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Legal Policy on Children Who Repeat Criminal Acts in the Perspective of Restorative Justice in Indonesia

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Abstrak

Anak yang melakukan tindak pidana secara berulang (residivis) menjadi tantangan dalam sistem peradilan pidana anak, terutama dalam konteks keadilan restoratif yang diamanatkan oleh Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak (UU SPPA). Prinsip keadilan restoratif lebih fokus kepada pemulihan, bukan sekedar penghukuman, namun penerapannya terhadap anak residivis masih menghadapi berbagai kendala normatif dan implementatif. Penelitian ini memiliki tujuan untuk menganalisis kebijakan hukum pidana yang mengatur anak yang melakukan pengulangan tindak pidana dalam sudut pandang keadilan restoratif. Metode penelitian yang digunakan yakni penelitian hukum yuridis normatif melalui pendekatan peraturan perundang-undangan dan konsep hukum. Hasil penelitian ini adalah meskipun UU SPPA mengutamakan diversifikasi dan pendekatan restoratif, terdapat batasan bagi anak residivis untuk memperoleh diversifikasi, terutama dalam kasus tindak pidana berat atau pengulangan kejahatan yang telah melampaui batas yang ditentukan dalam regulasi. Temuan ini mengindikasikan perlunya harmonisasi kebijakan hukum guna memastikan bahwa anak residivis tetap mendapatkan perlindungan hak asasi dan kesempatan untuk diversifikasi, tanpa mengesampingkan kepentingan korban dan masyarakat. Oleh karena itu, harmonisasi kebijakan bagi anak residivis dapat dilakukan melalui revisi aturan diversifikasi untuk kasus yang tidak serius, peningkatan kapasitas aparat penegak hukum dan pemberian bantuan bagi anak, penguatan kolaborasi lintas lembaga, serta evaluasi kebijakan yang fleksibel dan berorientasi pada reintegrasi sosial anak secara lebih efektif.

Kata Kunci: Residivis Anak; Keadilan Restoratif; Kebijakan Hukum; Diversifikasi; UU SPPA

Abstract

Children who repeat criminal acts (recidivists) are a challenge in the criminal justice system, especially in the context of restorative justice mandated by Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law). The principle of restorative justice emphasizes recovery, not just punishment, but its application to recidivist children still faces various normative and implementable obstacles. This study aims to analyze legal policies concerning recidivist children from a restorative justice perspective. This study applies a normative juridical method of legal research through a statutory approach and a legal concept approach. According to the research results, it can be seen that although the SPPA Law prioritizes diversion and restorative approaches, there are restrictions for recidivist children to obtain diversion, especially in cases of serious crimes or recidivism that have exceeded the limits specified in the regulations. These findings indicate the need for harmonization of legal policies to ensure that recidivist children continue to receive protection of their human rights and opportunities for diversion without putting aside the interests of victims and society. Therefore, the harmonization of policies for recidivist children can be carried out through the revision of diversion rules for non-serious cases, strengthening the capacity of law enforcement officers and providing assistance for children, enhancing cross-institutional collaboration, as well as evaluating policies that are flexible and oriented toward the more effective social reintegration of children.

Keywords: Recidivist Children; Restorative Justice; Legal Policy; Diversion; SPPA Law

1. Introduction

Children are essential assets for the nation and the next generation that will determine the future direction of society. To ensure that children grow well physically, intellectually, and morally, special attention, assistance, and maximum protection are needed (Anggreini et al., 2024). One crucial measure in safeguarding children, specifically those encountering problems with the law, is the enactment of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law). This legislation adopts the concept of restorative justice and provides for implementing diversion as an alternative to formal judicial proceedings (Dianti, Nur, Galuh Pratiwi, 2025).

Restorative justice represents a way of addressing criminal cases that emphasizes the active involvement of the offender, the victim, their families, and other stakeholders in reaching a fair and mutually acceptable outcome. This approach emphasizes restoring the original condition rather than retribution, and it is commonly implemented through a mechanism known as diversion. (Anggreini & Yulida, 2025)

In criminal law, the term *recidivism* describes the propensity of a person to re-offend, that is, to commit criminal acts more than once or to engage in unlawful behavior after having served a sentence for a previous offense (La Patuju & Afamery, 2016). In the context of child offenders, the status of a recidivist indicates that the child has been involved in multiple criminal acts despite having previously undergone legal interventions or sanctions (Widansyah & Silubun, 2024). This phenomenon is particularly concerning when it involves adolescents, as it often relates to unfavorable impact on individual growth of those involved, accompanied by considerable social expenses (Cacho et al. 2020).

Various factors are related to juvenile delinquent behaviour, including individual characteristics such as impulsive tendencies, as well as environmental factors associated with education, family background, and peer groups (Leverso et al., 2015). Juvenile delinquents commonly experience obstacles in building social relations, reduced emotional intelligence, and insufficient coping abilities (Navarro-Pérez and Pastor-Seller 2017). It is essential to take these factors into account in the application of intervention programs, directing resources toward offenders categorized as high risk.

Another factor contributing to criminal acts committed by children is the non-optimal functioning of one of the subsystems in the criminal justice system in Indonesia, errors in the application of the law, and economic, social, and cultural conditions that affect children as recidivists. Therefore, it is essential to secure the observance of children's rights in the law enforcement process. Improper application of laws against recidivist children can hurt their future. (Maidin Gultom, 2013)

Children who repeat criminal acts (recidivism) are a serious challenge in the criminal justice system, especially when associated with the restorative justice approach, which is the primary foundation in SPPA Law (Nathalia, et al., 2022). This law prioritizes the protection and best interests of children through a holistic approach that includes not only legal sanctions, but also educational, rehabilitative, and reintegrative measures. (Rodliyah, 2023) However, the emergence of recidivism cases in children indicates that there are gaps or ineffectiveness in implementing the system, both in terms of legal handling, the implementation of coaching measures, and involvement in the children's social environment. Therefore, recidivism, along with its related factors, needs to be a major concern among researchers, practitioners, and policymakers within the juvenile justice system (Robertson et al. 2020). Based on data from Australia (Australian Institute of Health and Welfare/AIHW), in 2020–2021, almost half of young people released from community-based supervision and more than four-fifths of those released from detention returned to the youth justice system within one year. (AIHW, 2021). Next, in England and Wales, data for the year ending March 2024 show that the youth reoffending rate rose to 32.5%, up 0.3 percentage points, with both the number of children and reoffenders increasing for the first time in 10 years. (Youth Justice Board 2025). Another example can be found in the U.S. state of Massachusetts, based on a report from the Massachusetts Department of Youth Services, out of 257 young people who were released from DYS custody in 2019, 39.3% or 101 individuals were re-arrested within one year. (Indiana Department of Correction, 2019). In Indonesia, data collected from juvenile courts and correctional facilities show that out of a total of 150 offenders, the recidivism rate among juvenile offenders is lower in diversion programs (17%) compared to formal court proceedings (42%). This underscores the important role of restorative justice, including diversion and mediation, in reducing repeat offenses among juvenile offenders (Widowati, 2024).

In addition, the SPPA Law limits access to diversion for children who commit repeated criminal offenses. As stipulated in Article 7 of the SPPA Law, diversion is only valid in cases where the offense carries a penalty of under seven years of imprisonment and excludes a case of recidivism.

From this description, it can be concluded that Law Number 11 of 2012 has not fully ensured the protection of children, as it limits the right of juvenile offenders to resolve their cases outside the court system. This limitation persists even though the diversion process is intended to remove children from the formal criminal justice system and prioritize their rehabilitation (Mita Dwijayanti, 2017).

Every child has inherent dignity that must be respected and is automatically entitled to their fundamental rights from birth. This aligns with the principles stated in the Convention on the Rights of the Child (commonly referred to as CRC or UNCRC), ratified by the Indonesian Government under Presidential Decree No. 36 of 1990. These principles are also reflected in various national laws and regulations, such as Law No. 4 of 1979 concerning Child Welfare, Law No. 35 of 2014, which is an amendment to Law No. 23 of 2002 concerning Child Protection, and Law No. 11 of 2012 concerning the Juvenile Criminal Justice System.

These rules reinforce essential principles of child protection, namely equality before the law, prioritizing children's best interests, ensuring the right to live, grow and develop, and valuing their participation (Maksum Hadi Putra, 2016)

Considering the recognition of children's rights and the child protection principle embedded in national legislation and international frameworks, juveniles who reoffend should still be given the opportunity to resolve their cases through diversion. This mechanism acts as a legal safeguard that emphasizes the child's best interests by minimizing their involvement in the formal criminal justice system and facilitating educational and rehabilitative development.

The focus of this study's problem formulation is *first*, how are the legal policies regulated in SPPA Law regarding the handling of children who commit repeated criminal acts (recidivists)? *Second*, what are the efforts to harmonize legal policies so that recidivist children continue to have opportunities for human rights protection following the principles of restorative justice?

The objective of this study is, *first*, to analyze the legal policies contained in SPPA Law, particularly those addressing the treatment of recidivist children. *Second*, analyze efforts to harmonize legal policies so that recidivist children continue to have opportunities for human rights protection following the principles of restorative justice.

To ensure the novelty of this article, it is essential to highlight the limitations of previous studies described in the following literature review. Some previous studies have not addressed restorative justice from the perspective of children who commit repeat crimes. Most previous studies on restorative justice have remained broad in scope and have not thoroughly examined the challenges of its implementation for children who commit repeat offenses. Therefore, this study focuses on analyzing the application of restorative justice principles to recidivist children from a legal perspective, in order to address the existing gaps in the literature.

2. Literature Review

This section presents a review of key literature relevant to the study and highlights research gaps that the current study aims to fill. Some previous studies have had similar topics, and the difference is shown. *First*, Prilly Krenti Schalwyk, Roy R. Lembong, and Daniel F. Aling (2022) in their article "*Restorative Justice in the Juvenile Criminal Justice System in Indonesia According to Law Number 11 of 2012*" examine the general principle of restorative justice without focusing on children who commit repeat crimes.

Second, Kabid Parsa (2021) in "*Criminal Law Policy for Children Who Repeat Criminal Acts*" analyzes legal policies for children who reoffend, emphasizing punitive measures but with limited discussion on restorative approaches.

Third, Marlina (2012) in "*Juvenile Criminal Justice in Indonesia: The Development of the Concepts of Diversion and Restorative Justice*" discuss the implementation of diversion and restorative justice in Indonesia, but does not address challenges for recidivist children.

Fourth, Zehr, Howard (2002) in "*The Little Book of Restorative Justice*" presents the philosophy and practice of restorative justice, which underlines focusing on restoring the damage instead of punishment, offering a relevant conceptual framework for dealing with repeat child offenders.

Fifth, research by Putra & Anindyajati (2020) "*Restorative Justice Implementation for Juvenile Offenders in Indonesia*" evaluates practical challenges in applying restorative justice in Indonesia, yet does not deeply address recidivism.

Sixth, international comparative study by Muncie (2015) "*Youth and Crime*" highlights global youth justice policies, showing that restorative justice has been applied even to recidivist youth in several jurisdictions.

Seventh, Christina Bagenda, Ana Maria Gadi Djou, Agus Sugiarto, Andi Wahyuddin Nur, Umami Kalsum, (2024), in their article "*The Effectiveness of Implementing Restorative Justice in Child Criminal Cases*" discuss about restorative justice has a lot of potential in juvenile criminal cases to create better results for everyone involved.

Eighth, research by Hafrida (2019), "*Restorative Justice In Juvenile Justice To Formulate Integrated Child Criminal Court*", this article's main goal is to develop a balanced an approach to restorative justice that employs diversion to ensure the protection of children in conflict with the law and their victims.

In summary, previous studies have discussed restorative justice and child crime extensively, but the issue of repeat offenders (child recidivists) has not been adequately addressed, particularly from a restorative justice perspective. This study seeks to fill that gap by analyzing legal policies for recidivist children. Therefore, the difference in focus discussed in this article lies in the study of how harmonized efforts for restorative justice for children who commit repeated crimes can be implemented, which is certainly reviewed from the perspective of criminal law and law enforcement practices in Indonesia. This research not only examines normative aspects in laws and regulations but also analyzes opportunities towards implementing restorative approaches concerning child recidivism.

3. Methods

This study applies a normative juridical method of legal research, a type of legal research based on literature studies using laws and regulations and legal concepts. Literature studies are carried out to collect various legal materials related to the topic to be discussed (Yulida & Anggreini, 2024). The data used in this study are secondary in nature, comprising legal sources such as statutes, regulations, and other relevant legal materials related to the research topic. In addition, secondary legal materials, such as books, legal scientific papers, and other written documents, are also used to explain the terms used in this study. The research

specifications are descriptive-analytical. The collected data are analyzed using descriptive and qualitative methods, and the results are presented as a narrative text (Anggreini et al., 2024). To clarify the references used, the following table summarizes the literature sources and aspects analyzed in this study:

Table 1. Sources of Legal Materials and Aspects Analyzed

Source Type	Example of Sources	Aspects Analyzed
Statutory Regulations	- Law Number 11 of 2012 on the Juvenile Criminal Justice System (SPPA Law) - Law Number 35 of 2014 on Child Protection	Provisions related to juvenile offenders, diversion, sanctions, and child recidivism handling
Books, Journals & Articles	- Marian Liebmann, <i>Restorative Justice How It Works</i> - Legal journals on restorative justice - Articles discussing child recidivism	Comparative perspectives, implementation challenges, and effectiveness of restorative approaches and juvenile justice system
Other Documents	- International conventions (e.g., CRC) - Policy papers or government reports	Principles of child rights, best interests of the child, and international obligations

4. Result and Discussions

Legal policies regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law) related to the handling of children who commit repeat criminal acts (recidivism)

SPPA Law introduces the concept of punishment through a diversion mechanism and a restorative justice approach as a form of legal implementation against children who commit criminal acts (Tabriah et al., 2021). Diversion is a policy designed to keep offenders diverted from the formal criminal justice system. It is implemented to provide protection and rehabilitation for the offenders, to prevent children from becoming criminals in adulthood (Listyarini, 2017). However, this provision does not apply to children who commit repeated criminal acts (recidivism) (Tabriah et al., 2021).

According to Article 7 paragraph (2) of the SPPA Law, diversion may only be applied if the offense carries a penalty of less than 7 (seven) years and is not a repeated offense. This limitation effectively excludes juvenile recidivists from diversion opportunities, thereby creating a legal disparity that runs counter to the child protection and non-discrimination principles embedded in the SPPA Law (Airlangga, Pradipta, and Erdianto, 2024). In addition, the absence of special provisions regarding child recidivism in the SPPA Law also has implications for whether there is legal certainty in the treatment of children who repeat their actions.

The SPPA Law itself regulates criminal sanctions and measures that may be applied to children, as stated in Articles 71 to 81. Some of the essential provisions in this section include:

- Principal crimes, which include commemorative crimes, conditional crimes, out-of-institution coaching, community service, and supervision;
- Additional crimes, such as deprivation of profits and fulfillment of customary obligations;
- Replacing fines with job training as a form of punishment that is more educational;
- Imprisonment is regarded as *ultimum remedium*, applied only in exceptional cases, and must uphold the principles of proportionality and the protection of the dignity of children..

The SPPA Law also offers the possibility of imposing sanctions to serve as an alternative to imprisonment, placing the child back under parental care or guardians, placement in a mental health facility, participation in rehabilitation or training programs, or the obligation to repair the harm caused by the offense. The implementation of such sanctions is based on factors such as the child's personal circumstances, the degree of culpability, and the principles of justice and humanity (Salim, 2020).

However, the provisions that regulate children who commit repeated criminal acts have not been explicitly stipulated in the SPPA Law. In judicial practice, recidivism status is often a reason for imposing sanctions without clear guidelines, resulting in potential injustice and disproportionate treatment. As a result, recidivist children are more easily dragged into the formal criminal justice system and lose access to more educational and humane alternative solutions.

Meanwhile, in this case, the primary purpose of diversion itself is to provide opportunities for children not to be subjected to formal criminal punishments, which can damage their future, but rather focus on rehabilitation, coaching, and social reintegration. By providing children with the opportunity to atone for their wrongs with support from the community, victims, and families, diversion programs aim to keep the children of criminal offenders away from the formal justice system (Amalin & Ermania, 2025).

Concerning Diversion, although the SPPA Law emphasizes that the main approach in handling children is through this mechanism, its application to recidivist children is minimal. Some of the conditions that cause diversion not to be applied include:

- The child has committed a serious crime or repeatedly committed a criminal act;

- Criminal acts committed by the child include the category of serious crimes, such as murder, rape, or narcotics on a large scale;
- Diversion can only be carried out if there is an agreement from the results of the deliberation between law enforcement officials, victims, families, and social institutions that handle children;
- If the deliberation fails and judicial diversion is not achieved, the case will continue to be processed, while still upholding the principles of rehabilitation and children's rights.

This indicates that, despite adopting a restorative approach, the SPPA Law faces normative limitations when dealing with recidivist children, so the implementation of justice and child protection principles has not yet been achieved in an equitable way.

Failure to provide diversion for recidivist children can have several negative impacts. Studies in child psychology show that formal judicial processes often increase stigma, labeling, and social exclusion, which may worsen the child's deviant behavior (Becker, 1963; Lemert, 1972). From a criminological perspective, repeated exposure to punitive justice without restorative opportunities tends to strengthen the "school-to-prison pipeline," limiting the child's chance for reintegration (Scott and Saucedo 2013). In contrast, restorative measures such as diversion and mediation are proven to reduce anxiety, build accountability, and support rehabilitation (Zehr, Howard, Mika 2021). Therefore, denying diversion not only contradicts the principle of the best interests of the child but also risks perpetuating cycles of reoffending.

Therefore, efforts are needed to harmonize legal policies, both at the normative level and judicial practice, so that recidivist children continue to receive fair, proportionate, and humane treatment. The legal policy harmonization referred to here is the effort to align regulations and practices so that recidivist children receive fair, proportionate, and humane treatment in accordance with restorative justice principles. This includes regulatory revisions, capacity building for law enforcement, inter-agency collaboration, and policy evaluation and monitoring, ensuring that formal regulations and court practices mutually support each other. This harmonization is essential to ensure that even if children repeat their actions, the state still carries out its constitutional obligations in providing protection, guidance, and a decent second chance for the child's future.

Efforts to harmonize legal policies so that recidivist children continue to get opportunities for human rights protection following the principles of restorative justice

The concept of restorative justice has gained worldwide recognition within juvenile and criminal justice systems (Van Ness 2005). According to the United Nations manual, restorative justice is an approach to addressing criminal matters which engages the direct involvement of victims, perpetrators along with society members in seeking a just resolution (Zaid et al. 2023). This approach differs from the conventional criminal justice system because it emphasizes more active participation between the offender, the victims, and society in resolving criminal matters (Amdani, 2016). Restorative justice emerged as a response to the limitations of the current criminal justice system, offering an alternative form of resolution that takes place outside the formal legal process (Gunawan, Suwadi, and Rustamaji, 2024).

In the restorative justice approach, the primary focus is not on imposing criminal sanctions on the perpetrator but on efforts so that the perpetrator can take responsibility for their deeds and ensure that the victim gains a sense of justice (Zehr, Howard, Mika, 2021). It is also, as Liebmann expresses, that some of the basic principles of restorative justice consist of:

1. Prioritizing the provision of support and recovery processes for victims;
2. Demand that the perpetrator be responsible for the actions that have been taken;
3. Encourage dialogue between victims and perpetrators to achieve mutual understanding;
4. Seeking to repair losses caused by criminal acts;
5. Help perpetrators realize how to prevent similar actions in the future; and
6. Invite the involvement of the community in actively participating in reintegration process for both victims and perpetrators. (Liebmann, 2007)

Not only that, in implementing the restorative justice concept, a truly child-first approach is needed, namely by adjusting processes, sanctions, and goals so that they are not repressive and do not harm aspects the physical, psychological, and social growth of children. True restorative justice not only concerns the interests of the victim but also places the child as a subject to be fully rehabilitated, not just the perpetrator who is sanctioned differently. (Haines, Kevin, O'Mahony, 2016)

In Indonesia, restorative justice is primarily implemented through diversion, which allows cases to be resolved outside formal judicial proceedings. However, in reality, certain groups of children face challenges in accessing the mechanism, namely, children who commit repeated criminal acts (recidivism). Children with recidivist status often no longer have access to the diversion mechanism due to restrictions in regulations, as contained in Article 7 paragraph (2) of the SPPA Law. This raises serious questions about the sustainability of the principles of restorative justice and the protection of children's human rights, especially in the context that every child, despite being a recidivist, still has the right to fair, non-discriminatory, and proportionate treatment according to their psychological condition and social background. (Amalin & Ermania, 2025)

Human rights are fundamental moral principles that are intrinsically linked to every individual's existence, serving to protect the inherent dignity of all people as beings created by God. Soetandyo Wignjosobroto stated that human rights are moral rights that cannot be separated from human existence. (Haling et al., 2018). This right is also constitutionally recognized in the 1945 Constitution, specifically, Article 28, which states that "everyone has the right to fair legal recognition, guarantee, protection, and

certainty and equal treatment before the law" (Indonesia, 1945). Thus, every individual has the fundamental right to live without experiencing discrimination.

In this context, children as part of society also have human rights guaranteed by the constitution. This is affirmed in Article 28B Paragraph (2) of the 1945 Constitution, which states that "every child has the right to survival, growth, and development and has the right to protection from violence and discrimination" (Indonesia, 1945). Furthermore, at the international level, Child protection principles in law are required to comply with the CRC, officially endorsed by the Republic of Indonesia through Presidential Decree No. 36 of 1990 (Nur et al. 2021). This means that even children facing the law are still entitled to protection and treated fairly without discrimination.

However, in practice, children who have the status of recidivists often do not receive the same treatment as children of first-time perpetrators, both in legal and social aspects. The status of recidivism is often an obstacle to obtaining alternative solutions such as diversion or restorative justice, thus causing problems in terms of the protection of the child's human rights. The principle of non-discrimination and the best interests of children should remain the basis for the treatment of all children, including children who repeat criminal acts.

Children's rights, being a fundamental component of human rights, are safeguarded and upheld by both international and domestic legal systems. Such protection is recognized at the international level through key instruments such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). The difference in treatment between children's rights and adult rights has been regulated in various international conventions of a specific nature. As affirmed in the CRC, children need particular care and safeguarding due to their physical and psychological vulnerability, which encompasses suitable legal safeguards before and after they are born. In addition, the 1993 Vienna Declaration, adopted at the World Conference on Human Rights, reaffirmed the principle of "First Call for Children." This principle emphasizes the need for both national and international efforts to promote and advance children's rights, including protection for their survival, development, and well-being (Harkrisnowo, 2002).

Children play an essential role in the survival of humanity and are the determinants of the nation's future. Therefore, children should be provided with every opportunity to achieve optimal growth and development in all aspects: physical, mental, and social. To realize this, systematic efforts are needed to protect and fulfill the children's rights in a fair and equal manner (Dwijayanti, 2017).

Therefore, fulfilling the entitlements of children is significant to be realized, so efforts are needed to harmonize legal policies that can bridge the needs of law enforcement and the state's obligations in protecting children's rights, including those with recidivism status. Harmonization of legal frameworks is essential to guarantee that the restorative justice approach can be applied consistently in a proportionate, humane, and rehabilitative manner.

Regarding law enforcement, it is essentially a process that brings the goals and ideas of law into reality. Law enforcement involves activities or actions carried out by authorities responsible for law enforcement, including the police investigators, public prosecutors, and court judges. For the results of law enforcement to be optimal, every phase of the procedure needs to be implemented appropriately and follow applicable procedures (Quattlebaum, Meares, and Tyler, 2020). Law enforcement officials including law enforcement bodies like the police, the prosecution, the judiciary, and correctional facilities should work synergistically in implementation of the law process in Indonesia based on the principle of the rule of law. (Dwijayanti, 2017) Because in essence, in handling child cases, law enforcement officials are obliged to prioritize the principles of child protection, including: non-discrimination, aiming for the best interests of children and aspects of child development. Therefore, increasing the role of law enforcement is also one of the essential elements in efforts to harmonize the realization of diversion opportunities for children who repeat criminal acts from a restorative justice perspective.

In addition to the role of criminal justice officers, collaboration between relevant stakeholders is also needed. The government, together with community institutions, need to cooperate in providing assistance services for children who are facing legal cases, have completed the diversion process, or have completed the coaching period at LPKA. One form of such service is psychological support that aims to help children cope with various post-liberation challenges, such as social stigma, trauma, and a sense of alienation that they often experience. (Maharani, et.al., 2025)

Based on the things that have been explained earlier, the following are some efforts to harmonize legal policies to ensure that recidivist children continue to receive human rights protection following the principles of restorative justice as follows:

1. Revision of the Diversion Rules for Recidivist Children, namely reviewing the law on the SPPA Law to provide diversion chances for recidivist children in some instances, especially those not classified as serious crimes. This revision is also expected to clarify the limits and conditions of diversion to ensure justice for the victim while providing possibilities for rehabilitation of the perpetrator's child.
2. Increasing the Role of Law Enforcement and Legal Aid, one of which is by training law enforcement officials to better understand the restorative justice approach, especially in dealing with recidivist children. This can also be done with the function of law enforcement in offering optimal lawful and psychosocial assistance to children facing the law.
3. Collaboration with relevant stakeholders is by developing cooperation between the government, child protection institutions, and the community in providing education, skills training, and rehabilitation programs for recidivist children.

4. Policy Evaluation and Monitoring. The evaluation can be implemented periodically on the implementation of restorative justice for recidivist children. This can also be supported by formulating policies that are more flexible and child-oriented while balancing the concerns of victim justice and public welfare.

5. Conclusion

SPPA Law stipulates that restorative justice and diversion are priorities in the juvenile justice system. However, juvenile recidivists face limited access to these restorative mechanisms, especially in serious or repeat cases. This creates a tension between protecting children's rights and fulfilling societal demands for justice.

To address this challenge, harmonization of legal policies is required to make sure that juvenile recidivists continue to obtain human rights protection following the principles of restorative justice. These efforts include revising diversion regulations, strengthening rehabilitation and social reintegration programs, enhancing the role of law enforcement, collaborating with various stakeholders, and conducting policy evaluation and monitoring. With these measures, the juvenile justice system can continue to prioritize recovery and rehabilitation for recidivist children without neglecting victims' rights and maintaining balance within the legal system.

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