

Implementing Restorative Justice to Foster Civic Disposition Among Juvenile Offenders in Bandung City

Hani Hiranatasya^{1*}, Endang Danial², Iim Siti Masyitoh³

¹Universitas Pendidikan Indonesia

² Universitas Pendidikan Indonesia

³ Universitas Pendidikan Indonesia

*Correspondence email: hanihiranatasya@upi.edu

ARTICLE INFO

Article history:

Received 3 July 2025

Accepted 21 July 2025

Available 28 July 2025

Keywords:

Character Development, Civic Disposition, Juvenile Offenders, Legal Diversion, Restorative Justice

ABSTRACT

This study explores the implementation of restorative justice in developing civic disposition among children in conflict with the law in Bandung City. The research highlights how restorative justice fosters both private and public civic character traits, including moral responsibility, discipline, empathy, critical thinking, and respect for human dignity. Using a qualitative phenomenological approach, data were collected through in-depth interviews with law enforcement officials, juvenile court judges, community counselors, and civic education experts. Interview data were analyzed thematically to identify patterns related to the impact of restorative justice on children's character development and civic engagement. The findings reveal that restorative justice plays a significant role in building civic disposition by emphasizing relationship repair, dialogue, accountability, and community-based solutions. The process helps children develop a deeper understanding of their actions, enhances empathy through victim-offender encounters, and reinforces civic values through active participation in restorative agreements. In conclusion, restorative justice is not only an alternative legal mechanism but also an educational tool that supports the formation of socially responsible and law-conscious young citizens. The study recommends integrating restorative justice principles into educational and community rehabilitation programs. Further research should consider longitudinal studies to examine the long-term effects on civic development and behavioral transformation among juvenile offenders.



By Authors

This work is licensed under a [Creative Commons Attribution-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-sa/4.0/).

1. INTRODUCTION

The principle of equality before the law constitutes one of the fundamental pillars of modern legal systems, guaranteeing that every individual is treated equally before the law, regardless of their social, economic, racial, religious, or political background. In Indonesia, this principle is firmly enshrined in Article 27 paragraph (1) of the 1945 Constitution, which states that “all citizens shall have equal status before the law and the government and shall be obliged to uphold the law and the government with no exceptions.” Nevertheless, in practice, constructive exceptions are acknowledged, particularly when the law concerns children in conflict with the law. Different treatment of such children is not only justified but also necessary as a means of safeguarding their rights and addressing their unique developmental needs (Arliman, 2018, p. 65).

Children are the future generation of the nation and are in a critical phase of physical, psychological, and social development. When involved in legal proceedings, the approach applied should not mirror that used for adults. Recognizing this, the Indonesian government introduced a restorative justice approach through Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. This approach resolves criminal cases by involving offenders, victims, families, and related parties to reach a consensus focused on restoration rather than mere punishment (Soetodjo, 2010, p. 120).

Although this approach is normatively regulated, its implementation remains fraught with challenges. Data from the Directorate General of Corrections at the Ministry of Law and Human Rights, as of August 26, 2023, reveals that nearly 2,000 children were involved in legal cases; 1,467 were being held in custody, and 526 were serving sentences as convicts. Furthermore, a 2020 report from the Indonesian Child Protection Commission (KPAI) notes that between 2017 and 2020, there were 29,228 children in conflict with the law, but only 14.1% (4,126 children) of those cases were resolved through diversion mechanisms. These figures indicate that the restorative justice approach has not been fully or optimally implemented in Indonesia’s juvenile justice system.

The aim of restorative justice is not merely to facilitate peaceful resolution of legal disputes, but also to promote the restoration of social relationships and character development. Supeno (2010, p. 196) emphasizes that this approach fosters respect, empathy, and shared responsibility by actively involving both offenders and victims. Firdauz (2019, p. 125) even criticizes the punitive system for children, which can potentially entrench them deeper into

criminal behavior due to the lack of rehabilitative space to nurture better personal growth.

In this regard, Civic Education plays a strategic role in rebuilding the character of children after legal conflict. Civic Education aims to cultivate active, participative, and responsible citizens. Margaret Stimmann Branson (1999, p. 8) classifies civic competencies into three components: civic knowledge, civic skills, and civic disposition. The last component, civic disposition, refers to civic attitudes rooted in respect, empathy, justice, and social responsibility—traits that are particularly essential for children emerging from legal conflicts.

Based on this background, the present study seeks to examine the implementation of restorative justice within the juvenile criminal justice system and assess how this approach contributes to the development of civic disposition among children in conflict with the law. The research addresses two core questions: how is restorative justice applied within the juvenile justice framework, and to what extent does it shape the civic character and attitudes of children?

The novelty of this study lies in its integration of legal and civic perspectives, particularly in the context of cultivating civic disposition in children who have experienced conflict with the law. Previous studies on restorative justice have predominantly examined it from a legal standpoint, without exploring its potential in fostering civic values among youth. Therefore, this research aims to offer an interdisciplinary contribution while enriching the literature on juvenile justice in Indonesia through the lens of Civic Education.

2. LITERATURE REVIEW

The study by Dwi Ratna Sari (2021) developed Civic Education teaching materials based on the values of Pancasila to foster the civic disposition of junior high school students. The results indicated a significant increase in students' civic attitudes after using these materials. The strength of this study lies in its measurable experimental design and contextual application in education. However, the research is limited to classroom settings and general student populations, thus it does not capture the formation of civic disposition through complex social experiences, such as those encountered by children in conflict with the law.

Meanwhile, the study by Diki Purnawirawan (2022) examined the practice of restorative justice at the Semarang Metropolitan Police in handling assault

cases. This research demonstrated that mediation could serve as an alternative conflict resolution mechanism, particularly for both minor and major cases. Its strength lies in its field-based practical approach, yet the limitation is the lack of analysis on long-term impacts for the offender, particularly children, in terms of shaping their civic character.

Both studies contribute to their respective fields; however, neither connects restorative justice to the development of civic disposition. This present study seeks to fill that gap by exploring how restorative approaches not only resolve legal issues involving children but also holistically shape their civic attitudes and character.

This research employs two main theories as the analytical foundation: Howard Zehr's theory of restorative justice and Michael Branson's theory of civic disposition. These theories are used to examine how the implementation of restorative justice within the juvenile criminal justice system can contribute to building the civic disposition of children in conflict with the law.

First, the theory of restorative justice as developed by Howard Zehr (2002) in *The Little Book of Restorative Justice* emphasizes that justice is not merely about punishing offenders, but about restoring the damaged relationships among offenders, victims, and the community. Zehr explains that this approach encourages offenders to understand the impact of their actions, acknowledge wrongdoing, and actively engage in the process of making amends. In the context of children, this approach serves as a form of moral education, as it emphasizes responsibility, empathy, and social participation in rectifying their mistakes. These principles are reflected in the diversion policy mandated by Law Number 11 of 2012 on the Juvenile Criminal Justice System, which requires efforts to resolve cases outside the formal justice system through dialogic and participatory mechanisms at every stage of the legal process.

Second, this study employs the theory of civic disposition as articulated by Michael Branson (1999) in *The Role of Civic Education*, which defines civic disposition as the attitudes or psychological tendencies that enable individuals to act as good, active, and responsible citizens. Branson divides civic disposition into two dimensions: private character (including moral responsibility, self-discipline, and respect for human dignity) and public character (such as care for others, politeness, adherence to rules, critical thinking, negotiation skills, and willingness to compromise). This theory provides a framework to assess how legal interventions based on restorative justice can contribute to shaping children's civic character.

By integrating these two theories, this study views restorative justice not merely as a legal resolution method but also as a character education approach that significantly impacts the development of children's civic disposition. Through processes such as mediation, apology, community service, and empathetic dialogue with victims, children can cultivate attitudes of responsibility, empathy, and social participation—fundamental traits of good citizenship (Zehr, 2002; Branson, 1999).

3. METHODS

This study employs a qualitative approach using the phenomenological method to examine the implementation of restorative justice in juvenile criminal law enforcement and how it contributes to the development of civic disposition. The phenomenological method was chosen for its capacity to deeply explore the perceptions, experiences, and perspectives of various stakeholders involved in the restorative justice process. As noted by Creswell (2013, p. 77), phenomenological research focuses on understanding the essence of individuals' lived experiences of a phenomenon by collecting and analyzing data from the perspectives of those who have directly encountered it.

In the context of this study, the phenomenological approach enables the researcher to explore the meanings participants assign to their experiences with restorative justice, and how these experiences influence the formation of their civic disposition. The phenomenon under investigation is the subjective experience of involved parties, which includes judges, prosecutors, community correction officers (BAPAS), juvenile offenders, and others (Van Manen, 1990, p. 9).

The research was conducted in Bandung City using data collection techniques such as in-depth interviews, document analysis, and participant observation at law enforcement institutions. These techniques allow the researcher to understand participants' perspectives and experiences in a contextual and comprehensive manner.

4. RESULTS AND DISCUSSION

The implementation of restorative justice in the enforcement of juvenile criminal law in Indonesia is regulated under Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. This approach is carried out through a diversion mechanism, which is the redirection of case settlement from judicial proceedings to non-litigation resolution. Diversion aims to achieve restorative justice, which emphasizes restitution, offender accountability, and the restoration of relationships among the offender, the

victim, and the community. Restorative justice has been applied in the juvenile justice system as a more humane resolution alternative compared to formal sentencing (Firdauz, 2019). Case studies have also shown that diversion at the police level has reduced juvenile recidivism rates (Rosyid & Hastuti, 2023), affirming that this approach not only focuses on resolving cases but also on long-term behavioral change and the social reintegration of children.

Article 5 of Law Number 11 of 2012 stipulates that diversion must be pursued at every stage of the process, from investigation, prosecution, to trial, with the primary objectives of achieving reconciliation, preventing child imprisonment, and fostering responsibility and community participation in resolving juvenile cases. The implementation of diversion has been carried out in Bandung City in accordance with the respective regulations of law enforcement institutions. This effort aligns with the view that civic disposition values can be developed through consistent character education within children's social environments (Dewantara, Lubis, & Wulandari, 2022), where civic education plays a vital role in shaping students' social and moral character from an early age (Aji, 2019).

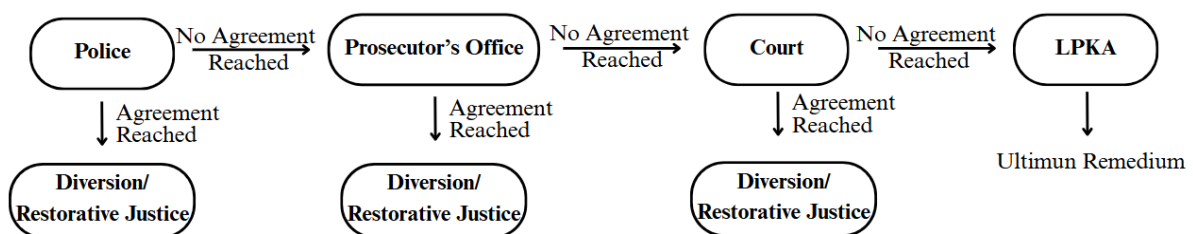
At the investigation stage, the Women and Children Protection Unit (PPA) of the Criminal Investigation Unit (Satreskrim) at Bandung Police implements diversion through a restorative justice approach, in accordance with National Police Regulation Number 8 of 2021. This process involves the child offender and victim along with their families, community counselors (Bapas), and professional figures such as psychologists and religious leaders. Diversion at the police level is limited to a 7-day period from the start of the investigation, with a maximum resolution time of 30 days. If no agreement is reached, the case is referred to the prosecution along with the diversion report and a community research report. In this context, the child's confession during the restorative justice process reinforces the internalization of honesty and social responsibility values (Gunadi, 2023).

At the prosecution stage, the Bandung District Prosecutor's Office continues the diversion effort based on the Attorney General's Guidelines Number PER-006/A/J.A/04/2015. The diversion process is conducted in the Child Special Room (RKA) and facilitated by juvenile prosecutors. If an agreement is reached and carried out, the prosecutor issues a decision to terminate the prosecution. However, if it fails, the case proceeds to court. This process still upholds the principles of restorative justice, providing children the opportunity to take responsibility and correct their wrongdoings constructively. In practice, dialogue between the juvenile offender and the victim fosters emotional awareness that strengthens prosocial attitudes (Efritadewi, Widiанти, & Rachmawati, 2024).

At the trial stage, diversion is carried out by juvenile judges based on the Supreme Court Regulation Number 4 of 2014, facilitating deliberation involving all parties to reach a fair and rehabilitative agreement. The results of the deliberation are recorded in a diversion agreement oriented towards the best interest of the child. The Bandung District Court Class 1A Special has consistently implemented this process in various juvenile cases. The child's active involvement in the deliberation process also contributes to the enhancement of their discipline and social responsibility (Sibuea & Setiyono, 2021).

The entire implementation process of restorative justice from the police, prosecution, to the court level in Bandung City reflects a strong commitment to a more humane legal approach, focusing on the protection and rehabilitation of children. The role of Bapas Class 1 Bandung is highly significant in accompanying children throughout the diversion process, from investigation to supervision. This approach not only minimizes the negative impact of sentencing but also provides space for children to grow into better individuals through reflective processes and social accountability. Moreover, restorative justice can foster children's empathy through community service involvement, which strengthens their prosocial character (Muliawan, Sugiarta, & Pritayanti, 2022).

Figure 1. Diversion Process Stages



Source: Author's compilation, 2024

Restorative justice plays a crucial role in shaping the character and civic disposition of children involved in the criminal justice system. According to Howard Zehr in *The Little Book of Restorative Justice*, this approach helps young individuals learn from their mistakes and become more responsible members of society. This aligns with Branson's (1999) view, which divides civic disposition into two dimensions: private character (moral responsibility, discipline, respect for human dignity) and public character (caring, politeness, rule compliance, critical thinking, negotiation, and compromise). In practice, children who participate in mediation sessions within the restorative justice process also demonstrate improved critical thinking skills, which strengthen their public character dimension (Rahmawati & Haryadi, 2021).

In terms of moral responsibility, the dialogue and mediation processes in restorative justice encourage children to honestly acknowledge their mistakes, understand the consequences, and commit to making amends. This process nurtures integrity and ethical awareness, where children learn that responsibility means more than accepting punishment—it involves active participation in repairing the harm caused by their actions. A supportive social environment also plays a significant role in shaping prosocial and law-conscious behavior (Azis, Purwoto, & Mustika, 2024).

Restorative justice also fosters empathy through direct encounters between the child offender and the victim. According to Lawrence Kohlberg (in Nurhayati, 2006), this experience encourages moral development through role-taking—the ability to view a situation from another’s perspective. Children learn to feel the emotional impact of their actions on the victim, which forms the basis of ethical reasoning and a deeper understanding of justice.

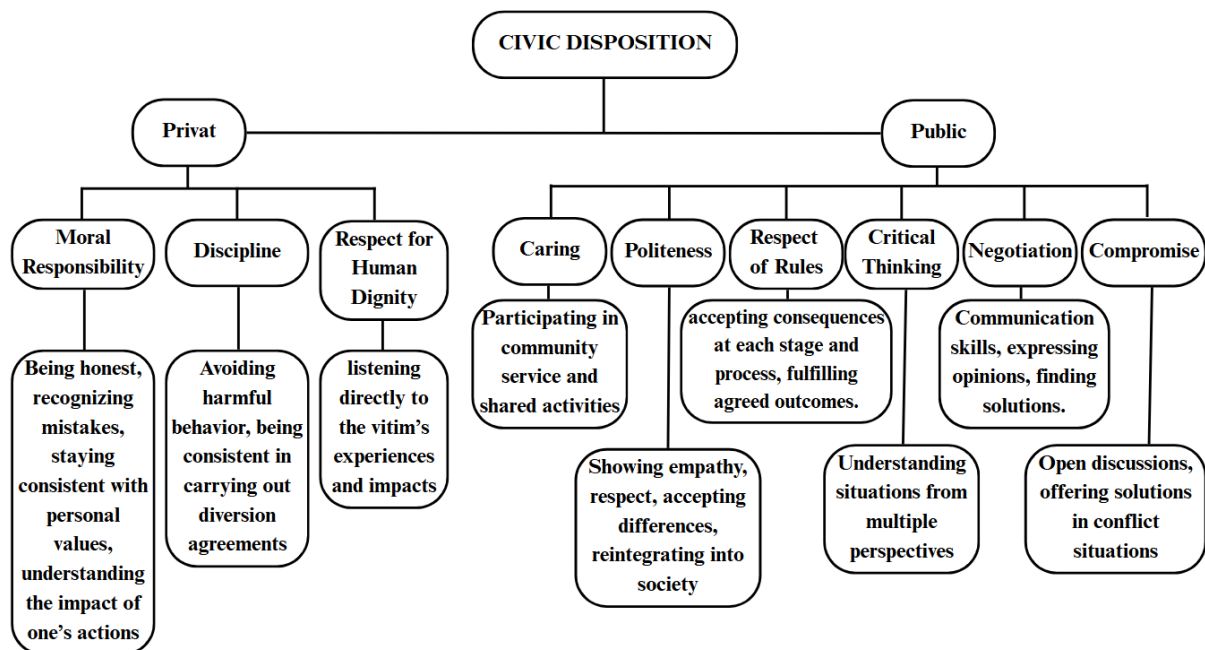
Disciplinary character is also reinforced as children are asked to reflect on their actions and recognize that there are social rules that must be respected. Restorative justice teaches the importance of self-control and the consequences of one's behavior. With support from family and mentors, this process helps instill an internal sense of discipline that can prevent future offenses.

Respect for human dignity is instilled when children hear directly about the victim's suffering, cultivating a sincere respect for the rights and feelings of others. This process teaches children that every individual holds intrinsic value, and that their actions can violate this value if not carefully considered.

Caring and politeness, as components of public character, also develop through community service activities and dialogues that honor everyone’s voice. Children are trained to interact respectfully and empathetically, and to cooperate in recovery projects as a form of social responsibility. Within the community environment, they learn to appreciate each individual's contribution and become part of the solution, rather than merely the source of the problem.

Critical thinking and negotiation skills are honed through restorative dialogue. Children are exposed to diverse perspectives and practice expressing their views, listening empathetically, and finding shared solutions. This strengthens their ability to resolve conflicts constructively and prepares them to actively participate in society as socially and emotionally mature citizens.

Figure 2. Civic Disposition Indicators in Restorative Justice Implementation



Source: Author's compilation, 2024

Finally, based on B.F. Skinner's operant conditioning theory (as cited in Fishel, 2022), restorative justice is effective because it provides positive reinforcement for good behavior, such as responsibility and empathy. Children who demonstrate changes in attitude are given support and recognition, which strengthens their tendency to continue engaging in prosocial behavior. A supportive environment creates a positive moral climate, accelerates the process of social learning, and reinforces the development of a socially aware and responsible civic disposition.

The findings of this study highlight that the restorative justice approach in the juvenile justice system serves not only as an alternative case resolution mechanism but also has a transformative impact on the development of children's character and civic disposition. Through diversion mechanisms that emphasize dialogue, responsibility, and relationship restoration, children are not only spared from the damaging effects of formal punishment but also given the opportunity to grow into individuals who are more aware of social and legal values. This finding underscores the importance of involving families, communities, and rehabilitation institutions in the restorative justice process so that the transformation of children's character can occur holistically and sustainably. Thus, restorative justice becomes a key strategy in realizing a more humane juvenile justice system and in fostering the development of responsible young citizens.

5. CONCLUSION

Based on the findings and discussion in this study, it can be concluded that the implementation of restorative justice in the juvenile justice system—particularly through the diversion mechanism—makes a significant contribution to building the civic disposition of children in conflict with the law. Restorative justice not only prevents the negative impacts of criminal sentencing but also fosters private character traits such as moral responsibility, discipline, and respect for the dignity of others, as well as public character traits such as empathy, politeness, compliance with rules, critical thinking, negotiation, and compromise.

Thus, this approach aligns with the goals of child protection and the development of responsible young citizens, while offering a more humane, educational, and socially restorative alternative to case resolution.

6. REFERENCES

Books:

- Branson, M. S. (Ed.). (1999). Learning civic education from America (Syarifudin et al., Trans.). Yogyakarta: LKIS & The Asia Foundation. [In Indonesian]
- Creswell, J. W. (2013). Qualitative inquiry and research design: Choosing among five approaches (3rd ed.). SAGE.
- Soetodjo, W. (2010). Juvenile criminal law. Bandung: Refika Aditama. [In Indonesian]
- Supeno, H. (2010). Criminalization of children: A radical idea for juvenile justice without punishment. Jakarta: Kompas Gramedia. [In Indonesian]
- Van Manen, M. (1990). Researching lived experience: Human science for an action sensitive pedagogy. SUNY Press.
- Zehr, H. (2015). The little book of restorative justice: Revised and updated. Simon & Schuster.

Journal Articles with DOI:

- Aji, W. S. (2019). The implementation of diversion and restorative justice in the juvenile criminal justice system in Indonesia. *Journal of Indonesian Legal Studies*, 4(1), 73–88. <https://doi.org/10.15294/jils.v4i01.23339>
- Dewantara, K. D. Y., Pratama, M. A., Hermawan, I. D., Irawan, M. H. A., & Suherman, A. (2022). The dynamics of restorative justice for child

perpetrators: A legal comparison between Indonesia and Canada. *Causa: Jurnal Hukum dan Kewarganegaraan*, 12(1), 45-60. <https://doi.org/10.56338/causa.v12i1.11515> [In Indonesian]

Efritadewi, A., Widiyani, H., Najemi, A., & Sihombing, G. E. (2024). Restorative justice as a strategy to address juvenile delinquency in Kelurahan Kampung Bugis. *Jurnal Interpretasi Hukum*, 5(1), 934-941. <https://doi.org/10.22225/juinhum.5.1.8412.934-941> [In Indonesian]

Kantao, A. S., Hambali, A. R., & Bima, M. R. (2020). The application of restorative justice in juvenile criminal courts at the Watansoppeng District Court. *Kalabbirang Law Journal*, 3(1), 1-8. <https://doi.org/10.35877/454RI.kalabbirang166> [In Indonesian]

Muliawan, I. K. A., Sugiarta, I. N. G., & Pritayanti, I. G. A. D. (2022). Restorative justice in narcotics offenses involving children. *Jurnal Analogi Hukum*, 4(1), 66-70. <https://doi.org/10.22225/ah.4.1.2022.66-70> [In Indonesian]

Nugroho, B. T. S., Nachrawi, G., & Sujatno, A. (2023). The implementation of restorative justice in juvenile criminal law enforcement based on Law No. 11 of 2012. *Syntax Literate: Jurnal Ilmiah Indonesia*, 8(9), 45-58. <https://doi.org/10.36418/syntax-literate.v8i9.13623> [In Indonesian]

Rosikhu, M., Mandala, O. S., & Efendi, S. (2022). Restorative justice in the juvenile justice system. *Jurnal Kolaboratif Sains*, 6(7), 120-130. <https://doi.org/10.56338/jks.v6i7.3712> [In Indonesian]

Rosyid, M. A., & Hastuti, D. (2023). Implementation of restorative justice through rehabilitation and social reintegration for children in conflict with the law. *Reformasi: Jurnal Ilmu Hukum*, 5(2), 30-45. <https://doi.org/10.56338/reformasi.v5i2.4061> [In Indonesian]

Sibuea, T. F., & Setiyono, S. (2021). Juridical analysis of diversion as a settlement for juvenile criminal cases within the restorative justice approach. *Merdeka Law Journal*, 4(1), 1-14. <https://doi.org/10.26905/mlj.v4i1.11160>

Journal Articles without DOI:

Gunadi, K. S. (2023). A comparative study of restorative justice principles in the juvenile criminal justice systems of Indonesia and South Korea. *Recidive: Jurnal Hukum Pidana dan Penanggulangan Kejahatan*, 11(2), 123-140. [In Indonesian]

Widodo. (2015). Diversion and restorative justice in the Indonesian juvenile justice system: Urgency and implications. *Rechtidee: Jurnal Hukum*, 10(2).

Online Articles:

Fishel, D. (2022, February 8). What is operant conditioning? Verywell Health. <https://www.verywellhealth.com/operant-conditioning-to-change-behaviors-5214674>

Other Sources:

Purnawirawan, D. (2022). The implementation of restorative justice in resolving assault cases at Semarang Metropolitan Police. Undergraduate Thesis, Sultan Agung Islamic University. [In Indonesian]

Sari, D. R. (2021). The development of civic education teaching materials based on Pancasila values to foster civic disposition in students at SMP Negeri 1 Kalibanteng. Thesis, Lambung Mangkurat University. [In Indonesian]

Legal Documents:

Constitution of the Republic of Indonesia of 1945, Article 27 paragraph (1).
Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System.

Regulation of the Attorney General of the Republic of Indonesia Number PER-006/A/J.A/04/2015 on Guidelines for the Implementation of Diversion at the Prosecution Level.

Supreme Court Regulation of the Republic of Indonesia Number 4 of 2014 on Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System.