

## **Implementation of Restorative Justice as An Alternative in Resolution to Criminal Acts of Abuse Against Children: A Case Study at The Boyolali District Prosecutor's Office**

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### **Abstract**

Child abuse is a crime that causes long-term physical and psychological impacts. The retributive criminal justice system is considered incapable of providing substantive justice for both child victims and perpetrators. Restorative justice presents as an alternative paradigm that emphasizes the restoration of relationships and social reconciliation. This research uses an empirical legal method (sociolegal research) with a qualitative descriptive analytical approach through in-depth interviews, observations, and literature studies at the Boyolali District Attorney's Office. This study reveals the exclusive nine-stage mechanism at the Boyolali District Attorney's Office that integrates social rehabilitation programs as an integral part of the restorative process, an innovation that has not been widely studied at the district prosecutor's office level. Implementation is carried out through nine systematic stages, from receiving the SPDP to community outreach, with four main criteria that the latest Attorney General's circular flexed to a minimum of two requirements. Supporting factors include a strong legal basis, leadership commitment, the *Rumah Restorative Justice* (Restorative Justice House), and multi-stakeholder collaboration; the main obstacles include victim rejection and limited public understanding. Restorative justice has proven more effective in providing substantive and humane justice for children, in line with the principle of the best interests of the child mandated by the Indonesian legal system.

**Keywords:** Restorative Justice; Child Abuse; Boyolali District Attorney's Office; Diversion; Child Legal Protection

## INTRODUCTION

Children are a gift from God Almighty who have value and dignity as whole human beings. Article 28B Paragraph (2) of the Constitution of the Republic of Indonesia expressly guarantees the rights of every child to survival, growth and development, as well as protection from all forms of violence and discrimination. However, reality shows that child protection in Indonesia still faces serious challenges. Data from the Online Information System for the Protection of Women and Children (SIMFONI PPA) recorded 21,352 cases of violence against children in 2025, confirming that legal protection for children has not been running optimally and requires more effective and child-oriented handling.

Child abuse is complex, causing not only physical suffering but also psychological trauma that has long-term impacts on a child's mental and emotional development. Marlina emphasized that the punishment-oriented nature of the conventional criminal justice system has inherent limitations in producing holistic solutions, as its retributive focus has the potential to worsen the condition of child victims through re-victimization throughout the judicial process. Ironically, the perpetrators of abuse are often those closest to the child, who should be their protectors.

Starting from this reality, the restorative justice paradigm developed as a more humanistic alternative approach. Restorative justice facilitates dialogue between perpetrators, victims, and related parties to reach a fair agreement, with a priority on restoring harmony rather than retaliatory sanctions. Howard Zehr emphasized that restorative justice views crime as a violation of people and social relationships, not merely a violation of the state, so its primary goal is restoration, not retribution.

At the national level, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System mandates the resolution of juvenile cases through diversion, which upholds restorative principles. Further strengthening is provided through Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. Mulyohadi, in his study published in the Jurisprudence Journal of Universitas Muhammadiyah Surakarta, asserts that a juvenile justice system that disregards the principle of the best interests of the child has the potential to create unjust disparities in sentencing, which negatively impacts the child's future.

The Boyolali District Attorney's Office is one of the law enforcement institutions that has applied a restorative justice approach in handling child abuse cases. This empirical study at the district prosecutor's office level is important given the limited specific research in this area. Rizal, in his research at Muhammadiyah University of Surakarta, found that obstacles to the implementation of restorative justice at the police level in child abuse cases at the Surakarta Police Station stemmed from victim resistance and limited officer capacity—a pattern relevant for further study at the prosecutor's office level.

Based on the description above, this study formulates two problems: (1) How is the implementation of restorative justice in resolving criminal acts of child abuse at the Boyolali District Attorney's Office? and (2) What are the supporting and inhibiting factors in its implementation? The study aims to comprehensively analyze the mechanisms, procedures, and stages of restorative justice implementation, as well as identify factors that influence the success of its implementation. Theoretically, this research is grounded in Restorative Justice Theory and the Theory of Legal Protection for Children, both of which are based on the Convention on the Rights of the Child and emphasize the principle of the best interests of the child.

The urgency of reforming Indonesia's juvenile justice system is growing with growing awareness that formal punishment for juvenile offenders can actually worsen their long-term psychological and social well-being. Studies in various countries consistently show that children who have served time in prison have a significantly higher risk of recidivism than those who receive alternative, rehabilitation-based treatment. This reality is driving a global movement toward a justice approach that focuses more on rehabilitation and reintegration, rather than retribution.

In the Indonesian context, this paradigm shift is not only academically and policy-relevant but also deeply rooted in local cultural values. The tradition of *musyawarah mufakat* (deliberation to reach a consensus), which is deeply rooted in Indonesian society, is essentially a local variant of restorative justice principles: conflict resolution through dialogue, the participation of all parties, and the pursuit of a mutually accepted solution. Recognizing the alignment between local values and the restorative paradigm is crucial because the sustainability of any legal system innovation depends heavily on public acceptance and trust.

Studies on the implementation of restorative justice at the district prosecutor's office level remain highly limited within Indonesian legal literature. Most existing research focuses on the court or police level, while the prosecutor's office's role as a critical link in the law enforcement chain, possessing strategic authority to stop prosecutions, has received less attention. This gap is increasingly significant given that Prosecutorial Regulation No. 15 of 2020 has granted prosecutors substantial formal authority to autonomously implement restorative justice without having to await a court decision.

Child abuse perpetrated by those closest to the child, such as parents, siblings, or relatives, carries relational complexities that cannot be satisfactorily resolved through adversarial justice mechanisms. A judicial process that places the perpetrator and victim face-to-face legally has the potential to exacerbate existing relational wounds and complicate the victim's psychological recovery. Restorative justice, by emphasizing open dialogue and the reconstruction of relationships, offers a solution that is more suited to the real needs of the parties in the context of intra-familial and communal crimes.

This research is an empirical legal study that believes that a deep understanding of the law cannot be achieved solely through the analysis of normative texts, but must be complemented by an exploration of how the law is implemented in real life. Through a direct assessment of restorative justice implementation at the Boyolali District Prosecution Office, which includes interviewing enforcement officers, observing proceedings, and evaluating related documentation, this study aims to produce insights that are both academically sound and practically viable for future policy formulation. .

## **METHOD**

This research is an empirical legal research (sociolegal research) which examines the implementation of legal provisions in practice in the field. A descriptive analytical qualitative approach is used by combining a case study approach and legislative approach (statute approach). The research location is the Boyolali District Prosecutor's Office, located in Boyolali Regency, Central Java Province. This site was selected because it has been actively implementing restorative justice in juvenile delinquency cases and features a *Rumah Restorative Justice* (Restorative Justice House) as a specialized facility.

Primary data sources were obtained through semi-structured interviews (in-depth interview) with the Head of the General Crimes Section as the Public Prosecutor handling restorative justice cases at the Boyolali District Attorney's Office in 2025, as well as direct observation of the implementation process. Secondary data was obtained through literature studies including primary legal materials (statutory regulations), secondary legal materials (books, scientific journals, published manuscripts, official documents of the Boyolali District Attorney's Office), and tertiary legal materials (legal dictionaries and encyclopedias).

The data analysis technique used qualitative analysis methods with the Miles and Huberman interactive model, which includes three stages: data reduction, data presentation, and conclusion drawing and verification. Data validity was ensured through source and method triangulation.

The selection of the Boyolali District Prosecutor's Office as the research location is based on several strong methodological considerations. First, this institution has a considerably long track record of implementing restorative justice across various case categories, including child abuse, thereby providing a substantial number of empirical cases to be examined. Second, the existence of the *Rumah Restorative Justice* as a specialized facility reflects a level of institutionalized implementation that goes beyond mere compliance with formal regulations. Third, field accessibility allows researchers to conduct direct observations and in-depth interviews without significant bureaucratic obstacles.

The primary informant of this research is the Head of the General Crimes Section at the Boyolali District Prosecutor's Office, who is directly responsible for handling restorative justice cases, including serving as a facilitator in deliberations and presenting case exposures to higher authority levels. This strategic position of the resource person allows access to operational knowledge, not just formal procedural knowledge, encompassing the dynamics occurring in the field, the practical obstacles encountered, and the innovations developed to overcome them.

Data analysis was conducted inductively, building understanding from data to theory, not the other way around. Findings from interviews and observations were organized into key themes, which were then linked to theoretical frameworks of restorative justice and child protection. This process involved repeated iterations between data and theory until data

saturation was reached, a condition where new data obtained no longer yielded novel themes or insights. The internal validity of the research was maintained by confirming the findings with informants (member checking) and comparison between information from interviews with information from official documents and direct observation.

## **RESULTS AND DISCUSSION**

### **1. Conceptual Basis: Restorative Justice and Child Abuse**

Restorative justice is a paradigm within the criminal justice system that shifts the focus from punishing the perpetrator to redressing the harm suffered by the victim and society. Howard Zehr defines it as a process involving all stakeholders to collaboratively identify and address harms, needs, and obligations in order to heal and restore order. Unlike the retributive approach, which views crime as a violation of the state that must be met with punishment, the restorative approach views crime as a violation of individuals and relationships, creating an obligation to repair the damage. In the context of Indonesian law, Prosecutor's Regulation Number 15 of 2020 defines restorative justice as the resolution of criminal cases involving the perpetrator, victim, family, and related parties to seek a just resolution that emphasizes restoration to the original state, rather than retribution.

The fundamental principles of restorative justice encompass five aspects: first, a focus on the harm and needs of the victim; second, the active responsibility of the offender to repair the harm caused; third, the active participation of all parties, including victims, offenders, families, and the community; fourth, encouraging offenders to understand the consequences of their actions through direct dialogue with the victim; and fifth, emphasizing the restoration of broken social relationships. These principles align with John Braithwaite's concept of reintegrative shaming, wherein offenders are held accountable for their actions but are subsequently welcomed back into the community after demonstrating genuine change, distinct from permanent stigmatization that instead drives recidivism.

From a historical perspective, the modern restorative justice movement began in the 1970s in North America with the Victim-Offender Reconciliation Program (VORP) in Kitchener, Ontario, Canada in 1974. In Indonesia, its development began with academic discourse in the early 2000s that encouraged reform of the juvenile criminal justice system

through Law Number 11 of 2012, which was expanded through Prosecutor's Regulation Number 15 of 2020.

The family group conferencing model developed in New Zealand and Australia offers valuable lessons on how restorative justice can be systematically integrated into formal legal frameworks without losing its inherent flexibility and authenticity. In both countries, family conferencing is not simply one option among many, but has become the primary pathway for resolving juvenile criminal cases, automatically activated for all but the most serious cases. The high level of satisfaction among victims, perpetrators, and their families with the conference process and outcomes, consistently above 70 percent in various evaluation studies, provides a strong empirical argument for expanding the application of restorative justice in Indonesia.

In the Indonesian academic context, restorative justice studies are still dominated by a dogmatic-normative perspective that analyzes regulatory provisions from a positive legal perspective. A sociolegal approach that combines a legal perspective with sociological, psychological, and criminological insights is still relatively rare, even though this approach is capable of producing a comprehensive understanding of why a legal provision works or does not work in a particular social context. This research seeks to contribute to the development of the sociolegal research tradition in restorative justice studies in Indonesia, with the hope of encouraging more legal researchers to adopt a more interdisciplinary perspective.

The crime of assault is regulated in Chapter XX of the Criminal Code, specifically Articles 351 to 358. Adami Chazawi emphasizes three cumulative elements: the element of intent (*deceit*), resulting in pain or injury to another person's body, and the absence of legal justification. The gradation of criminal threats reflects the level of seriousness of the act: ordinary assault (Article 351 paragraph 1, maximum 2 years 8 months), resulting in serious injury (Article 351 paragraph 2, maximum 5 years), resulting in death (Article 351 paragraph 3, maximum 7 years), serious assault (Article 354, maximum 8 years), and premeditated assault (Article 353, maximum 4 years). This gradation has direct implications for the suitability of a case to be resolved through restorative justice mechanisms.

In the context of child protection, Law Number 35 of 2014<sup>[10]</sup> defines a child as someone who is not yet 18 years old. Gultom emphasized that the principle of the best interests of the

child as mandated by the Convention on the Rights of the Child must be the main pillar underlying every legal decision concerning children. Kurnianingsih, Dewanto, and Mustofa from Muhammadiyah University of Surakarta emphasized that penal mediation as part of the restorative justice mechanism is an effective instrument in aligning the interests of victims, perpetrators, and the community in resolving criminal cases with dignity.

The restorative justice approach is not a foreign concept to the Indonesian legal system. Long before the Juvenile Criminal Justice System Law was enacted, indigenous communities across the archipelago had practiced conflict resolution mechanisms substantially similar to the principles of restorative justice: customary deliberation, compensation payments to victims, rituals for restoring relationships, and reintegration of perpetrators into the community. Recognition of this cultural heritage is important because the legitimacy of restorative justice in Indonesia stems not only from developments in international law but also from long-standing cultural roots embedded in community social practices.

From the perspective of criminal law theory, restorative justice represents a critique of the long-standing, unquestioned, fundamental assumptions of the retributive justice system. Kant's theory of retribution, the philosophical foundation of modern criminal justice, holds that punishment is a morally necessary consequence of a crime, regardless of its practical utility. Restorative justice challenges this premise, arguing that true justice should be measured by its impact on victim recovery, offender behavioral change, and the restoration of social harmony, rather than by formal adherence to the principle of balance between crime and punishment. This paradigmatic shift has broad implications not only for the juvenile criminal justice system, but for the entire penal system.

The relevance of John Braithwaite's theory of reintegrative shaming, one of the theoretical pillars of restorative justice, is strongly felt in the context of child abuse cases in Indonesia. Braithwaite distinguishes between stigmatizing shaming (a feeling of shame that is permanently attached and encourages self-identification as a 'criminal') and reintegrative shaming (shame directed at the act, not the perpetrator, and followed by reintegration into the community). Formal punishment tends to produce stigmatizing shaming, while restorative justice is designed to produce reintegrative shaming. For children still in the process of identity

development, the distinction between these two types of shame has significant consequences for their life trajectories.

The gender dimension in the implementation of restorative justice also requires attention. In cases of child abuse involving gender dynamics, such as abuse by a father or adult male family member against a daughter, the restorative deliberation process has the potential to reproduce the existing power imbalance if not carefully managed by the facilitator. Prosecutors, as facilitators, must possess adequate gender sensitivity to ensure that the deliberation process does not become an arena where the dominant socially powerful party imposes an agreement that does not reflect the victim's free will. Training facilitators in a gender perspective is therefore an indispensable component in developing the capacity of restorative justice implementers.

Comparative studies also provide valuable lessons for the development of restorative justice in Indonesia. New Zealand is internationally recognized as a pioneer in the application of restorative justice to juvenile criminal cases through Family Group Conferencing (FGC), as regulated by the Children, Young Persons, and their Families Act 1989. This model places extended family conferences, including the extended families of the perpetrator and victim, as well as community leaders, as the primary mechanism for resolving juvenile cases, with trained professional facilitators. The success of the New Zealand model has inspired many countries, including Australia, Belgium, and several countries in the Asia-Pacific region, to adopt similar approaches with contextual adjustments. Indonesia, with its rich tradition of deliberation and strong communal values, possesses the socio-cultural capital highly conducive to developing a restorative justice model that is substantially competitive with the best models in the world.

## **2. General Overview and Legal Basis for the Implementation of Restorative Justice at the Boyolali District Attorney's Office**

The Boyolali District Attorney's Office is a vertical agency under the Central Java High Prosecutor's Office, located in Boyolali Regency, Central Java Province, with jurisdiction covering 19 sub-districts. In the context of handling juvenile criminal cases, the Boyolali District Attorney's Office has demonstrated a concrete commitment by establishing a *Rumah Restorative Justice* (Restorative Justice House) as a means of holding deliberations and

outreach to the community, a special facility that demonstrates the institution's seriousness in implementing the concept of restorative justice in a structured manner.

The legal basis for implementing restorative justice is comprehensive and hierarchical. The following table summarizes the legal basis and the substance of its implementation:

**Table 1. Legal Basis for the Implementation of Restorative Justice at the Boyolali District Attorney's Office**

| No. | Legal basis                                                                                               | Substance and Application                                                                                                                                                                                                                                      |
|-----|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | Law No. 11 of 2012 concerning the Juvenile Criminal Justice System                                        | Require diversion efforts at the level of investigation, prosecution, and examination of child cases for cases with a criminal threat of under 7 years and not a repeat of the crime.                                                                          |
| 2.  | Law No. 35 of 2014 concerning Child Protection                                                            | Regulates special protection for children in conflict with the law; serves as a reference in ensuring children's rights are met during case handling.                                                                                                          |
| 3.  | Prosecutor's Regulation No. 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice | Giving the prosecutor the authority to stop prosecution based on four criteria: (1) the suspect has committed a crime for the first time; (2) the maximum criminal sentence is 5 years; (3) there has been a peace agreement; (4) there has been compensation. |
| 4.  | Latest Circular Letter from the Attorney General's Office                                                 | Easing the requirements to a minimum of two of four criteria. The absolute requirements are: first-time suspect and a settlement agreement. Opening the door for cases with sentences exceeding five years.                                                    |
| 5.  | Convention on the Rights of the Child (Presidential Decree No. 36 of 1990)                                | Establishing the principles of non-discrimination, the best interests of the child, the right to life and development, and respect for the child's opinions; serves as a reference in every stage of case handling.                                            |

*Source: Author's processing based on research data, 2025*

Based on this legal framework, the Attorney General's Office's latest circular has reduced the requirements for implementing restorative justice from four cumulative criteria to a minimum of two. This significant change opens up broader opportunities for restorative

resolution, including for cases with criminal penalties exceeding five years. This policy reflects a progressive paradigm that prioritizes substantive justice over purely procedural justice.

A deeper understanding of the institutional context of the Boyolali District Attorney's Office is crucial to appreciating the institution's achievements in restorative justice implementation. As a district-level prosecutor's office, the Boyolali District Attorney's Office operates with more limited human resources and budget than prosecutors in larger cities. Despite these limitations, the ability to develop innovative models that go beyond minimal regulatory requirements, such as integrated social rehabilitation programs, demonstrates transformational leadership worthy of appreciation and study.

The relationship between the Boyolali District Attorney's Office and the Boyolali Regency Government, particularly the Social Services Agency, is a valuable institutional asset in the implementation of restorative justice. This inter-agency collaboration was not formed overnight but rather built through a process that required initiative, communication, and ongoing trust. The success of this collaboration underscores the importance of institutional social capital—a network of trust and cooperation between institutions—as a prerequisite that cannot be replaced by even the best formal regulations.

The transparency aspect in the implementation of restorative justice at the Boyolali District Attorney's Office deserves special appreciation. The socialization phase at the *Rumah Restorative Justice* (Restorative Justice House), involving village officials and community leaders, is an important public accountability mechanism. Information about the termination of prosecution is conveyed openly to the community, rather than hidden as an internal prosecutor's decision. This transparency is crucial not only for accountability but also to change the public perception that restorative justice is a way to "escape the law." When the community witnesses firsthand that perpetrators must still undergo social rehabilitation programs and be held accountable for their actions before community leaders, the negative narrative of impunity can be effectively refuted.

The fiscal implications of implementing restorative justice at the Boyolali District Attorney's Office also require consideration. Each case resolved through restorative means a reduction in the budget required for the trial process, witness transportation and accommodation, and the cost of lengthy detention of suspects. Furthermore, the multi-level

exposure process to the High Prosecutor's Office and the Attorney General's Office also requires significant travel and time costs. A comprehensive cost-benefit analysis of the implementation of restorative justice at the prosecutor's office level has not been widely conducted in Indonesia and represents an important research agenda to support the development of evidence-based policy.

In practice, the implementation of restorative justice at the Boyolali District Attorney's Office also involves informal efforts that are not always documented in formal procedural documents. Public prosecutors often engage in informal communication with the parties before formal deliberations, contacting the perpetrator's family to ensure their commitment, or engaging empathetically with the victim's family to listen to their concerns. This informal dimension is crucial because a meaningful restorative process cannot rely solely on formal procedures but requires a human touch built through trust and authentic communication.

The presence of community leaders in restorative justice deliberations is not merely a formality. They act as a bridge between formal legal decisions and community social acceptance. When a village head or religious leader is present, witnesses, or even facilitates the peace process, the message conveyed to the wider community is that this restorative resolution has the legitimacy of a leader they trust. This community legitimacy cannot be derived solely from a Decree of Termination of Prosecution issued by the Attorney General's Office, no matter how legally valid that document may be. In a society still heavily oriented toward local authority, such as many areas in Central Java, this community legitimacy is often more crucial to the success of a perpetrator's reintegration than formal legal legitimacy.

### **3. Conditions, Criteria, and Mechanisms for Implementing Restorative Justice**

Based on an interview with the Public Prosecutor of the Boyolali District Attorney's Office, there are four main criteria that must be met based on Prosecutor's Regulation Number 15 of 2020: (1) the criminal threat is no more than 5 years; (2) the suspect is not a recidivist or is a first-time offender as verified through the Case Tracking Information System (SIPP); (3) there has been a reconciliation between the perpetrator and the victim voluntarily without coercion; and (4) there has been compensation or material compensation from the perpetrator to the victim, which in cases of abuse is usually in the form of medical expenses. Based on the

latest circular, the absolute requirements that cannot be negotiated are the second and third criteria.

The restorative justice implementation procedure goes through nine systematic stages. First stage is the receipt of a Letter of Notification of Commencement of Investigation (SPDP) from the Police or Sector Police accompanied by checking the recidivist status and identification of the articles of suspicion. The second stage is a study of case files to verify formal and material completeness, including ensuring the existence of a peace document from the investigation stage. Third stage is the handover of suspects and evidence (Stage II) which marks the transfer of full authority to the prosecutor. The fourth stage is the implementation of the restorative justice deliberation, which involves the suspect and their family, the victim and their family, investigators, local community leaders, a Community Advisor from the Correctional Center (*Bapas*), and legal counsels. The prosecutor acts as a facilitator, providing space for the victim to express their losses and for the offender to express remorse and willingness to take responsibility. The fifth stage is the drafting of a memorandum of peace agreement, which includes the offender's confession, an apology, the victim's forgiveness, a restitution agreement, a mutual commitment to waive further lawsuits, and a social rehabilitation agreement.

The sixth stage is the case exposure to the High Prosecutor's Office of Central Java. The seventh stage is the case exposure to the Attorney General's Office before the Junior Attorney General for General Crimes (Jampidum), which must be completed within the 20-day detention period. The eighth stage is the issuance of the Decree for Dismissal of Prosecution (SKP2) by the Attorney General's Office as the formal legal basis. The ninth stage is socialization to the community at the *Rumah Restorative Justice*, inviting village officials and community leaders to openly inform the public that the case has been resolved restoratively and that the suspect can reintegrate into society after completing the social rehabilitation program.

The uniqueness of the implementation at the Boyolali District Attorney's Office is the social rehabilitation program as an integral part of the restorative process, an institutional innovation not explicitly found in existing technical regulations. This program was designed in collaboration with the Boyolali Regency Social Services Office and local religious institutions,

encompassing religious activities such as teaching the Quran and cleaning mosques, community service, and vocational skills development. The program lasts between one and three months, with active supervision by prosecutors through an official certificate from the Social Services Office. This finding supports Rizal's argument.<sup>[2]</sup>that seriousness in undergoing the restorative post-agreement process is a key indicator of the success of this approach.

The dynamics of restorative justice deliberations at the Boyolali District Attorney's Office reflect an emotional and psychological complexity that cannot be reduced to mere formal procedures. When a victim, who may still be experiencing physical pain and psychological trauma from abuse, meets a perpetrator who admits his actions and apologizes, the process goes far beyond simply negotiating compensation. It is a human encounter that requires mature emotional management from all parties, including the prosecutor as facilitator. A prosecutor's ability to create a safe, empathetic, and conducive space for open dialogue is a crucial competency that cannot be acquired solely from an understanding of regulations.

The role of the family in the restorative justice deliberation process is complex and ambivalent. On the one hand, the presence of family members from both parties can strengthen the legitimacy of the agreement and ensure the availability of the social support necessary for its implementation. On the other hand, the presence of family members can also introduce power dynamics and pressures that can interfere with the parties' freedom to express their true needs and expectations. In some cases, pressure from the perpetrator's socio-economically more powerful extended family can force the victim to accept an agreement that is not entirely satisfactory. Prosecutors, as facilitators, must be sensitive to these dynamics and actively create a space that allows each individual, especially the victim's children, to freely express their perspectives.

The peace memorandum of understanding resulting from deliberation serves a function beyond being a mere administrative document. It constitutes a collective narrative of what happened, its impact, and a commitment to restoration—a shared reconstruction of a reality disrupted by the crime. The process of creating this memorandum itself has therapeutic value, as it forces all parties to explicitly, not just implicitly, acknowledge the harm that has occurred and their respective responsibilities in the healing process. In Indonesian customary law, acknowledgement and declaration before community leaders carry significant social and moral

weight, and a peace memorandum of understanding created at the *Rumah Restorative Justice* (Restorative Justice House), witnessed by community leaders, effectively harnesses this cultural power.

The exposure process to the High Prosecutor's Office and the Attorney General's Office, while often viewed as a procedural burden, actually serves a crucial quality assurance function. This process ensures that any decision to terminate a prosecution based on restorative justice not only meets the formal requirements stipulated by regulations but is also substantively legally and ethically justifiable. This tiered oversight prevents potential abuse of prosecutorial authority at the field level, which could undermine the integrity and credibility of the restorative justice mechanism as a whole. In the long term, the consistency and quality of restorative decisions maintained through this oversight mechanism will build public trust in this approach as a legitimate and trustworthy alternative.

The social rehabilitation program initiated by the Boyolali District Attorney's Office following the SKP2 is an innovation with high academic and practical value. In contemporary criminal justice theory, this program represents a shift from the just deserts model, where punishment is something the perpetrator "deserves" as retribution, to a needs-based justice model, where interventions for perpetrators are designed based on individually identified recovery needs. This needs-based approach has been empirically proven to be more effective in preventing reoffending than retaliation-based approaches, because it directly targets the factors underlying deviant behavior, such as lack of self-control, weak social ties, and limited social skills.

The documentation and recording of restorative justice cases at the Boyolali District Attorney's Office also has significant significance that deserves attention. Every stage of the process, from the SPDP to the SKP2, is systematically documented, and progress reports on the social rehabilitation program from the Social Services Department serve as written evidence of the perpetrator's commitment to implementation. This robust documentation serves a dual purpose: as an instrument of internal and external accountability, and as data that can be used to evaluate the effectiveness and refine the process in the future. This culture of good documentation needs to be consistently developed and even strengthened with a digital information system that allows for real-time monitoring by the prosecutor's leadership.

The uniqueness of the Boyolali model lies in its seamless integration of legal prosecution termination with a concrete and structured social rehabilitation program. In many other prosecutors' offices, prosecution termination through restorative justice often ends with the signing of a SKP2 letter without any follow-up mechanism to ensure the perpetrator has truly changed. The Boyolali model closes this gap by making social rehabilitation an integral part of the restorative process, supported by a monitoring mechanism involving the Social Services Agency as an independent third party. This institutional innovation deserves consideration for adoption as a national standard for the implementation of restorative justice at the prosecutorial level.

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

The implementation of restorative justice at the Boyolali District Prosecutor's Office is supported by six complementary factors. First, a robust and comprehensive legal framework provides legitimacy and legal protection for prosecutors. Second, strong commitment and political will from leadership have initiated innovative social rehabilitation programs that go beyond formal regulatory mandates. Third, the availability of the *Rumah Restorative Justice* offers neutrality and comfort for all parties during deliberations. Fourth, synergistic cooperation with various stakeholders exists: the Police facilitate initial peace efforts, Bapas prepares community evaluation reports, the Social Affairs Agency manages social rehabilitation, and community leaders serve as witnesses and guarantors of the agreement. Fifth, a multi-tiered oversight system—conducted through case exposures at the High Prosecutor's Office and the Attorney General's Office—minimizes the risk of abuse of authority. Sixth, the flexibility of the latest circular letters significantly expands the scope of restorative justice application.

Alongside the supporting factors, there are five significant barriers. First, and most frequently encountered, is resistance from the victim or the victim's family, driven by lingering resentment, distrust toward the offender's sincerity, extended family pressure, or the perception that restorative justice is synonymous with impunity. The victim's refusal automatically terminates the restorative process. Second, a lack of public understanding breeds resistance and creates negative stigma toward the prosecutor's office. Third, there is a shortage of child psychology experts and a limited number of community advisors from Bapas. Fourth, technical

obstacles arise from the absence of parties during deliberations due to economic factors, work commitments, or geographic distance. Fifth, the 20-day detention time limit poses a constraint in completing the multi-tiered case exposure process to the High Prosecutor's Office and the Attorney General's Office.

These obstacles are not unique to Boyolali. Rizal's research at Muhammadiyah University Surakarta found similar obstacles in the implementation of restorative justice for child abuse cases within the Surakarta police force. This indicates that these obstacles are structural and systemic, requiring a systemic solution: synchronized restorative policies across all levels of law enforcement, along with massive and ongoing legal education for the public.

A victim's or their family's refusal of the restorative justice process is often not a permanent, final refusal, but rather reflects a need for more time, support, and information. The pre-conference approach used in more mature restorative justice systems, where the facilitator meets separately with each party before the joint meeting, has been shown to significantly increase victims' willingness to participate in the restorative process. Investing time in this pre-conference phase results in a significantly better quality of process and agreement, as the parties arrive at the deliberations more emotionally prepared and with a clearer understanding of what to expect.

Public resistance to restorative justice also reflects a deeper challenge: the legal system's failure to meet the public's sense of justice. When the public witnesses so many legal cases resolved unfairly, whether due to corruption, discrimination, or the system's inability to protect the interests of victims, trust in any new mechanism involving the discretion of law enforcement officials will always be met with skepticism. Building public trust in restorative justice is therefore inseparable from efforts to improve the integrity of the legal system as a whole. Transparency, accountability, and consistency in the application of restorative justice are prerequisites for building the credibility necessary for the public to be open to this approach.

The constraints of limited human resources, particularly child psychologists and community counselors from the Child Protection Agency (Bapas), reflect a broader structural gap between the needs of an increasingly complex justice system and the capacity of available personnel. Child forensic psychologists remain scarce in Indonesia, while the need for personnel with this specialty is increasing in line with criminal justice system reforms that

prioritize children's psychological well-being. Developing educational and certification programs that prepare psychologists specializing in the juvenile justice system needs to be a national policy priority, involving universities such as Muhammadiyah University of Surakarta, which has psychology and law programs.

The gap between progressive normative provisions and limited implementation capacity is a universal challenge in legal reform, and Indonesia is no exception. The experience of countries that have already implemented restorative justice on a large scale shows that successful implementation requires substantial and sustained investment in three areas: (1) developing human resource capacity through standardized training and certification; (2) building institutional infrastructure such as Rumah Restorative Justice equipped with adequate facilities and technology; and (3) developing monitoring and evaluation systems capable of generating the data necessary for continuous improvement. Without adequate investment in these three areas, even the most progressive regulations risk becoming norms that are beautiful on paper but weak in implementation.

In the context of the criminal justice system in general, the presumption of innocence has profound relevance to the implementation of restorative justice. Nurhasan emphasized that the existence of the presumption of innocence in the criminal justice process must be interpreted not merely as a procedural principle, but as a substantive guarantee that protects the fundamental rights of suspects or defendants. In the context of children as perpetrators of criminal abuse, respect for this principle is the foundation of why the restorative justice approach is more appropriate than conventional criminalization because restorative justice allows for the resolution of cases without having to go through a trial process that can potentially damage the child's image and future.

The philosophical dimension of criminal law reform that underpins restorative justice also deserves attention. Absori, Wardiono, and Rochman developed the concept of prophetic law as a critique of legal paradigms that are non-systematic and not rooted in deeper ethical values. From this perspective, restorative justice is not merely a procedural mechanism, but rather a manifestation of transcendental values of humanity and justice. The implementation of restorative justice at the Boyolali District Attorney's Office can be seen as a concrete effort to translate these prophetic values into everyday legal practice, where restoring social relations

and restoring the dignity of children, both perpetrators and victims, becomes the primary goal, transcending mere formalities of law enforcement.

The temporal aspect of the restorative justice process also warrants more serious attention. The requirement that the case exposure process must be finalized within the 20-day detention period creates intense time pressure, potentially sacrificing the quality of the process for the sake of administrative speed. In certain cases, 20 days may be insufficient for all parties to truly process trauma, build readiness for dialogue, and reach a genuinely sincere agreement rather than a rushed settlement driven by deadlines. Studying potential regulatory adjustments to provide greater temporal flexibility in specific cases is a recommendation well worth considering by policymakers.

#### **5. Effectiveness *Restorative Justice* in the Perspective of Protection of the Best Interests of the Child**

Overall, the implementation of restorative justice at the Boyolali District Attorney's Office reflects a significant paradigm shift from retributive justice to a more humane, substantive justice. This approach provides holistic benefits: victims receive more meaningful reparations through sincere apologies and material compensation; perpetrators receive the opportunity to understand the impact of their actions and take constructive responsibility through social rehabilitation; and the community achieves a restored harmony that adversarial processes cannot achieve. This aligns with Marlina's assessment that conventional justice systems often fail to accommodate the true needs of reparations sought by victims and the community.

From a child protection perspective, the restorative justice implemented at the Boyolali District Prosecutor's Office consistently refers to the principle of the best interests of the child. Mulyohadi, in the UMS Jurisprudence Journal, demonstrates that disparities in juvenile criminal sentencing frequently occur when this principle is not treated as a primary consideration by law enforcement officials. Restorative justice addresses this flaw by placing the child's rehabilitation as the top priority, in alignment with Law Number 11 of 2012 and Law Number 35 of 2014.

The social rehabilitation program that is the hallmark of the Boyolali District Attorney's Office is an innovation that goes beyond the formality of terminating prosecution. Kurnianingsih, Dewanto, and Mustofa from Muhammadiyah University of Surakarta emphasized that the success of restorative mechanisms is not only measured by the achievement of a formal agreement, but must be evaluated from the effectiveness of restoring social relations and preventing the recurrence of long-term criminal acts. The active supervision of prosecutors, acting in their capacity as executing prosecutors, over the implementation of social rehabilitation is a crucial element that distinguishes the Boyolali model from merely ceremonial restorative approaches, ensuring that the spirit of restorative justice is truly realized through concrete actions.

A more holistic evaluation of the effectiveness of restorative justice must consider its impact on the judicial system as a whole, rather than merely on individual cases. Each case resolved through a restorative mechanism means one less case that must be processed through formal trials, resulting in savings in the justice system's time, resources, and energy that can be diverted to handling more serious and complex cases. In a situation where Indonesian courts face a chronic backlog of cases, diverting eligible cases to restorative channels is a significant contribution to the overall efficiency of the justice system.

From a human rights perspective, the implementation of quality restorative justice fulfills Indonesia's commitment to international standards for protecting children's rights. Articles 37 and 40 of the Convention on the Rights of the Child explicitly mandate that criminalizing children should be a last resort and for the shortest possible period, and that the state should promote the social reintegration of children. Restorative justice which is applied consistently and with quality is a concrete instrument to realize these normative commitments in daily law enforcement practices.

The impact of restorative justice on child victims deserves special emphasis. Unlike formal trials, where victims often serve only as witnesses who provide testimony and then await the judge's verdict, in restorative justice processes, victims have an active role in defining what they need for recovery and in determining the form of agreement to be reached. This victim empowerment has significant therapeutic value; psychological research shows that feelings of empowerment (*sense of agency*), coping with traumatic events is an important

protective factor in the psychological recovery process. Thus, restorative justice not only provides better justice but also directly contributes to the recovery of victims' mental health.

The sustainability of the innovations developed by the Boyolali District Attorney's Office depends heavily on institutional factors that must be proactively nurtured. First, the commitment of the leadership, which is the driving force behind innovation, must be institutionalized and not solely dependent on a single individual. Instead, it must be embedded in standard operating procedures, organizational culture, and institutional incentive systems. Second, collaboration with the Social Services Agency and religious institutions must be strengthened through formal memorandums of understanding that provide legal certainty and clarity of roles for each party. Third, systematic documentation and dissemination of best practices, whether through annual reports, scientific publications, or training for other district attorney's offices, will ensure that Boyolali's innovations benefit not only its own region but also serve as national benchmarks that encourage replication elsewhere.

The development of information technology also opens up new opportunities in the development of restorative justice in Indonesia. A nationally integrated case management information system will enable real-time monitoring of the progress of each restorative case across Indonesia, facilitate more efficient inter-agency coordination, and generate aggregate data necessary for evidence-based policy evaluation. In the context of tiered exposure to the High Prosecutor's Office and the Attorney General's Office, videoconferencing technology can significantly reduce the time and travel costs that currently constitute significant technical barriers. The appropriate adoption of technology, which enhances efficiency without sacrificing the quality of human interaction that lies at the core of restorative justice, represents a highly promising direction for future development.

## **CLOSING**

The implementation of restorative justice in resolving child abuse offenses at the Boyolali District Prosecutor's Office is carried out through nine systematic stages, ranging from the receipt of the SPDP (Notification of the Initiation of Criminal Investigation) to public socialization. This approach is supported by a comprehensive legal framework and four flexible criteria, with the primary requirement being that the perpetrator is a first-time offender and that

reconciliation has occurred. The uniqueness of the Boyolali practice lies in the integration of social rehabilitation programs involving the Social Services Department and religious institutions as a form of accountability for the perpetrator. Supporting factors include strong regulations, institutional commitment, availability of facilities, cross-stakeholder cooperation, and a monitoring system. Obstacles include victim rejection, low public understanding, limited expertise, technical constraints, and limited detention time. Overall, this approach has proven to be more humane and oriented toward the best interests of the child.

The success of restorative justice is not determined by a single factor, but rather by the synergy between regulation, institutional commitment, human resource capacity, infrastructure support, inter-agency cooperation, and public acceptance. These findings demonstrate the necessity of a holistic approach, as weaknesses in one aspect can hamper the effectiveness of the overall system. The Boyolali model has the potential to be replicated in other eligible cases and serve as a reference for criminal justice reform in Indonesia.

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