



Implications of Restorative Justice in Juvenile Criminal Law And The State Economy

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Abstract-A restorative justice approach to juvenile crime is, of course, very possible, but not for all criminal acts committed by minors; this must, of course, pay attention to the causes and consequences of the child committing a delinquency, which is a criminal act, the aim and objective is to This restorative justice approach is not misused, and is used as an alternative so that children are not subject to criminal sanctions. For example, children who commit drug crimes, murder, and abuse, which result in severe injuries to the victim, of course, still require exceptional guidance for children so that they do not endanger society and provide a deterrent effect. Apart from that, the restorative justice approach to creating justice, legal certainty, and legal benefits is not only focused on compensation for victims of criminal acts committed by children but also on restoring the rights of victims in order to provide legal protection for victims and in a fair and specific way. Legal and useful. This article uses a normative type of research, using a statutory research approach and a conceptual approach referring to Gustav Radburch's theory regarding legal objectives, namely justice, legal certainty, and benefit.

Keyword-Restorative justice, juvenile crime, justice, legal certainty, legal benefits.

I. INTRODUCTION

Current developments have a significant influence on all aspects of life, especially with increasingly advanced technological developments, because current developments not only provide progress in all aspects but also provide a negative impact with the emergence of actions that are detrimental to society.

Current developments in the current era of globalization mean that delinquency in children is also growing, which, of course, is something that really needs to be studied because children are also the future of the nation, so delinquency in children must be avoided because it will also affect the surrounding environment, and dramatically influences the child's future.

Children's delinquency often occurs because children's emotions are still unstable, and sometimes, they are still very easily influenced by the surrounding environment, which is less supportive. The result is that children who commit this mischief are uncontrolled to the point of harming society, or sometimes, even in some cases, they are victims of child delinquency.

The development of delinquency among underage children today will undoubtedly have a negative impact on the surrounding environment and also does not rule out the possibility that children who commit this delinquency will face the law. Children who conflict with the law because they have committed mischief, of course, the

delinquency they have committed, is no longer ordinary delinquency. However, the delinquency they have committed is committing an act that violates criminal law.

Children who can also determine the future of the nation are certainly a future hope for the sustainability of the nation and state, which means that children must receive proper education, which, of course, is not only formal education but ethical and moral education is also something significant considering that children who are still underage are very easily influenced by things that can damage the child's future.

Child delinquency is something that needs to be followed up so that it does not have a harmful effect on the child, and, of course, it also does not have a harmful effect on the surrounding community, especially children whose misbehaviour causes them to face the law. Children who conflict with the law are indeed a severe problem that must be handled appropriately. Currently, many children conflict with the law, so this can affect children's growth and development. Moreover, remember that children's obligation to study will also be affected because children conflict with the law.

Criminal law enforcement seeks restorative justice solutions. This pattern shifts criminal sanctions in the form of imprisonment to compensation or even social work. This approach contains a real goal, namely the active involvement of the perpetrator responsible for restoring the rights of the victim. Sanctions in the form of social work provide the perpetrator with self-skills.

The ultimum remedium principle applies to juvenile crime with the application of restorative justice. The approach to handling juvenile criminal cases uses restorative justice. The hallmark of this approach is consolation between victims and perpetrators. This is a strategic choice in legal politics. [1].

However, you need to know that a criminal act also has consequences. Of course, even though the child perpetrator may still be a minor, then, of course, you do not just have to look at restorative justice in solving it because remembering that if it is like this, it will not have a deterrent effect, and of course, it can have an impact. It is wrong in society, especially since it does not rule out the possibility that criminal acts committed by children will increase in number because it is felt that sanctions are not strict.

Law has a significant role in regulating everything in a country [2]. Law has a very important role in a country [3]. The primary purpose of the law is justice, a state of law must uphold the values of justice [4]. The paradigm of child justice system has developed from formal and punitive in nature to less formal approach and restorative justice [5]. Restorative justice is a theory of justice that emphasizes repairing the harm caused by criminal behavior [6]. Restorative Justice is a philosophy, process, ideas, theories, and interventions that emphasize the improvement of the harm caused or expressed by criminal behaviour [7].

II. METHODS

This type of research is normative legal research, with a statutory approach. Primary research materials are written legal documents and court decisions in juvenile criminal cases. Secondary legal sources are books, encyclopaedias, legal dictionaries, some comparative research results. All materials are analysed deductively qualitatively to produce a unique result.

III. RESULT AND DISCUSSION

Child delinquency is a very crucial matter and must be handled well. Children who are the hope for the future of this nation must, of course, receive formal education and good moral education to avoid child delinquency. Many children commit mischief due to the influence of the surrounding environment because, basically, children who are still emotionally unstable can still be easily influenced by things that are not good. Sometimes, because of the influence of the environment, some underage children do things that start from trying. -try, but they do not understand that what they are doing is a criminal act. This matter puts the child in conflict with the law because his actions violate the provisions of the criminal law.

Some criminal acts that are often committed by minors include abuse, sexual intercourse with minors, drugs, theft, and on, which, of course, if these are not appropriately eradicated, will undoubtedly have a harmful impact on the environment because children commit crimes that violate the provisions. This criminal law is getting older day by day, and when you are an adult, the crime committed may recur if it is not dealt with properly.

Many countries around the world have implemented restorative justice in the juvenile justice system [8]. In fact, this approach has long been applied in juvenile justice [9]. Restorative justice is applied in the juvenile justice system in Indonesia. This matter is intended to protect children who conflict with the law. All of this is done to protect children as victims and as perpetrators, so that both have a guaranteed future. Indonesia also takes this

approach through the Regulation of the Indonesian National Police Number 8 of 2021 concerning Handling Crimes Based on Restorative Justice Regulation of the Attorney General Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice [10]. Several people are actively involved in the mediation stage [11], including victims, perpetrators accompanied by their guardians and good state officials [12].

Amicable restoration of rights is good for the self-stability of the parties. The state spends a lot of money to take care of the perpetrator in the prison complex, while the victim is left sad and traumatised. Active involvement of the perpetrator in resolving the victim's loss and trauma is a humane punishment, and a valuable lesson. Economic benefits include savings to the state budget, support for the restoration of victims' rights, and educative punishment for perpetrators.

Restorative justice in a justice perspective

The main aim of the law is basically to create justice for society, and in Pancasila, it is also stated that social justice is for all Indonesian people. Currently, restorative justice has begun to develop in the justice system [13]. Restorative justice is a legal psychology so that children are not traumatised by the law, they are punished but do not feel they are being punished., considering the age of the child, who is still a minor but needs to be taken into further consideration, especially in relation to the causes and consequences of juvenile delinquency which is a criminal act. Moreover, of course, this restorative justice approach depends on the victim. In a refreshing justice approach to juvenile crime, to achieve justice, it is necessary to focus on compensation and recovery for victims of criminal acts, sometimes only focusing on providing compensation to victims and, most importantly, reaching an agreement with the victim; this certainly does not reflect justice, by Therefore, the restorative justice approach to juvenile crime reflects the values of justice, not only agreement on compensation but also the victim's recovery which must be prioritized, and of course not all juvenile crimes can use restorative justice, but this also depends on the reason the child committed the crime. Delinquency that violates the provisions of the criminal law and its consequences, and, of course, There is still debate about the element of intent. However, most experts agree that there is no intent in criminal offences committed by children.

Legal Certainty in Restorative Justice.

Restorative justice essentially focuses on responsibility for the perpetrator's actions towards the victim and society [14]. Legal certainty is undoubtedly one of the goals of law, which, of course, is also the most essential thing in law. The creation of legal certainty is also a subject of discussion in law enforcement, especially in relation to juvenile crimes that use a restorative justice approach. In order to create legal certainty, the restorative justice approach from the perspective of legal certainty must also look at criminal acts committed against minors. When minors commit criminal acts that have fatal consequences, for example, drug crimes, rape crimes, and murder, if this uses a restorative justice approach, it will certainly endanger the surrounding community because it will have a bad influence on the surrounding community, if guidance is not carried out. The paradigm of legal certainty is not to ensure that children do not commit crimes again. It is about ensuring that children grow up productively and that their social environment is crime-free. It is appropriate, then, that skills-based punishment and social discipline are in line with the vision of legal certainty.

Socio-economic Benefit in Restorative Justice

The poor portrait of Indonesian children can be seen in the number of school brawls. Primary schools are increasing, junior and senior high schools are decreasing and only 20% of Indonesian children go to university. Those who are left behind are a threat to the country's economy, because they have low skills and tend to choose criminal paths. Law must be presented as a solution to the welfare of citizens, as intended by Rudolf von Jhering in the utilitarianist teaching, namely the state is obliged to provide basic necessities, eliminate future anxiety, ensure security and equality before the law. The restorative justice approach has a positive impact on the economy because: [1] presenting a state of peace and not hostility, then there is a positive mind and spirit to develop. [2] victims get economic recovery, for education, health. [3] State budget savings in spending on convicts in prison. [4] pioneering future readiness for those who are victims of crime.

Restorative justice also seeks to restore victims' security, personal respect, dignity, and, more importantly, a sense of control so as to avoid feelings of revenge for individuals, families, or groups.[15]. This matter, of course, must receive special attention so that restorative justice can create justice, legal certainty, and legal benefits.

Data on crimes committed by children in Indonesia in 2022-2023 are: (https://bappeda.jogjaprovo.go.id/dataku/data_dasar/index/547-data-tindak-pidana)

Type of Crime	Years
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	2021	2023	2024
Conventional Crime	4.913	4.617	3.371
Theft with Aggravation	370	540	23
Theft with Violence	48	35	65
Theft of Motor Vehicle	106	35	484
Ordinary Theft	695	183	0
Petty Offences	386	854	302
Aggravated Battery	36	-	10
Persecution	322	450	5
Murder	26	11	35
Rape	16	14	5
Adultery	37	34	35
Indecency / Obscenity	56	48	34
Embezzlement / Fidusa	421	360	423
Fraud/Fraudulent Acts	617	1.046	810
violence in the home	80	75	91
Other Conventional	2129	967	773
Transnational Crime	389	516	667
Narkotica	357	464	671

Such numbers become a burden on the state and society if law enforcement is not directed towards comprehensive empowerment and recovery. Economic orientation in the settlement is more like the end of a long process that must be pursued. In the short term, the state can reduce prison costs and focus more on strengthening children's capacity for the future. Children's future is the country's economy, whether they are working and generating taxes for the state or threatening society with crimes, thus undermining economic activity. But the wrong state policies tend to view children as a burden rather than a resource.

Ensuring legal benefits in society is essential for promoting justice and fairness; the law must also pay attention to the values of social justice in society; this is very important, considering that the law exists for humans, not humans for the law. The law must be able to accommodate the interests of every citizen and must provide good protection so that legal benefits and justice can be created in society.

Victims of child crimes must, of course, also receive appropriate legal protection. Therefore, the implementation of restorative justice in child crimes must also be able to pay attention to this, which is, of course, aimed at providing justice for victims of crimes committed by minors.

Implementing restorative justice must be able to provide benefits to society, which, of course, also means that people are afraid of committing a criminal act. Therefore, restorative justice is certainly not for all criminal acts but is implemented in certain criminal acts that have less severe consequences and also the reason for committing them. Criminal acts need to be taken into consideration first. This matter is very important to take into consideration so that restorative justice can benefit society and is not misused.

However, implementing a restorative justice approach to juvenile crime must also pay attention to the criminal acts committed against the child as well as the causes and consequences. If the consequences of a child's criminal act are only mild and not fatal, then optimizing the restorative justice approach must be carried out properly; this is because every time a person is convicted, whether a child or an adult, of course, there is a cost to the state, both in the prosecution process and also in the implementation process. Punishment, because if a child is given a prison sentence, then the child's living costs during the period of imprisonment will be borne by the state; this will, of course, also affect the country's economy, especially if the number is very large. So, to apply the ultimum remedium paradigm in enforcing criminal law and also paying attention to the country's economy, restorative justice can be implemented well so that it can provide benefits to society and the state.

IV. CONCLUSION

A restorative justice approach to juvenile crime is, of course, very possible, but not for all criminal acts committed by minors; this must, of course, pay attention to the causes and consequences of the child committing a delinquency, which is a criminal act, the aim and objective is to This restorative justice approach is not misused, and is used as an

alternative so that children are not subject to criminal sanctions. For example, children who commit drug crimes, murder, and abuse, which result in severe injuries to the victim, of course, still require exceptional guidance for children so that they do not endanger society and provide a deterrent effect. Apart from that, the restorative justice approach to creating justice, legal certainty, and legal benefits is not only focused on compensation for victims of criminal acts committed by children but also on restoring the rights of victims in order to provide legal protection for victims as well and in a just and specific way. A final note on the economic implications for the state of restorative justice is : [1] requiring the juvenile offender to pay monetary compensation to the victim. The money is used for the victim's recovery from pain and trauma. [2] requiring the child offender to do social work so that they are trained to be independent and accompanied by state officers or social volunteers. [3] state finances are directed to spending on victim education and recovery. [4] the most appropriate punishment is to ensure that they do not reoffend and become peaceful social agents.

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