental support needed to get through the impacts of sexual offense. For the offender, this approach can help them take responsibility for their actions and address the underlying issues that led to the offense. This approach can also help prevent future harm by addressing the root causes of the offense and providing support and resources to the offender and victim.

However, implementing an impact-focused approach to implementing restorative justice in sexual offense cases committed by minors is not without challenges. Some argue that such an approach is too focused on the needs of the victim and does not adequately address the needs of the offender or the community. Others argue that it may be difficult to ensure that the offender takes full responsibility for their actions and addresses the underlying causes of the offense.



Balancing the needs and desires of all parties involved in the process can be challenging, and may require a skilled and knowledgeable facilitator.

Despite these challenges, the use of an impact-focused approach to implementing restorative justice in sexual offense cases committed by minors has been shown to be effective. Research has found that this approach can lead to greater satisfaction among victims and offenders, as well as a greater sense of accountability and responsibility on the part of the offender (Kettrey & Lipsey, 2018). By prioritizing the needs of the victim and focusing on preventing future harm, this approach can help ensure that justice is served and that the harm caused by the offense is fully repaired.

The justification for restorative justice for juvenile sexual offenders through an impact-focused approach is supported by strong evidence of literatures. Addressing hidden issues that juvenile offenders have had such as abuse is proven to be beneficial in understanding how and why the crime really took place. Study has found that almost all of juvenile sexual offenders grew up in a dysfunctional family, and this factor has proven to be one of the most common issues in other types of crimes as well (Vieth, 2022). It's also suggested by other research that restorative justice in general, especially the one that revolves around risk-based management and correction through community-level interventions, can help prevent further involvement in crimes among juvenile offenders (Li & Su, 2020).

### **Technical and Challenges in Implementing Restorative Justice Approach**

Implementing a restorative justice approach for sexual offenses committed by minors in Indonesia is a complex and challenging task that requires careful consideration of a range of technical and practical issues. One of the primary challenges is developing and implementing a system that is appropriate for the Indonesian context. This includes the need to consider cultural, social, and religious norms and values, as well as the legal framework and infrastructure that is in place in the country (Naidoo & Van Hout, 2022). Another challenge is ensuring that the needs and rights of the victims are protected throughout the process. Restorative justice places a strong emphasis on the needs and concerns of the victim, and ensuring that their interests are properly represented and addressed is critical to the success of the approach. However, this can be challenging in the context of sexual offenses committed by minors, as victims may be particularly vulnerable and may not feel comfortable speaking out about their experiences.

In addition, implementing a restorative justice approach in Indonesia requires the involvement of a range of different actors, including the legal system, social workers, psychologists, and community leaders. Coordinating and collaborating with these actors can be challenging, as each may have different goals, objectives, and priorities. There is a need for a comprehensive and integrated

approach that brings all relevant stakeholders together and ensures that they are working towards a common goal. Another technical challenge is ensuring that the approach is age-appropriate and takes into account the developmental needs of the offender. Minors who commit sexual offenses may not fully understand the consequences of their actions and may require special support and interventions in order to address the underlying issues that led to the offense. This may require the involvement of psychologists, social workers, and other experts who can provide guidance and support to the offender and their family.

Finally, implementing a restorative justice approach for sexual offenses committed by minors in Indonesia requires a significant investment of time, resources, and expertise. This can be challenging in a context where there may be limited resources and a lack of expertise in the area of restorative justice. There is a need for ongoing training and education, as well as the development of appropriate policies, procedures, and protocols that can guide the implementation of the approach and ensure that it is effective and appropriate for the Indonesian context.

One of the main challenges in implementing restorative justice for sexual offenses committed by minors in Indonesia is the lack of awareness and understanding of the approach among legal practitioners, including judges, prosecutors, and lawyers. While restorative justice has gained some recognition and support in recent years, it is still not widely understood or accepted as a viable alternative to traditional punitive measures. This may result in resistance to the approach or a lack of willingness to explore its potential benefits.

Another challenge in implementing restorative justice for sexual offenses committed by minors in Indonesia is the cultural norms and values that may limit the willingness of victims and their families to participate in the process. In Indonesian culture, there is a strong emphasis on preserving personal and familial honor, which may lead victims and their families to feel shame or embarrassment about the offense. This can make it difficult to engage them in a process that requires open communication and discussion about the offense and its impact.

Additionally, the Indonesian legal system may lack the infrastructure and resources necessary to support restorative justice practices. For example, there may be a shortage of trained professionals, such as mediators or facilitators, who can help guide the process. There may also be a lack of physical spaces where restorative justice sessions can be held in a safe and private manner. The main legal source used in dealing with sexual offense is Article 4 paragraph (1) Law No. 12 of 2022 on Sexual Violence Crime (Sexual Violence Crime Law). The law details the crime of sexual violence as follows (1) Sexual Violence Crimes consist of non-physical sexual harassment; physical sexual abuse; forced contraception; forced sterilization; forced marriage; sexual abuse; sexual exploitation; sexual slavery; and electronic based sexual violence.” The problem with this provision is that it might

be difficult for minors to understand the metrics of severity that come with this list of activities that constitute the crime of sexual violence under the Indonesian legal system. Therefore, the counselling or any other kind of rehabilitation process should also include an explanation on the legal concepts behind this provision, as opposed to just focusing on understanding the non-legal impacts of such criminal activities.

Furthermore, the severity of the offense needs be carefully explained to the offender in accessible way and it shouldn't lead the offender to develop further mental problems. The implementation of restorative justice for sexual offenses committed by minors in Indonesia might also face rejection from the community. In cases where the offense is particularly heinous, it may be difficult for victims, their families, or the community to accept an approach that focuses on reconciliation and healing rather than punishment. The sensitivity and complexity of the issue may require a high level of expertise from legal and mental health professionals, who may be difficult to find in certain parts of the country.

This is another problem with Indonesia's Sexual Violence Crime Law, as it doesn't call for further community support and guidance for not just the victim, but also the offender. Article 70 paragraph (3) of the Sexual Violence Crime Law states that (3) Recovery after the judicial process includes strengthening community support for Victim Recovery. There's no other mention of community support in the Law's provisions. The lack of community-focus approach demonstrates the stiff provisions which only focuses on punishing the crimes of the offenders and helping the victim. This may leave the offender bitter and even more resentful, especially when the offender doesn't even have the mental capacity to fully grasp the gravity of the crimes committed, which in turn could contribute to the chances of recidivism.

While the Indonesian legal system doesn't provide a legal source that explicitly mentions the crime of sexual offense committed by minors on another minors, there's a provision in Article 9 paragraph (1a) Law No. 35 of 2014 on Amendments to Law Number 23 of 2002 on Child Protection, which states (1a) Every child has the right to receive protection in an education unit from sexual crimes and violence committed by educators, education staff, fellow students, and/or other parties. While this provision provides a good legal basis for the criminalization of minor-on-minor crimes, it doesn't provide further explanation within the same legal source, and therefore may limit the viewpoint of important actors that contribute in dealing with this criminal offense.

The Indonesian legal system has a fairly restrictive provision when it comes to sexual offense, even when committed by minors. The provisions on Article 9 paragraph letter a jo. Article 1 number 8 Law No. 11 of 2012 on Juvenile Justice System (Juvenile Justice System Law) states Investigators, Public Prosecutors and Judges in carrying out Diversion must consider: category of crime; Diversion is the

transfer of settlement of child cases from the criminal justice process to processes outside of criminal justice. The explanation of quoted provision mentioned rape as one of the exemptions for diversion. However, this doesn't mean that the restorative justice approach is not a feasible option, though it may suggest a harsher look on the crime. Unfortunately, there's no other mention of rape or other forms of sexual offenses in the Juvenile Justice System Law which may require specialized approach or programs to be dealt with properly.

In order to overcome these challenges, there may need to be a greater effort to educate legal practitioners, victims, and the community about the benefits of restorative justice for sexual offenses committed by minors in Indonesia. This may involve training programs, public education campaigns, and the creation of specialized courts or divisions within the legal system that are specifically designed to handle these cases. In addition, the legal system may need to provide more resources and support for the implementation of restorative justice practices, including the development of guidelines, procedures, and standards for the approach. This could involve the establishment of training programs for mediators and facilitators, as well as the provision of safe and private spaces for restorative justice sessions. Overall, the implementation of a restorative justice approach for sexual offenses committed by minors in Indonesia presents a number of challenges, but with careful consideration and planning, it has the potential to provide a more effective and compassionate alternative to traditional punitive measures.

#### D. CONCLUSION

Restorative justice emphasizes accountability, healing, and rehabilitation rather than solely punishment. Through restorative justice, juvenile sexual offenders can be provided with the opportunity to understand the harm they caused, take responsibility for their actions, and actively work towards making amends. This approach aims to promote their reintegration into society while reducing the likelihood of future offenses. From the victim's perspective this can offer a more victim-centered and rehabilitative approach that has the potential to reduce recidivism and promote healing for all parties involved. Restorative justice can provide an opportunity to be heard, validated, and supported in their healing process. It allows them to participate in decision-making and have a voice in the resolution process, fostering a sense of empowerment and control. Through restorative justice practices, victims can receive apologies, restitution, and support services tailored to their specific needs. This approach acknowledges the harm they have experienced and seeks to promote their recovery, while also addressing the broader community's concerns about public safety.

While the application of restorative justice in sexual offenses committed by minors may be challenging, it is an approach that has shown promise in a range of settings. Research continues to investigate the effectiveness of this approach, and

new innovations and best practices will emerge as the field continues to develop. Ultimately, the goal of the restorative justice approach is to promote healing and growth, to reduce harm and recidivism, and to promote a more just and equitable society. By working together, we can ensure that this goal is realized, and that the needs of all parties involved are met in a fair and meaningful way. These aspects are important because children are the future of every country. Facing ambitious goals, Indonesia needs to make sure that youth development isn't affected negatively by the crimes committed by young people, especially minors.

## E. REFERENCES

- Anderson, J., & Ross, N. (2018). A Restorative City for New South Wales - Could Newcastle be a Model? *JOURNAL OF JUDICIAL ADMINISTRATION*, 27(2), 74–91.
- Arief, H., & Ambarsari, N. (2018). Penerapan Prinsip Restorative Justice Dalam Sistem Peradilan Pidana Di Indonesia. *Al-Adl: Jurnal Hukum*, 10(2), 173. <https://doi.org/10.31602/al-adl.v10i2.1362>
- Armstrong, L. M. (2021). Is Restorative Justice an Effective Approach in Responding to Children and Young People Who Sexually Harm? *Laws*, 10(4), 86. <https://doi.org/10.3390/laws10040086>
- Bogetic, D., & Jugovic, A. (2019). Theoretical model of social development in explaining the occurrence of adolescent sexual offense. *Specijalna Edukacija i Rehabilitacija*, 18(4), 445–474. <https://doi.org/10.5937/specedreh%v-24643>
- Budoyo, S., & Kumala Sari, R. (2019). Eksistensi Restorative Justice Sebagai Tujuan Pelaksanaan Diversi Pada Sistem Peradilan Anak Di Indonesia. *Jurnal Meta Yuridis*, 2(2), 79–90. <https://doi.org/10.26877/m-y.v2i2.4689>
- Bustnay, T. G. (2020). Group Intervention with Parents of Juvenile Sex Offenders. *Journal of Child Sexual Abuse*, 29(3). <https://doi.org/10.1080/10538712.2019.1639093>
- Caldwell, M. F., & Caldwell, B. M. (2022). The age of redemption for adolescents who were adjudicated for sexual misconduct. *Psychology, Public Policy, and Law*, 28(2), 167–178. <https://doi.org/10.1037/law0000343>
- Eddyono, S. W. (2021). Restorative Justice for Victim's Rights on Sexual Violence: Tension in Law and Policy Reform in Indonesia. *Journal of Southeast Asian Human Rights*, 5(2), 176–201. <https://doi.org/10.19184/jseahr.v5i2.28011>
- Flora, H. S. (2018). Keadilan Restoratif Sebagai Alternatif Dalam Penyelesaian Tindak Pidana Dan Pengaruhnya Dalam Sistem Peradilan Pidana Di Indonesia. *University Of Bengkulu Law Journal*, 3(2), 142–158. <https://doi.org/10.33369/ubelaj.3.2.142-158>

- Gang, D., Loff, B., Naylor, B., & Kirkman, M. (2021). A Call for Evaluation of Restorative Justice Programs. *Trauma, Violence, and Abuse*, 22(1), 186–190. <https://doi.org/10.1177/1524838019833003>
- Grattagliano, I., Craig, F., Lisi, A., Pierri, G., Stallone, V., Margari, L., Lecce, P., Laforteza, E., Pinto, F., Pisani, R., Zagaria, G., Tangari, D., & Margari, F. (2018). Awareness of the offense and perception of the victim among juvenile sex offenders. *Clinica Terapeutica*, 169(4), 155–164. <https://doi.org/10.7417/T.2018.2072>
- Hobson, J., Twyman-Ghoshal, A., Banwell-Moore, R., & Ash, D. P. (2022). Restorative Justice, Youth Violence, and Policing: A Review of the Evidence. *Laws*, 11(4), 62–82. <https://doi.org/10.3390/laws11040062>
- Kettrey, H. H., & Lipsey, M. W. (2018). The effects of specialized treatment on the recidivism of juvenile sex offenders: a systematic review and meta-analysis. *Journal of Experimental Criminology*, 14(3), 361–387. <https://doi.org/10.1007/s11292-018-9329-3>
- Lasmadi, S., Sari, R. K., & Disemadi, H. S. (2020). Restorative Justice Approach as an Alternative Companion of the Criminal Justice System in Indonesia. *Proceedings of the International Conference on Law, Economics and Health (ICLEH 2020)*. <https://doi.org/10.2991/aebmr.k.200513.044>
- Li, E., & Su, M. (2020). From Punishment to Control: Assessing Juvenile Diversion in China. *Law & Social Inquiry*, 45(2), 372–397. <https://doi.org/DOI:10.1017/lsi.2019.70>
- Mahendra, I. G. A. P. (2022). Upaya Kepolisian Negara Republik Indonesia Dalam Menanggulangi Tindak Pidana Pencurian Yang Dilakukan Pelaku Di Bawah Umur Dengan Penerapan Asas Restorative Justice. *JURNAL HUKUM MEDIA JUSTITIA NUSANTARA*, 12(1), 99–145. <https://doi.org/10.30999/mjn.v12i1.2061>
- Mohammad, T., & Azman, A. (2021). ‘Do i want to face the offender?’: Malaysian victims’ motivation for participating in restorative justice. *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice*, 24(3). <https://doi.org/10.1080/10282580.2021.1881892>
- Muhaimin, M. (2019). Restoratif Justice dalam Penyelesaian Tindak Pidana Ringan. *Jurnal Penelitian Hukum De Jure*, 19(2), 185. <https://doi.org/10.30641/dejure.2019.V19.185-206>
- Murhula, P. B. B., & Tolla, A. D. (2020). The effectiveness of restorative justice practices on victims of crime: Evidence from South Africa. *International Journal for Crime, Justice and Social Democracy*, 9(3). <https://doi.org/10.5204/IJCJSD.1511>
- Naidoo, L., & Van Hout, M. C. (2022). Understanding child sex offending trajectories in South Africa: from victimisation to perpetration. *Journal of Sexual Aggression*, 28(1). <https://doi.org/10.1080/13552600.2021.1936230>

- Okoh, C. (2021). Asking for Young Offenders: What is the Fate of Restorative Justice within Nigeria's Discretionary Diversion Policy? *Strathmore Law Review*, 6(1). <https://doi.org/10.52907/slr.v6i1.161>
- Peleg-Koriat, I., & Klar-Chalamish, C. (2020). The #MeToo movement and restorative justice: exploring the views of the public. *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice*, 23(3). <https://doi.org/10.1080/10282580.2020.1783257>
- Permatasari, M., & Ma'ruf, U. (2021). Implementation of Legal Protection Against The Criminal Acts of Children & Witnesses in The Criminal Action of Stealing. *Law Development Journal*, 2(4), 565. <https://doi.org/10.30659/ldj.2.4.565-572>
- Pradityo, R. (2016). Restorative Justice dalam Sistem Peradilan Pidana Anak. *Jurnal Hukum Dan Peradilan*, 5(3), 319. <https://doi.org/10.25216/jhp.5.3.2016.319-330>
- Schoeneberg, C. (2018). Nurturing Strengths: Protective Factors and Attachment among Adjudicated Adolescents Who Sexually Offend. In *ProQuest Dissertations and Theses*.
- Schoeneberg, C., Underwood, L., Newmeyer, M., & Gomez, M. (2020). Protective Factors and Sub-Groups of Sexually Offending Adolescents: Implications for Conceptualization and Practice. *Journal of Child and Adolescent Counseling*, 6(3), 149–165. <https://doi.org/10.1080/23727810.2020.1835416>
- Silaswaty Faried, F., Mahmud, H., & Suparwi, S. (2022). Mainstreaming Restorative Justice in Termination of Prosecution in Indonesia. *Journal of Human Rights, Culture and Legal System*, 2(1). <https://doi.org/10.53955/jhcls.v2i1.31>
- Sparks, B., & Wormith, J. S. (2021). Assessing attitudes toward juveniles and adults adjudicated for sexual offenses in Canada: does offender age matter? *Journal of Sexual Aggression*, 27(1). <https://doi.org/10.1080/13552600.2020.1751888>
- Strout, J., Vasudevan, D., & Shah, R. S. (2021). Protecting Youth From Themselves: The Overcriminalization of Consensual Sexual Behavior Between Adolescents. *Children's Legal Rights Journal*, 40(1), 1–24.
- Tan, D. (2021). Metode Penelitian Hukum: Mengupas dan Mengulasi Metodologi dalam Menyelenggarakan Penelitian Hukum. *Nusantara: Jurnal Ilmu Pengetahuan Sosial*, 8(8), 2463–2478.
- Vieth, V. I. (2022). Recognizing and Responding to Developmentally Appropriate and Inappropriate Sexual Behaviors of Children: A Primer for Parents, Youth Serving Organizations, Schools, Child Protection Professionals, and Courts BT - Handbook of Interpersonal Violence and Ab. In R. Geffner, J. W. White, L. K. Hamberger, A. Rosenbaum, V. Vaughan-Eden, & V. I. Vieth (Eds.), *Handbook of Interpersonal Violence and Abuse Across the Lifespan* (pp. 809–830).

Springer International Publishing. [https://doi.org/10.1007/978-3-319-89999-2\\_27](https://doi.org/10.1007/978-3-319-89999-2_27)

Zgourides, G., Monto, M., & Harris, R. (1997). Correlates of Adolescent Male Sexual Offense: Prior Adult Sexual Contact, Sexual Attitudes, and Use of Sexually Explicit Materials. *International Journal of Offender Therapy and Comparative Criminology*, 41(3), 272–283. <https://doi.org/10.1177/0306624X97413006>

### Laws and Regulations

Law No. 12 of 2022 on Sexual Violence Crime

Law No. 35 of 2014 on Amendments to Law Number 23 of 2002 on Child Protection

Law No. 11 of 2012 on Juvenile Justice System

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### COMPETING INTEREST

The authors of this research article declare no competing interests.