



## Comparison of Indonesian and South Korean Criminal Systems in Child Crime: Restorative Justice Review

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**Abstract:** This study explores the implementation of restorative justice in Indonesia's juvenile justice system, focusing on the challenges and opportunities for improving the rehabilitation of juvenile offenders. Restorative justice, a model that emphasizes repairing harm through dialogue and mutual agreement between offenders, victims, and the community, offers an alternative to punitive measures traditionally used in criminal justice systems. The research examines the legal framework provided by the Indonesian Juvenile Justice System under Law No. 11 of 2012 and its application in practice. Despite the positive intentions of the law, several obstacles hinder the effective implementation of restorative justice, including inadequate rehabilitation facilities, a lack of understanding and training among law enforcement officers, and a prevailing punitive culture within the judicial system. The study highlights the need for greater access to rehabilitation programs, comprehensive training for legal practitioners, and increased public awareness of the benefits of restorative justice. Additionally, it emphasizes the importance of including victim participation and family involvement in the restorative process to enhance its effectiveness. The findings suggest that, with the appropriate reforms, restorative justice can provide a more rehabilitative approach to juvenile crime in Indonesia, offering a pathway for young offenders to reintegrate into society and avoid the negative consequences of imprisonment.

**Keywords :** Restorative justice; juvenile justice; rehabilitation

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# 1. Introduction

The existence of a fair and effective criminal justice system is crucial for maintaining order and social justice in every country.<sup>1</sup> Crimes committed by children, as part of the vulnerable groups in society, present one of the major challenges faced by the criminal justice system in various countries. Children, as offenders, are often not fully aware of the legal consequences of their actions, given their age, which is still in the stages of moral and psychological development. Therefore, handling crimes involving children must be approached not only with legal considerations but also with a rehabilitative aspect that takes into account their development as individuals who are not yet fully mature. In this regard, the concept of restorative justice becomes important to consider in the criminal justice system. Restorative justice is an approach that emphasizes restoring relationships between the offender, the victim, and society, rather than focusing solely on punitive measures. This approach is highly relevant in handling juvenile crime cases, where rehabilitation is more needed than mere punishment.<sup>2</sup>

Restorative justice is an approach in the criminal justice system that focuses on repairing relationships between the offender, the victim, and society, rather than solely on punitive punishment. This approach emphasizes the offender's responsibility to make amends for their wrongdoing and provides an opportunity for the victim to achieve recovery. In many juvenile crime cases, restorative justice offers young offenders the chance to take responsibility for their actions without being pushed into a prison system that could ruin their future. Therefore, the application of restorative justice in juvenile criminal justice systems is both relevant and worthy of deeper exploration. This concept provides a more humane and constructive alternative in addressing crimes committed by children, considering the greater potential for change in them when given the proper approach.

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<sup>1</sup> Dian Ekawaty Ismail et al., "Collocation of Restorative Justice with Human Rights in Indonesia," *Legality: Jurnal Ilmiah Hukum* 32, no. 2 (September 20, 2024): 394-417, <https://doi.org/10.22219/ljih.v32i2.35374>; Dian Ekawaty Ismail et al., "Cyber Harassment of Public Figures: Causes and Importance of Legal Education," *E3S Web of Conferences* 594 (2024): 03005, <https://doi.org/10.1051/e3sconf/202459403005>; Bintang Muhamad Hendri and Ahmad Ahmad, "Studying the Steps of the General Election Commission in Responding to the Recommendations of the Election Supervisory Body," *Estudiante Law Journal* 5, no. 2 (June 18, 2023): 393-406, <https://doi.org/10.33756/eslaj.v5i2.18726>; Zamroni Abdussamad et al., "Pendekatan Cultural Studies Perlindungan Hukum Bagi Penyandang Disabilitas Di Kabupaten Boalemo," *Community Development Journal: Jurnal Pengabdian Masyarakat* 4, no. 6 (December 11, 2023): 11518-26, <https://doi.org/10.31004/cdj.v4i6.16043>; Maya Lasena et al., "Cockfighting Gambling Criminal Acts Commitment," *Estudiante Law Journal* 4, no. 2 (June 1, 2022): 77-90, <https://doi.org/10.33756/eslaj.v4i2.16039>; Mohammad Syauqi Pakaya and Ahmad Wijaya, "Efektivitas Penegakkan Hukum Terhadap Lingkungan Hidup Dalam Pertambangan Emas Tanpa Izin Di Desa Popaya, Kecamatan Dengilo, Kabupaten Pohuwato," *Borneo Law Review* 6, no. 2 (2022): 236-53, <https://doi.org/10.35334/bolrev.v6i2.3246>.

<sup>2</sup> Tantimin Tantimin, "Kajian Hukum Kualifikasi Sanksi Kebiri Kimia Sebagai Sanksi Tindakan Dalam Hukum Pidana Di Indonesia," *Wajah Hukum* 5, no. 1 (2021): 21-29.

In Indonesia, the juvenile justice system is regulated by Law No. 11 of 2012 on the Juvenile Criminal Justice System. This law provides the legal basis for handling juvenile crime cases with an approach that differs from the criminal system for adults. This system gives children the opportunity to participate in rehabilitation programs, rather than merely facing imprisonment, with the goal of improving their behavior and guiding them back onto the right path. The restorative justice approach in Indonesia's legal system was introduced as an alternative to reform a criminal justice system that tends to impose punitive measures.<sup>3</sup> However, the implementation of restorative justice in handling juvenile crime cases in Indonesia still faces various challenges, including a lack of understanding about this concept among law enforcement officers and the limited availability of rehabilitation facilities and programs. Growing awareness of the importance of a rehabilitative approach for juvenile offenders opens up space for further development in the juvenile justice system.<sup>4</sup>

Meanwhile, South Korea has a more advanced juvenile criminal justice system, with a similar but distinct approach aimed at minimizing the negative impact of the criminal justice system on children and giving them a chance to rehabilitate. In the context of restorative justice, South Korea has developed various rehabilitation programs focusing on restoring the relationships between juvenile offenders and victims, as well as providing opportunities for young offenders to take responsibility for their actions through mediation and dialogue. The country is known for having a highly responsive justice system regarding social issues, including juvenile crime. Programs like juvenile mediation and juvenile diversion are widely adopted to ensure that children do not face prison sentences that could harm their future. In this system, juvenile offenders are given the opportunity to undergo rehabilitation programs aimed at guiding them to become better members of society, with a focus on restoring relationships between individuals and the community.

A comparison of the criminal justice systems in Indonesia and South Korea in handling juvenile crime through restorative justice is particularly interesting to explore, considering that both countries have different cultural, social, and legal backgrounds. While both face similar challenges in addressing juvenile crime, the ways in which the two countries approach the issue offer valuable lessons for the development of Indonesia's juvenile criminal justice system. This research will discuss how the implementation of restorative justice in Indonesia and South Korea can positively impact the handling of juvenile crime, as well as the challenges and

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<sup>3</sup> Ahmad Ahmad, "Measuring The Application of Corporate Social Responsibility of PT. Gorontalo MineralS," *Estudiante Law Journal* 4, no. 2 (February 15, 2022): 132–45, <https://doi.org/10.33756/eslaj.v4i2.16489>; Mohamad Rivaldi Moha et al., "The Comparative Law Study: E-Commerce Regulation in Indonesia and Singapore," *JURNAL LEGALITAS* 16, no. 2 (October 30, 2023): 248–59, <https://doi.org/10.33756/jelta.v16i2.20463>; Rifky Pulubolo, Mutia Cherawaty Thalib, and Ahmad Ahmad, "Legal Process for Banking Negligence in Violations of Customers' Privacy Rights and Personal Data," *Estudiante Law Journal* 1, no. 1 (January 25, 2024): 1–13, <https://doi.org/10.33756/eslaj.v1i1.24195>.

<sup>4</sup> A. Mulyana, "Tinjauan Kriminologis Terhadap Tindak Pidana Penganiayaan Oleh Anak Terhadap Anak" (PhD Thesis, Universitas Hasanuddin, 2023), <https://repository.unhas.ac.id/id/eprint/27997/>.

opportunities in its implementation. Understanding the differences in legal systems and the application of restorative justice in these two countries is expected to provide broader insights into the potential improvements that can be made to Indonesia's juvenile justice system.<sup>5</sup>

In Indonesia, although the juvenile justice system is regulated by law, the implementation of restorative justice on the ground is still limited. Many juvenile crime cases end up in correctional facilities with punitive sentences, which often worsen the psychological condition of the child and hinder their rehabilitation process. Moreover, the lack of support from law enforcement and the limited budget for rehabilitation programs also pose major challenges to the application of restorative justice in Indonesia. Therefore, a further evaluation of the existing policies and programs is necessary, along with increasing awareness among society and legal authorities about the importance of a rehabilitative approach in handling juvenile crime. One step to consider is the improvement of training for law enforcement officers on a more effective and in-depth restorative justice approach.

In contrast, South Korea has made more progress in implementing restorative justice in the juvenile justice system. The country has various mediation and diversion programs designed to provide young offenders with the opportunity to rehabilitate through a restorative approach without being pushed into the prison system. Support from the government and non-governmental organizations has been crucial to the success of these rehabilitation programs. Nevertheless, challenges still remain, such as the need to improve the accessibility and quality of rehabilitation programs for juvenile offenders, and ensuring that victims also receive fair justice. South Korea's success in implementing restorative justice in its juvenile criminal justice system can serve as a model for Indonesia in developing a better system.<sup>6</sup>

The comparison of these two systems is expected to offer deeper insights into the differences and similarities in the application of restorative justice in juvenile criminal justice systems. This research also aims to provide recommendations for developing the juvenile criminal justice system in Indonesia, drawing lessons from South Korea's experience in addressing juvenile crime. Thus, it is hoped that Indonesia's juvenile criminal justice system can become more effective in providing protection to juvenile offenders and prioritizing rehabilitation as an alternative to punitive measures.

## 2. Method

The research method used in this study is a qualitative approach with a comparative analysis.<sup>7</sup> Data is collected through several methods, including literature review covering books, journal articles, laws, and official reports relevant to the juvenile

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<sup>5</sup> Endik Wahyudi and Gerry Gerry Joe, "Kebijakan Formulasi Sanksi Pidana Kebiri Kimia Di Indonesia Yang Akan Datang," *MIMBAR YUSTITIA: Jurnal Hukum Dan Hak Asasi Manusia* 4, no. 1 (2020): 40–59.

<sup>6</sup> AZMI NABILA TASYA, "Studi Perbandingan Terhadap Perlindungan Korban Pelecehan Seksual Di Indonesia Dengan Korea Selatan," 2025, <http://digilib.unila.ac.id/83040/>.

<sup>7</sup> Ika Atikah, "Metode Penelitian Hukum," 2022, <http://repository.uinbanten.ac.id/9155/1/P%20Metode%20Penelitian%20Hukum.pdf>.

criminal justice system in Indonesia and South Korea, as well as the implementation of restorative justice. Additionally, this study also involves interviews with legal practitioners such as judges, lawyers, and officials involved in handling juvenile crime cases to gain deeper insights into the implementation of restorative justice in both countries. Several case studies illustrating the application of restorative justice in Indonesia and South Korea will also be analyzed to provide concrete examples of the challenges and effectiveness of this approach. The analysis is carried out by comparing both legal systems in handling juvenile crime, focusing on aspects such as policies, implementation, and the challenges faced. This research also employs a descriptive approach to describe the differences and similarities in the application of restorative justice in both countries. Therefore, this more concrete data collection approach is expected to provide depth and credibility to the research analysis results.

### **3. Implementation of Restorative Justice in the Juvenile Criminal Law System in Indonesia**

Restorative justice is an approach in the criminal justice system that emphasizes the restoration of relationships damaged by criminal acts. Unlike the conventional approach, which focuses more on punishment and retribution, restorative justice seeks to repair the harm done by involving the victim, the offender, and the community. This approach aims to place all parties on equal footing so they can engage in dialogue and find solutions to restore the situation. This concept is highly relevant in the context of juvenile justice, particularly in Indonesia, where children are often involved in legal cases, even though they belong to a vulnerable group that requires special treatment and a different approach compared to adults.<sup>8</sup>

Children who commit crimes are essentially not fully mature psychologically and socially. They often get involved in criminal acts due to various factors, such as environmental influences, family issues, or negative peer pressure. In many cases, these children are unaware of the consequences of their actions, or they commit errors as part of the learning process of life. Therefore, applying a restorative justice approach to children is not just about administering punishment but also providing them with an opportunity to rehabilitate, take responsibility for their actions, and mend relationships with victims and the community. This approach focuses on restoring the condition of the offenders by giving them space to grow, while ensuring that victims receive appropriate restitution. In this way, restorative justice can be more effective in guiding children to become responsible individuals who can reintegrate into society.<sup>9</sup>

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<sup>8</sup> Endri Susanto, Novita Listyaningrum, and Dwi Ratna Kamala Sari Lukman, "Perbandingan Tindak Pidana Pemerkosaan Di Indonesia, Korea Selatan Dan United States Of Amerika Serikat," *Jurnal Hukum Agama Hindu Widya Kerta* 6, no. 2 (2023): 70–83.

<sup>9</sup> Wisnu Cakrayuda, "Kebijakan Hukum Pidana Dalam Upaya Menanggulangi Tindak Pidana Yang Dilakukan Anak Berdasar Restorative Justice (Studi Kasus Putusan Dalam Perkara Nomor 17/Pid. Sus-Anak/2023/Pn Pkb)" (PhD Thesis, Universitas Islam Sultan Agung Semarang, 2024), <http://repository.unissula.ac.id/36721/>.

In Indonesia, restorative justice is beginning to be regulated under Law No. 11 of 2012 on the Juvenile Criminal Justice System (SPPA). This law provides the legal foundation for handling children in conflict with the law and promotes a more rehabilitative approach, rather than a punitive one. One significant change introduced by this law is the opportunity for child offenders to participate in rehabilitation processes rather than merely facing imprisonment, which could ruin their future. Through this approach, it is hoped that children can take responsibility for their actions and receive help in addressing the psychological and social issues they face. The SPPA outlines mechanisms such as mediation, coaching, and rehabilitation for children involved in criminal acts. This juvenile justice system, based on the restorative justice approach, aims to emphasize guidance and recovery rather than punitive punishment.<sup>10</sup>

However, despite the legal framework for restorative justice in Indonesia, its implementation still faces significant challenges. One of the greatest challenges is the lack of rehabilitation facilities and programs that can support the recovery of juvenile offenders. In many areas, especially in more remote regions, rehabilitation facilities remain very limited. Even in major cities, rehabilitation facilities for children involved in crimes are often insufficient. This leads to many children ending up in correctional institutions, which are not suitable places for them to receive proper guidance and rehabilitation. Correctional facilities are primarily designed for the detention of adults, not for addressing the deep-rooted issues faced by children. This situation often worsens the psychological condition of the children, slows down their rehabilitation process, and makes reintegration into society more difficult.

Children trapped in the correctional system are at risk of being exposed to a criminal culture, which further reinforces their negative behavior. Rather than learning to rehabilitate, they become increasingly entrenched in the legal problems they face. Therefore, it is crucial to develop more adequate rehabilitation facilities that are accessible to all children, without exception. These rehabilitation facilities not only need to be proper spaces but also require skilled professionals who can handle children involved in criminal cases, with an approach that focuses on mental and social recovery, not merely punishment.<sup>11</sup>

In addition to the issue of facilities, the lack of readiness among law enforcement officers to implement the principles of restorative justice is also a significant barrier. Many law enforcement officers, including police, prosecutors, and judges, lack a deep understanding of the principles and concepts of restorative justice. Many are still focused on administering punitive measures, which emphasize punishment over rehabilitation for offenders. This can be understood, given the Indonesian justice system's greater familiarity with punishment rather than reform. Therefore, it is essential to provide training to law enforcement officers on how to correctly apply

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<sup>10</sup> Heni Susanti, Syafrinaldi Syafrinaldi, and Wira Atma Hajri, "Perbandingan Aturan Hukum Tentang Tindak Pidana Perdagangan Orang Di Indonesia Dan Malaysia," *Kodifikasi* 4, no. 1 (2022): 91–108.

<sup>11</sup> Dessy Lina Oktaviani Suendra and Kade Richa Mulyawati, "Kebijakan Hukum Terhadap Tindak Pidana Child Grooming," *Kertha Wicaksana* 14, no. 2 (2020): 118–23.

restorative justice, so they can implement it in every case involving children. Without a proper understanding of these principles, the application of restorative justice will be partial or may not be implemented at all.

Moreover, the legal culture that tends to prioritize punitive punishment is another factor that slows down the implementation of restorative justice in Indonesia. Many Indonesians believe that heavy punishment is the solution to prevent crime and do not fully understand the importance of rehabilitation, especially for children. Many still believe that harsh punishment will have a greater deterrent effect, although studies show that punitive punishment is not always effective in reducing crime, particularly among children. In fact, overly harsh punishment can make children more withdrawn and more difficult to reintegrate into society. Therefore, it is important to shift public perception about punishment by promoting an understanding that rehabilitation is a more effective approach in helping children improve.<sup>12</sup>

One key aspect of restorative justice is the mediation between the offender and the victim. Mediation offers both parties the opportunity to meet and talk with the goal of repairing damaged relationships. In this process, the offender can acknowledge their wrongdoings and apologize, while the victim can express their feelings and the impact the crime has had on them. Mediation allows both parties to listen to each other and seek solutions that are better than punitive measures. However, in practice, mediation often encounters difficulties, especially in cases involving violence or sexual abuse, where the victim may still be traumatized. In such cases, the mediation process can be more challenging to carry out. Therefore, in the implementation of restorative justice, it is important to consider the psychological factors of the victim to ensure the mediation process runs smoothly and produces positive results for both parties.

In addition to mediation, there are also challenges related to time and limited resources. The mediation and rehabilitation process requires significant time, while law enforcement and rehabilitation providers often have constraints regarding time and budget. Rehabilitation and mediation programs, which should have a substantial impact, often halt due to these limitations. Therefore, more support is needed from the government and related institutions to provide sufficient time and resources so that the restorative justice process can be more effective.<sup>13</sup>

On the other hand, Indonesia has great potential to further develop the implementation of restorative justice. With growing awareness of the importance of recovery for juvenile offenders, it is expected that support will emerge from various parties, including the government, society, and non-governmental organizations. Steps that can be taken include expanding the reach of rehabilitation programs to more remote areas, where juvenile offenders often do not have access to adequate

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<sup>12</sup> Vidya Prahassacitta, "Tinjauan atas Kebijakan Hukum Pidana Terhadap Penyusunan Di Sektor Privat Dalam Hukum Nasional Indonesia: Suatu Perbandingan dengan Singapura, Malaysia Dan Korea Selatan," *Jurnal Hukum & Pembangunan* 47, no. 4 (2017): 396–420.

<sup>13</sup> Titin Patikasari, "Pelindungan Hukum Bagi Korban Deepfake Pornografi (Studi Perbandingan Indonesia Dan Korea Selatan)" (B.S. thesis, Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta), accessed March 2, 2025, <https://repository.uinjkt.ac.id/dspace/handle/123456789/83071>.

rehabilitation. Furthermore, training programs for law enforcement officers on how to correctly implement restorative justice are also crucial to improve the quality of this concept's implementation.<sup>14</sup>

By strengthening rehabilitation facilities, improving law enforcement officers' understanding, and shifting public perceptions of punishment, it is hoped that the implementation of restorative justice in Indonesia's juvenile justice system will become more effective. In the long term, restorative justice is expected to help shape better, more responsible children who can be reintegrated into society without falling back into a life of crime.

#### **4. Implementation of Restorative Justice in the Juvenile Criminal Law System in South Korea**

South Korea is one of the countries that has developed a juvenile criminal justice system with a more humane approach focused on rehabilitation. The country has introduced the concept of restorative justice, which not only focuses on punishing offenders but also on restoring relationships between the offender, the victim, and the community. In this context, children who commit crimes are given the opportunity to take responsibility, correct their mistakes, and reintegrate into society through rehabilitation programs, mediation, and other recovery efforts. Although this system has shown success in many ways, challenges remain, particularly in improving the accessibility and quality of rehabilitation programs for all children, and ensuring that victims also receive the justice they need. Through the application of restorative justice, South Korea offers important lessons that can be taken by other countries, including Indonesia, which is working to develop a similar system.<sup>15</sup>

Restorative justice aims to change the way we view crime, particularly when committed by children. Instead of merely punishing the offender, this system emphasizes the importance of restoring relationships damaged by crime. In South Korea, this approach has been implemented through several programs, such as juvenile mediation and juvenile diversion. In mediation, the juvenile offender is given the chance to meet directly with the victim in a safe and constructive forum. Here, the offender is expected to acknowledge their mistakes, apologize, and commit to not repeating their actions. Meanwhile, the victim can express their feelings, whether it be pain, confusion, or the losses they have suffered due to the offender's actions. This mediation process focuses more on restoration than mere retribution or punishment. It offers both parties the opportunity to understand each other and heal wounds, both for the offender and the victim, and for society as a whole.<sup>16</sup>

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<sup>14</sup> Jung Chang Hee, "Tindak Pidana Pencemaran Nama Baik Melalui Media Elektronik: Studi Perbandingan Indonesia Dan Korea Selatan," *Jurnal Hukum Pidana Dan Kriminologi* 3, no. 2 (2022): 17–35.

<sup>15</sup> Bambang Hartono, "Analisis Keadilan Restoratif (Restorative Justice) Dalam Konteks Ultimatum Remedium Sebagai Penyelesaian Permasalahan Tindak Pidana Anak," *Pranata Hukum* 10, no. 2 (2015): 160342.

<sup>16</sup> Erwin Rionaldy Koloway, "Independensi Kejaksaan Dalam Mewujudkan Restorative Justice Sebagai Paradigma Pemidanaan" (Master's Thesis, Universitas Islam Sultan Agung (Indonesia), 2023),



The juvenile diversion program provides an opportunity for children who commit minor offenses to avoid being processed through the formal justice system, which often leads to long-term consequences for them. In this program, juvenile offenders are directed toward rehabilitation through education or skill training programs that are more constructive. With this approach, children who make mistakes are not immediately subjected to imprisonment, which could worsen their psychological condition. Instead, they are given a chance to learn, grow, improve their behavior, and return to being part of society. Diversion keeps children from traumatic prison experiences, which often only worsen their condition and lead to more severe criminal behavior.<sup>17</sup>

The successful implementation of restorative justice in South Korea is largely driven by strong support from the government and social institutions working together to ensure juvenile offenders get a second chance. The South Korean government provides substantial funding for rehabilitation programs and collaborates with non-governmental organizations to expand access to these programs across the country, including remote areas. This ensures that children in areas far from urban centers also have the same opportunity to participate in the rehabilitation programs they need. Without adequate support from both the government and society, this program would not be able to run effectively. South Korea's success in this regard demonstrates the importance of collaboration between various parties in creating a better juvenile justice system.

However, despite significant progress, challenges remain. One of the biggest challenges South Korea faces is the lack of adequate rehabilitation facilities in some areas, especially in more remote regions. While the government is working to expand rehabilitation programs, the reality is that many children still struggle to access these services due to limited facilities and professional staff. This poses a major obstacle in ensuring that every juvenile offender receives effective and fair rehabilitation. Without sufficient access, many children get trapped in the legal process, which could ruin their futures rather than offering them the opportunity to improve.<sup>18</sup>

Additionally, there is a challenge in ensuring that victims' rights are not overlooked in the restorative justice process. Often, mediation between the offender and the victim can pressure the victim into forgiving the offender, even when they are not ready or do not feel they have received the justice they deserve. In some cases, particularly those involving serious crimes such as violence or sexual abuse, victims may feel traumatized and struggle to face the offender directly. Therefore, it is crucial to maintain a balance between giving the offender a chance to take responsibility and

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<https://search.proquest.com/openview/c4d903768da0bcbb37d4aa9b9bbeea57/1?pq-origsite=gscholar&cbl=2026366&diss=y>.

<sup>17</sup> Iqbal Maulana Fahrezy and Lailatul Amalia Putri, "Analisis Yuridis Komparasi Tindak Pidana Pencemaran Baik Antara Indonesia Dan Korea Selatan," *Jurnal Media Akademik (JMA)* 2, no. 6 (2024), <https://jurnal.mediaakademik.com/index.php/jma/article/download/501/479>.

<sup>18</sup> Fitri Wahyuni, "Tinjauan Terhadap Pembebasan Narapidana Pada Kondisi Covid 19," *JURNAL HUKUM DAS SOLLEN* 4, no. 1 (2020): 19, <http://ejournal.unisi.ac.id/index.php/das-sollen/article/view/1144>.

ensuring that the victim receives appropriate justice. The restorative justice system must be flexible enough to recognize more complex situations and provide greater support to the victim so they feel valued and are restored in a fair manner.<sup>19</sup>

While restorative justice is highly effective for certain cases, not all types of crimes can be addressed with this approach. In some serious cases of violence, mediation can be extremely difficult due to the trauma the victim has experienced. In such cases, it is more important to ensure that the victim receives adequate psychological recovery, while the offender is given a suitable punishment for their crime. This is where the greatest challenge of restorative justice lies: determining when this approach is appropriate and when another approach is needed to ensure justice for all involved parties.<sup>20</sup>

South Korea, despite its success in many areas, still faces challenges in ensuring that every juvenile offender has fair access to the rehabilitation and mediation services they need. Moreover, it is important to ensure that every rehabilitation program genuinely has a positive impact on the child's life and leads to real behavioral change. One way to improve this is by strengthening the training for law enforcement officers and other relevant parties in the juvenile justice system, so they can better understand the principles of restorative justice and how to apply them wisely in each case.

South Korea provides a valuable example for other countries wishing to develop a juvenile justice system based on restorative justice, including Indonesia. Indonesia, which is striving to improve its justice system, can learn a great deal from the implementation of restorative justice in South Korea. One key lesson is the importance of support from various parties – the government, society, social institutions, and the justice system – in creating a more inclusive and rehabilitative system. By adopting best practices that have proven effective in South Korea, Indonesia can begin to introduce more humane and just programs for handling juvenile crime cases.<sup>21</sup>

Furthermore, Indonesia can learn from South Korea's experience in expanding the reach of rehabilitation and ensuring that every child, regardless of their socio-economic background, has the opportunity to rehabilitate. Improving the rehabilitation system for juvenile offenders in Indonesia is an essential step toward creating a better future for the next generation. If this approach is successfully applied,

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<sup>19</sup> M.FAKRI VILANO PUTRA, "Tinjauan Umum Mengenai Restorative Justice Konsep Dan Arti Penting Restorative Justice Dalam Konteks Penyelesaian Perkara," accessed March 2, 2025, <https://repository.unja.ac.id/62098/>.

<sup>20</sup> Mayang Ratnasari, "Proses Penerapan Restorative Justice Terhadap Anak Yang Berhadapan Dengan Hukum Di Kejaksaan Negeri Tanah Bumbu Kalimantan Selatan" (Master's Thesis, Universitas Islam Sultan Agung (Indonesia), 2023), <https://search.proquest.com/openview/c4d903768da0bcbbcf6ad946aa93b91/1?pq-origsite=gscholar&cbl=2026366&diss=y>.

<sup>21</sup> M. Putra, "Tinjauan Hukum Pidana Islam Tentang Kebiri Kimia Pada Peraturan Pemerintah No 70 Tahun 2020" (PhD Thesis, UIN Sunan Gunung Djati Bandung, 2024), <https://digilib.uinsgd.ac.id/98438/>.

it is hoped that children who were once trapped in legal problems can grow into productive individuals who make positive contributions to society.

In this regard, although the implementation of restorative justice in South Korea has shown positive results in many ways, the challenges of improving access, quality, and justice remain tasks that need to be addressed. However, their success offers many lessons for Indonesia and other countries trying to implement a similar system. Through a more humane and rehabilitative approach, restorative justice is hoped to become a solution for the future of juvenile offenders by giving them the opportunity to improve and return to the right path without ruining their futures with unnecessary punishment.<sup>22</sup>

## 5. Conclusion

The implementation of restorative justice in the juvenile criminal justice system in Indonesia plays a crucial role in providing a more humane and rehabilitative approach, replacing the punitive system that is often ineffective for children. Although there is a legal foundation through Law No. 11 of 2012 on the Juvenile Criminal Justice System (SPPA), the execution of restorative justice still faces various challenges, such as limited rehabilitation facilities and a lack of understanding among law enforcement officers. Therefore, to effectively implement restorative justice, Indonesia needs to enhance more comprehensive and accessible rehabilitation facilities and strengthen training for legal officers regarding the application of this concept. Additionally, it is important to change the legal culture, which still tends to focus on punitive punishment, by encouraging the public to better understand the importance of rehabilitation in the recovery of juvenile offenders. With strong support from various parties, such as the government, society, and social institutions, it is hoped that the implementation of restorative justice can create a fairer juvenile justice system, offering children the opportunity to rehabilitate and contribute back to society without ruining their future.

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<sup>22</sup> PELAKU MUCIKARI DALAM PRAKTIK KEGIATAN PROSTITUSI and SOMA NUR FAZA, "Tinjauan Hukum Pidana Positif Dan Hukum Pidana Islam Terhadap Pertanggungjawaban Pidana Anak Sebagai," accessed March 2, 2025, <https://www.academia.edu/download/104696549/479411147.pdf>.

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