

## RESTORATIVE JUSTICE AND CUSTOMARY LAW STUDIES IN JUVENILE CASES: WHY SHOULD INDONESIA LEARN FROM VARIOUS COUNTRIES?

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### Abstract

This study explores the role of customary law in resolving juvenile criminal cases through restorative justice mechanisms. Children, particularly those in conflict with the law, are vulnerable and require special protection. Restorative justice emphasizes resolving cases based on mutual agreement among victims, offenders, families, and communities. Through a comparative legal approach and doctrinal research, the paper analyzes practices in various countries, highlighting how customary laws and traditional institutions support restorative justice without violating national laws or international human rights principles. In Indonesia, the application of restorative justice offers several advantages: prioritizing victim-centered outcomes, facilitating rehabilitation for all parties, and encouraging offender accountability. The findings suggest that integrating restorative justice into juvenile justice systems, guided by community values and legal norms, can enhance justice delivery and uphold children's rights.

**Keywords:** restorative justice, juvenile diversion, customary law, comparative study.

### INTRODUCTION

This study focuses on the analysis of the existence of customary law as part of socio-legal research in the implementation of the restorative justice concept in resolving cases involving children in conflict with the law. Children in conflict with the law, customary law and restorative justice become a unified system that should complement each other, as the last emphasizes the participation of the perpetrator, the victim, and society in the criminal resolution process (Jennifer Llewellyn and R Howse, 1999). According to the restorative justice concept, the commission of a crime entails a duty to repair the relationship that has been harmed by the criminal act between the victim and the perpetrator. In this sense, justice refers to a problem-solving process arising from a criminal case, in which the victim, society, and the offender all play a critical role in efforts to repair, reconcile, and ensure the continuity of such efforts.

The restorative justice approach is seen as a paradigm framing the strategy for handling criminal cases, aimed at addressing dissatisfaction with the performance of the criminal justice system, while simultaneously protecting juvenile offenders (those under the age of majority) (Samuel C. Damren, 2002; 83-111). Furthermore, in the context of customary law in Indonesia, the principles of restorative justice are also reflected in practices across regions, where deliberation is commonly prioritized. This is known in restorative justice as the conference, circle, or victim-offender mediation (VOM) models. Law No. 11 of 2012 about the Juvenile Justice System (SPPA) outlines the restorative justice paradigm, particularly for children in confrontation with the law. This system of punishment for children involves the use of restorative justice in addition to incarceration. In its implementation, the juvenile justice system, which applies diversion as efforts to avoid detention, still faces many challenges. The aim is to defend children as defendants who are encouraged to take responsibility for their mistakes through deliberation. (Susana Andi Meyrina, 2017: 117)

According to various sources from the Indonesian Legal Aid Organization, the practise of the diversion is not going well raising several issues. First is The Social Rehabilitation Centre under the Ministry of Law and Human Rights that plays a significant role in the investigation,

prosecution, and trial processes. This centre greatly influences the implementation of diversion. Before deciding on a juvenile defendant in court, judges await reports from the Social Rehabilitation Centre. This process becomes a potential point for negative actions such as bribery. Second, there is a pressure for reconciliation from the police and prosecutors, which results from the efforts of the perpetrator's family to make some deals. Third, when the law has been enacted, weaknesses in the Juvenile Justice System (SPPA) become evident. SPPA fails to address the issue of non-performance for children who have undergone diversion. When a child commits a crime after having undergone diversion previously, it raises the question of whether the child can still be held accountable in juvenile court or not. The last is that SPPA only recognizes children who are under 18 or exactly 18 years old at the time of committing the crime. Even though, as the child grows older, the child remains processed in juvenile court, not based on the child's age but based on the age at the time the crime was committed (Md. Abu Shahan, 2021; 10-23).

Children in conflict with the law often find themselves in situations where the focus on rehabilitation and reintegration into society is not prioritized. Meanwhile, in the restorative justice approach, the perpetrator, victim, and society play a crucial role in actively restoring the damaged relationship and working towards the reintegration of the offender into society. Children are a vulnerable group who often face obstacles in the fulfilment of their rights. Therefore, it is essential for the state to prioritize the protection and fulfilment of children's rights. The explanatory document for the SPPA law underscores the need to place children as subjects in the justice system, as they tend to be disadvantaged (Marlina, 2010. Setya Wahyudi, 2011).

Law No. 3 of 1997, which previously served as the guideline for Juvenile Courts, was considered outdated and inadequate for the legal needs of society, particularly giving special protection for children in conflict with the law. The new paradigm expressed in the SPPA Law adopts a restorative justice approach, including diversion as a mechanism to prevent negative consequences for the child perpetrator in the judicial system. Diversion provides a better opportunity to shield the child from the harmful impacts of juvenile justice proceedings. The aim is to avoid damaging the child's psyche and development through involvement in the criminal justice system. The formal judicial system, as it stands, often hinders reconciliation between the victim and the perpetrator, as law enforcement officials maintain a very formalistic stance, insisting that legal processes continue regardless of any reconciliation. In this sense, the unlawful nature of the crime does not disappear due to reconciliation. The goal of punishment is deemed unfulfilled if the parties involved have reconciled (General Assembly, 2006).

The state's obligation to provide effective legal measures to respond to violations of human rights is outlined in Article 2 (3) (a) of the International Covenant on Civil and Political Rights and Article 8 of the Universal Declaration of Human Rights. The perpetrator of the crime must be tried fairly, and the victim is entitled to reparations. To achieve the provision of effective legal measures, recognizing customary law in various regions of Asia has become one of the options for accessing justice (UN General Assembly, 2019). Article 18 B (2) of the 1945 Constitution of the Republic of Indonesia states: "The state recognizes and respects the unity of customary law communities along with their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law." The fundamental principles of restorative justice, which have been recognized in many countries, have now been implemented in various regulations in Europe, the United States, Canada, Australia, and New Zealand. These countries can be grouped into four types of practices that pioneered the application of restorative justice: Victim-Offender

Mediation, Conferencing/Family Group Conferencing, Circles, and Restorative Board/Youth Panels (Hadi Supeno, 2010).

The present study aims to analyse the existence of customary law in resolving juvenile criminal cases in various countries. This leads to the discussion, focusing on describing the legal experiences and guarantees of restorative justice implementation in various countries based on customary law. Based on the comparative approach, this study is directed toward the benefits of applying the restorative justice mechanism in cases involving children in Indonesia. This study also discusses the urgency of expanding the application of restorative justice in Indonesia, especially in protecting the interests of children.

## **RESEARCH METHODS**

This study employed doctrinal legal research focusing on examining literature or secondary data as the basis for research, through a review of regulations and literature related to the issues under study (Soerjono Soekanto dan Sri Mamudji, 2015). Secondary data is obtained through documentation studies and a review of literature relevant to this study. The legal materials used to obtain secondary data consist of primary legal materials, secondary legal materials, and tertiary legal materials (Maria SW Sumardjono, 2014). These legal materials include regulations, theoretical legal materials in the form of theories, concepts, legal principles, as well as other legal materials that are supportive and related to the main topic (Salim HS and Erlies Septiana Nurbani, 2016).

This study used statute and conceptual approaches employed to examine regulations related to the legal certainty of the implementation of restorative justice in juvenile criminal cases in Indonesia and to study the application of restorative justice in legal practice. The legal materials for this research are collected through literature studies of books and research papers, particularly journals that discuss the role of customary law in the application of restorative justice in juvenile criminal cases in Indonesia. To support this research, secondary legal materials are also used based on primary legal materials, including the opinions of legal experts and relevant theories, in order to analyze the benefits of Law No. 11 of 2012 on juvenile justice.

## **RESULTS AND DISCUSSION**

### **1. Restorative Justice through Customary Law: A Comparative Study**

Restorative justice is an acknowledgment of the oriental legal philosophy, which, in resolving any conflict, always strives to restore the relationships between the conflicting parties. In Eastern thought, conflicts at the individual level (micro) are seen as having the potential to affect the balance at the level of society (macro). It even impacts the stability of the universe, which may manifest in the form of natural disasters. Therefore, conflict resolution is also an effort to restore the stability of the universe (Gloria Valencia-Weber, 1994: 232). These values are the root of the emergence of criminal dispute resolution based on reconciliation. The alternative dispute resolution methods, which have become well-known and rapidly developed today, actually originate from Eastern legal philosophy. The dispute resolution process is carried out both for conflicts between members of a tribe as well as between different tribes. The primary purpose is to restore peace and tranquillity based on religious beliefs and cultural integrity. The dispute resolution process encompasses all aspects of tribal life, not just civil or criminal matters as recognized today. The laws of a tribe do not distinguish between private law and public law, or between criminal law and civil law (Gretchen Ulrich, 1999; 431).

All members of the community come together to resolve criminal conflicts among its members. The application of this principle is found in developing countries, particularly in rural or remote areas. In resolving criminal conflicts within the community, the focus is more on the benefits that the society in that region wishes to achieve. Therefore, the approach prioritizes the broader societal benefits over the interests of the perpetrator and victim of the crime. This mechanism precedes Western law and has inspired many peace-based dispute resolution programs in numerous modern countries as seen today (Phyllis E. Bernard, 1996; 821).

The practice of restorative justice with an approach based on customary law has been taken place widely across various countries. In the Philippines, the implementation of processes to achieve peace through community customs, indigenous dispute resolution institutions, and other forms of customary law can be carried out and recognized by the state as long as they do not conflict with national laws and are in line with internationally recognized human rights principles. This is outlined in Section 15 of the Indigenous Peoples' Rights Act of 1997 (Joy Melyn L. Jayma, 2018; 105). India guarantees the application of customary law in resolving disputes and societal issues in Articles 371 A and 371 G of the Indian Constitution. This guarantee is provided to give freedom to various tribes living in India to resolve daily disputes, ranging from theft, minor crimes, divorce, to rape. One example of a system of customary law and indigenous justice recognized in India is found in the states of Nagaland and Mizoram (H John Sema, 2012).

In Timor-Leste, the country's Constitution in Section 2 (4) acknowledges the values and norms of community customs that do not contradict the Constitution and other legal rules, particularly those governing customary law (Laura Grenfell, 2013). Timor-Leste has undergone difficult times of conflict and violence, and its social life is heavily influenced by traditional values and norms rooted in family and children. The country's historical background and its community values have shaped how restorative practices are carried out in traditional ways. In the process of law formation, elements of customary law are incorporated to guarantee the protection of children's interests. This demonstrates the strong influence of customary law in contextualizing the application of restorative justice, especially for children, within the framework of modern legal mechanisms (Cyndi Banks, 2011; 167). In the dimension of restorative justice in cases of juvenile delinquency or children in conflict with the law, it is reflected based on the principles of reconciliation and responsibility for actions and the resulting harm. The aim of this mechanism is to restore peace within society and to repair harmonious relationships between the victim, family, community, and the child in conflict with the law. The goal is also to address feelings of guilt and discrimination against children in conflict with the law, to provide reparations for the harm caused, and to create peace (Cyndi Banks, 2011; 167).

The Constitution of Bangladesh recognizes the customs or traditions and legal rules that were in place before the Constitution was enacted (Devasish Roy, 2011). Meanwhile, in several African countries, the recognition of indigenous community law is carried out either through national constitutions or local laws (African Commission on Human and Peoples' Rights, African Commission on Human and Peoples' Rights, and International Work Group for Indigenous Affairs, 2005). These countries include Mali, Botswana, and the Republic of Congo, where such recognition is given to indigenous communities and their local laws, ensuring and granting them the right to apply customary law in resolving issues and seeking justice within their communities, as long as it does not contradict national law.

In the state of Pennsylvania, USA, Victim-Offender Mediation (VOM) is used as a form of defence for victims, carried out under the responsibility of the Department of Corrections. VOM is implemented in the context of various crimes, including violent crimes, and even for offenses

where the perpetrator could be imposed by the death penalty. This program is designed with an understanding of the restorative justice concept, focusing on facilitating dialogue where victims who have suffered trauma from the crime can ask questions and obtain additional information from the offender. This provides the offender with the opportunity to take responsibility for their actions, express their remorse, and accept the consequences of their crime. The request for mediation is initiated by the victim. The victim must be 18 years old or older. The offender must receive support from a psychological assistance agency. Mediators or facilitators are volunteers who have undergone intensive training provided by the relevant authorities. Indirect dialogue is also possible as an option within the VOM program (Hadi Supeno, 2010).

The emergence of VOM, in addition to being influenced by eastern values, is also due to the inefficiency of the criminal justice system placing excessive emphasis on retribution. Society became dissatisfied with the workings of the criminal justice system focusing on punishment and retribution (Ilyssa Wellikoff, 2004; 2). Sentencing offenders rarely meets the needs of the victims. Inflicting punishment cannot restore the victims' losses, relieve their fears, help them make sense of their tragedy, or heal their harms. Moreover, the basic principles of restorative justice, which focus on the needs of victims and provide a forum in which victim participation is essential for achieving justice, influenced the emergence of the VOM (Russell E. Farbiarz, 2008; 361).

Historically, the introduction of the VOM influenced by restorative justice occurred in 1974 in Kitchener, Ontario, Canada. At that time, two young men committed property crimes resulting in twenty-two victims and a total loss of \$2,200. A social worker or probation officer suggested to the judge that the offenders be sentenced to meet with the victims and discuss the damage they had caused. The judge accepted this suggestion, and the victims were contacted and brought together with the offenders. In the meeting, it was agreed that the offenders would compensate all the losses suffered by the victims. This agreement was fully carried out by the offenders and became the basis of the judge's decision. Following this success, the Victim-Offender Reconciliation Program (VORP) was developed in Kitchener. The success of resolving criminal cases through mediation then led to the adoption of mediation as an alternative dispute resolution method in several countries. Today, there are nearly 125 victim-offender mediation programs operating in 34 countries. These programs also exist in Australia, Belgium, England, Scotland, France, Germany, Finland, Norway, and South Africa (Sheila D. Porter dan David B. Ells, 1994; 2523).

The primary focus of VOM is to place both the offender and the victim as part of the criminal justice system. Victims are given the right to ask the offenders why they became victims, with the aim of making the offenders take responsibility for their actions (Ilyssa Wellikoff, 2004; 2). Offenders are also asked to take responsibility for their actions that harmed the victims. Furthermore, the conflict between the two parties can be resolved in a way that is mutually accepted by both. This can be achieved if forgiveness is made the primary basis. This means that, on one hand, the offender acknowledges that their harmful actions were wrong, apologizes to the victim, and is ready to take responsibility for all the losses the victim suffered, while on the other hand, the victim accepts the offender's apology. Forgiveness requires the willingness of a person to accept the right of another person to express anger, to receive negative judgments, and to face unwelcome behaviour caused by the injustice done to them (Maureen E. Laflin, 2004; 581).

In addition, the Committee on the Rights of the Child encourages the support of restorative justice applied through traditional community practices, involving elements of customary law and societal traditions, as long as the principle of the best interests of the child is upheld. States are encouraged to provide access and sufficient options for resolution mechanisms for their citizens. Indigenous dispute resolution mechanisms that have developed and are applied in society can



encourage community involvement in preventing juvenile delinquency and legal violations by minors. In applying customary law in cases involving children in conflict with the law, the state can engage in dialogue and hearings with community leaders or indigenous figures. It also considers policy developments based on societal changes, and determining programs and services that take into account customary aspects for children, families, and communities (United Nations Guidelines for the Prevention of Juvenile Delinquency: The Riyadh Guidelines, 1990).

## **2. The Advantages of Applying Restorative Justice for Juvenile Criminal Cases**

The background for the replacement of Law No. 3 of 1997 with Law No. 11 of 2012 concerning the Juvenile Justice System (SPPA) is the recognition that the old law no longer met the legal needs of society and had not comprehensively provided special protection for children in conflict with the law. Therefore, to establish a judicial system that genuinely guarantees the protection of the best interests of every child facing the law, SPPA Law was enacted. The Law contains provisions regarding the placement of children undergoing judicial processes, allowing them to be placed in a Special Child Development Institution (LPKA). The substance of the law explicitly addresses restorative justice and juvenile diversion, ensuring that the judicial process is conducted without imposing legal sanctions on the child to avoid stigmatization. The primary purpose is to reintegrate the child into society in a normal and healthy way. This is discussed in the General Explanation section of the Law. SPPA Law emphasizes restorative justice, which is a process of diversion. Essentially, diversion is the redirection of a child's case from the criminal justice process to an out-of-court process. In this process, all parties involved in a criminal act are expected to work together to resolve the issue, with the aim of reaching a family-oriented resolution. This involves the victim, the child, and society in finding solutions to repair, reconcile, and restore peace without creating a sense of revenge (Christine S. Scott-Hayward, 2017; 54).

The idea of diversion stems from the desire to avoid negative effects on the psyche and development of children by involving them in the criminal justice system. Levine argues that the concept of diversion began with the establishment of juvenile courts in the 19th century aiming at separating children from the adult justice process (Marlina, 2010). The philosophy behind diversion is rehabilitation and non-intervention. Rehabilitation refers to the concept of *parens patriae*, where the state provides care and protection to children, much like a parent would to their own child. The handling of children in conflict with the law is done through efforts focusing on the best interests of the child. Every child is considered to have the capacity to learn and, especially, to change their behaviour. Children are viewed more as victims of environment rather than as offenders. Such rehabilitation aims to support and provide care on an individual level, so the judicial structure applied is more informal and closed. The philosophy of rehabilitation seeks to avoid and distance the child from judicial proceedings, thus helping to prevent stigmatization and allowing the child to reintegrate into society. Meanwhile, non-intervention emphasizes efforts to avoid labelling a child as "naughty" or applying negative stereotypes to a child in conflict with the law. This includes interventions that do not impose negative labels or stereotypes, focusing instead on community-based treatment where the child is placed in a community environment. Therefore, placing a child in a detention facility should be the last resort. The programs non-intervention include deinstitutionalization through restorative justice and diversion (Azward Rachmat Hambali, 2019; 25-26).

In this context, Martin Wright defines the concept of restorative justice as fundamentally simple. Justice is no longer based on proportional retaliation from the victim to the offender (whether physically, psychologically, or through punishment), but rather, the harm caused is

healed by providing support to the victim and requiring the offender to take responsibility, with the assistance of family and community when necessary. The similarity between restorative justice and local (customary) mechanisms is an advantage, as it can be more easily accepted and practiced by the broader society (Martin Wright, 1996).

Generally, the benefits of applying restorative justice can be seen in three main aspects:

1. Restorative justice focuses on justice for the victim, in line with the victim's personal desires and interests.
2. It offers restoration for all parties involved.
3. It makes the offender accountable for the crime they committed (D. S. Dewi and Fatahillah A. Syukur, 2011).

According to Bynum, diversion is an inseparable part of the concept of restorative justice. It is an effort to move or exclude juvenile offenders from the criminal justice system. Philosophically, the concept of diversion is based on the idea that courts will stigmatize children for their actions, labelling them as bad and denying them the opportunity to rehabilitate their future. Thus, it is better to prevent children from being directly involved in the criminal justice system (William E. Thompson, Jack E. Bynum, and Jack E. Bynum, 2010).

According to Rule 11 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), diversion has the following principles:

1. Diversion should be carried out after careful consideration. Meaning law enforcement officers (police, prosecutors, judges, and other institutions) are empowered to handle juvenile offenders without using formal court procedures.
2. The authority to decide on diversion is given to law enforcement officials such as police, prosecutors, judges, and other institutions handling child cases, according to their policies, criteria, and principles outlined in The Beijing Rules.
3. Diversion must be implemented with the consent of the child or their parents/guardians, though the decision to implement diversion will be made after careful review by the relevant authority.
4. Diversion requires cooperation and involvement of the community, including programs like supervision, temporary guidance, and compensation to the victim.

Handling juvenile criminal cases through restorative justice will be optimal if restorative justice components are well-established within a judicial institution. Law enforcement officials should have the willingness and capacity to handle cases involving children according to the principle of the best interests of the child. However, diversion is still understood by police, prosecutors, and judges as merely bringing together the juvenile offender and the victim or their families for a discussion. Law enforcement officials are not sufficiently equipped or trained to perform their role in facilitating diversion. They have not yet become the facilitators who are expected to provide counselling, insights, and perspectives to help the parties reach an agreement for the success of the diversion process. Victims often believe that the law should be enforced through formal legal processes, involving law enforcement or formal judicial proceedings. The prevailing paradigm in society is that law is seen as an act of vengeance, not as an effort to rebuild communication, relationships, and interactions between the offender and the victim, but rather as a way to make the offender experience what the victim felt.

Through this restorative approach, a legal reform is expected, one that does not just change laws, but also modifies the existing juvenile justice system as outlined in Law No. 11 of 2012 on Juvenile Criminal Justice. This reform aims to achieve the goals intended by the law. Dialog, or what is often referred to as "deliberation for consensus," is also an important mechanism in

restorative justice for resolving juvenile criminal cases. If the diversion agreement is not fully implemented by the parties based on the report from the Social Guidance Officer of the Social Rehabilitation Centre, the judge will proceed with the case according to the Juvenile Criminal Procedure Code. The judge must consider the implementation of part of the diversion agreement when making the ruling. Supreme Court Regulation Number 4 of 2014 (PERMA) explains that diversion applies to children aged 12 to 18 years old (or under 18, even if previously married) suspected of committing a crime. This PERMA also regulates the stages of diversion, where the facilitator appointed by the Head of the Court is required to give the child the opportunity to be heard regarding the charges; allow the parents/guardians to explain matters related to the child's actions and the expected form of resolution; and give the victim, child victim, or parents/guardians the chance to provide feedback and propose a solution.

Several factors must be considered for restorative justice to be deemed successful. If restorative justice is implemented without consistency, assessments, and documentation of data regarding its success or failure, it will be difficult to declare that restorative justice has been implemented and becomes a part of the law. There is a need for documentation of restorative justice practices within the juvenile justice system that can be accessed by academics and researchers to support the development of recommendations that can strengthen the definition and concept of restorative justice that aligns with Indonesian society's patterns.

The primary elements of applying restorative justice in juvenile delinquency cases are the willingness and participation of the victim, the offender, and the community in making amends for the crime committed. The criminal case resolution mechanism based on restorative justice relies on consensus deliberation, where the parties are asked to compromise to reach an agreement. Mediation in criminal case resolution focuses on creating a dialogue for the recovery of the victim, the accountability of the offender, the restoration of damage caused, and the repair of the social relationship between the offender and the victim. However, the perceived lack of role of law enforcement as mediators in the diversion process arises from the belief that the goals of punishment have not been achieved even if the parties have reconciled with one another. In this mediation process, it is possible to involve elements of customary law to provide a sense of comfort for the parties involved, avoiding the impression of legal punishment, yet still ensuring that justice is served. Customary law is considered a more acceptable approach for the offender, the victim, the family, and the community involved in the process. Trust in customary law is often greater compared to the rigid formal judicial system.

The concept of restorative justice aims to reduce the number of prisoners in jails; eliminate stigma/labels; return offenders to normal society; allow offenders to realize their mistakes so they do not repeat them; reduce the workload of police, prosecutors, detention centers, courts, and prisons; save public funds, and prevent feelings of revenge since the offender has been forgiven by the victim; provide prompt compensation to the victim; empower customary norms and community values to address crime; and facilitate the reintegration of offenders into society.

Out-of-court settlement, often known as a policy used by law enforcement officials with the authority to make decisions about the final outcome of a case, is also empowered to exercise discretion or exclusion of criminal cases. It involves asking the offender to accommodate the victim's losses. The general term for this process is known as "peace-making" in criminal law violations. The advantage of using out-of-court settlement in resolving criminal cases is that the resolution is typically left to the parties involved, the offender and the victim. Another prominent advantage is the low cost. As a form of alternative sanction, the offender may offer compensation, negotiated or agreed upon with the victim. Thus, justice is the result of mutual agreement between



the parties—victim and offender—not based on the prosecutor's calculations or the judge's ruling (Airlangga Justitia, 2019; 33).

### 3. CONCLUSION AND RECOMMENDATION

The enactment of Law Number 11 of 2012 concerning the Juvenile Justice System aims to provide special protection guarantees for children in conflict with the law. The substance of Law Number 11 of 2012 explicitly explains restorative Justice and diversion to ensure that the judicial process is carried out without directly involving the child, with the goal of avoiding the stigmatization of children in conflict with the law, and allowing the child to reintegrate into society in a normal manner. The practice of restorative justice with an approach based on customary law and traditions in society is widely implemented in various countries.

In general, countries recognize and guarantee the application of restorative justice through community customs, traditional dispute resolution institutions, and various other types of customary law, as long as they do not conflict with the applicable national laws and are in line with the general principles of human rights recognized internationally. Countries that recognize and guarantee this include the Philippines, India, Timor-Leste, Bangladesh, Botswana, the Republic of Congo, and the United States. The benefits of implementing restorative justice can be seen in three main aspects: (1) focusing on justice for the victim according to their wishes and personal interests, not as determined by the state; (2) offering rehabilitation for all parties involved; and (3) making the offender accountable for the crime they have committed.

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