

Rethinking Diversion: A Preliminary Restorative Justice Framework for Child Offenders and Victims

**Raisa Rafifiti Choerunnisa¹; Nurliana Cipta Apsari²;
Muhammad Fedryansyah³; Hery Wibowo⁴**

¹Politeknik Sekolah Tinggi Ilmu Administrasi Lembaga Administrasi Negara Bandung, Indonesia
^{2,3,4}Universitas Padjadjaran, Bandung, Indonesia

¹Correspondence Email: raisa.rafifiti@poltek.stialanbandung.ac.id

Article Info

Received: March 26, 2026
Accepted: September 9, 2026
Published: September 30, 2026
Online First: September 30, 2026

Keywords

Restorative Justice;
Diversion;
Child Offenders;
Child Victims;
Juvenile Justice.

Abstract

Diversion may formally resolve juvenile cases without ensuring restorative justice for child offenders and child victims, particularly when successful agreement is treated as evidence of meaningful participation, accountability, and recovery. Addressing the limited understanding of how these dimensions operate as a continuous process, this study examines diversion practices and develops a preliminary restorative justice framework. This study employed a qualitative, multiple-case socio-legal design in two diversion cases in Bandung, Indonesia, involving 13 informants. Data from interviews, observations, documents, and contextual records were analyzed through within-case and cross-case analysis, triangulation, and theoretically sensitized interpretation. The findings reveal that both cases achieved apologies, negotiated responsibilities, family involvement, and court-approved agreements, yet preparation was uneven, children's attendance did not consistently translate into meaningful influence, recovery and supervision remained family-dependent, and post-agreement professional support was inconsistently coordinated. The proposed framework integrates developmentally appropriate reintegrative accountability, Family Group Conferencing, rights-based safeguards, and social welfare across assessment, preparation, conferencing, differentiated accountability and recovery planning, implementation, and follow-up. The study reframes restorative diversion from agreement-centered resolution toward continuing, child-sensitive, and institutionally accountable restorative responsibility.

¹Ph.D. student at Universitas Padjadjaran, Bandung, Indonesia

A. Introduction

Diversion exposes a persistent paradox in juvenile justice: a case may be procedurally resolved without ensuring restorative justice for child offenders and child victims. In Indonesia, district courts registered 4,960 juvenile criminal cases in 2024. Of these, 996 cases, or 20.08%, entered diversion. In 2025, the number of registered juvenile criminal cases increased to 5,049, while 829 cases, or 16.42%, entered diversion (Mahkamah Agung Republik Indonesia, 2026). These percentages were calculated using all registered juvenile cases as the denominator, rather than only cases legally eligible for diversion. They should therefore not be interpreted as diversion rates among eligible cases. More fundamentally, an agreement alone does not demonstrate that accountability, participation, protection, recovery, and continuing responsibilities have been adequately addressed.

A similar issue is evident in Bandung. Administrative records from the Bandung Metropolitan Police show that recorded cases involving children increased from 106 cases in 2021 to 167 cases in 2025. During the same period, the number of recorded child victims increased from 109 to 169, while the number of recorded child offenders increased from 106 to 170. These figures represent different administrative units. The term “cases” refers to recorded cases, whereas “child victims” and “child offenders” refer to individual children. The figures are therefore not directly equivalent because one case may involve more than one child. Figure 1 presents the annual totals.

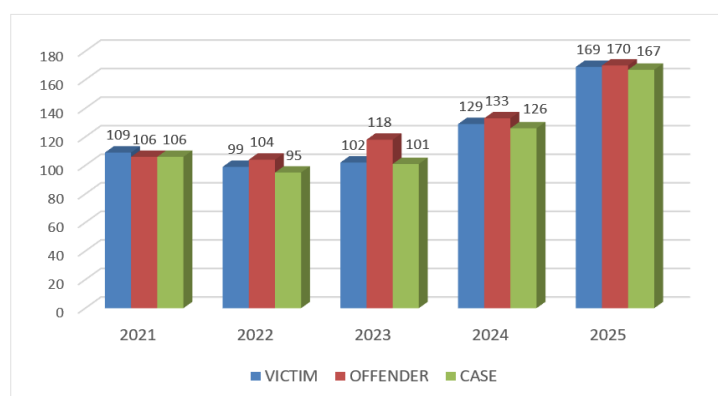


Figure 1. Number of Child Victims, Child Offenders, and Cases in Bandung
Source: Administrative data from Bandung Metropolitan Police, 2021–2025

These patterns require attention to both sides of harm. Child offenders need accountability that addresses harmful conduct without stigmatizing identity, while child victims need safety, acknowledgment, meaningful participation, and recovery. Law of the

Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System establishes restorative justice as the central paradigm and diversion as the mechanism for transferring eligible cases from formal proceedings. Implementation remains affected by regional capacity, limited personnel, interagency coordination, party readiness, and procedural orientation. A written agreement does not establish understanding of harm, fulfillment of victim needs, or continuing support (Nashriana et al., 2023; Rismana et al., 2025).

The issue is also rights-based. Child offenders retain rights to protection, guidance, participation, and continued development. Child victims require understandable information, opportunities to express their views, protection from revictimization, and physical, psychological, and social recovery. Nonjudicial measures must respect children's dignity and be based on free and informed consent (Committee on the Rights of the Child, 2019). Restorative justice may fail when victim safety, voice, needs, and recovery are subordinated to agreement (Putri, 2023). Indonesia has 2,775 Community Counselors against an estimated need for 5,251, while programs and responsible actors for rehabilitation and reintegration after agreement remain inconsistently established (Sasmita, 2025). Effectiveness depends on practitioner readiness, services, cross-sector collaboration, and community acceptance (Karsudin & Cahyaningtyas, 2021; Rismana et al., 2025).

Similar concerns arise internationally. Family Group Conferences in New Zealand, Youth Justice Conferences in Australia, and diversion under South Africa's Child Justice Act emphasize victim participation, family involvement, accountability, and reintegration (Department of Justice and Constitutional Development, 2023; NSW Bureau of Crime Statistics and Research, 2024; Oranga Tamariki-Ministry for Children, 2025, 2026). Yet restorative forums do not automatically ensure safe participation, meaningful influence, or adequate support. Their operation is shaped by institutional culture and service structures, while children's later development depends on interaction quality and continuing support (Marder, 2022; Suzuki, 2025). The gap between procedural settlement and restorative quality is therefore not unique to Indonesia.

Existing scholarship addresses important but fragmented dimensions of restorative diversion. Family Group Conferencing provides a process structure involving referral, preparation, conferencing, family or community participation, and implementation, while Indonesian studies have primarily examined procedural stages, institutional barriers, and community mechanisms (Marlina & Mulyadi, 2024; Morris & Maxwell, 1998; Pennell et al.,

2002; Rahman, 2019). Reintegrative Shaming Theory and restorative accountability address responsibility, disapproval of harmful conduct, stigma, and continued acceptance (Braithwaite, 1989; Wood & Suzuki, 2024). Rights-based scholarship emphasizes dignity, nondiscrimination, meaningful participation, transparency, and accountability, whereas social welfare perspectives direct attention to recovery, reintegration, service provision, needs fulfillment, and social opportunities (Androff, 2018; Gitterman & Germain, 2008; Lundy, 2007; Midgley, 1995).

Used independently, however, these perspectives leave a specific conceptual gap. Reintegrative Shaming Theory explains accountability but does not provide a complete process or service arrangement. Family Group Conferencing structures the process but does not determine whether children's participation is developmentally appropriate, voluntary, and influential. The Rights-Based Perspective establishes normative standards but does not organize separate accountability and recovery plans, actor responsibilities, or service continuity. The social welfare perspective identifies services and anticipated outcomes but does not provide the legal and conferencing structure for implementation. Previous research therefore does not adequately explain diversion as a continuous process linking dignified accountability, conference design, meaningful participation, victim recovery, coordinated services, and responsibilities after agreement. Indonesian research has similarly emphasized legal requirements, institutional roles, implementation barriers, effectiveness, or agreement achievement (Nashriana et al., 2023; Rahman, 2019; Risma et al., 2025).

This study addresses the gap through a qualitative multiple-case study with a socio-legal orientation involving two diversion cases at different procedural stages in Bandung. Its novelty lies not in merely combining four perspectives but in assigning each a distinct analytical function. Reintegrative Shaming Theory informs developmentally appropriate reintegrative accountability; Family Group Conferencing provides the process structure; the Rights-Based Perspective supplies five normative standards; and the social welfare perspective provides the service and anticipated-outcome orientation. The study contributes theoretically by conceptualizing diversion as a continuous restorative process and practically by clarifying separate assessments, preparation for each child, flexible participation, accountability and recovery plans, institutional responsibilities, and monitoring and evaluation.

Accordingly, this study examines how accountability, conferencing, rights protection, and social welfare functions operated across two diversion cases in Bandung and uses their similarities, differences, and limitations to formulate an empirically informed, preliminary, and provisional restorative justice framework for diversion for child offenders and child victims.

B. Method

This qualitative multiple-case study used a socio-legal orientation to examine diversion as a legal procedure and social process. The units of analysis were two bounded diversion processes in Bandung, covering preparation, the diversion forum, agreement formation, and documented or reported follow-up. Case A involved eight child offenders and one child victim at the district-court examination stage; Case B involved one child offender and one child victim at the investigation stage. Both produced court-approved agreements. After institutional permission, the cases were purposively selected for their relevance, accessibility, availability of multiple data sources, and variation in procedural stage. Failed diversion, victim refusal, termination before agreement, and prosecution-stage diversion were outside the empirical scope.

Thirteen informants were recruited purposively through institutional access based on their direct involvement, relevant knowledge, and voluntary willingness. Table 1 presents their anonymized roles, case affiliations, and data sources.

Table 1. Informant Characteristics and Data Sources

Code	Informant Role	Case Affiliation	Data Source
SW-1	Social worker	Cross-case	Interview
CC-1	Community Counselor, Correctional Center	Cross-case	Interview
LE-1	Law enforcement officer	Cross-case	Interview
LE-2	Law enforcement officer	Cross-case	Interview
CA-1	Child advocacy representative	Cross-case	Interview
CO-A	Child offender	Case A	Interview and observation
CO-B	Child offender	Case B	Interview and observation
FO-A	Family member of a child offender	Case A	Interview and observation
FO-B	Family member of a child offender	Case B	Interview and observation
CV-A	Child victim	Case A	Interview and observation
CV-B	Child victim	Case B	Interview and observation
FV-A	Family member of a child victim	Case A	Interview and observation
FV-B	Family member of a child victim	Case B	Interview and observation

Source: Processed by the authors from field data (2026)

Data were generated through semi-structured interviews, non-participant observation, and document analysis. Interviews and observations were conducted from January 13 to February 5, 2026; documents were collected and reviewed from January to March 2026. Interviews were conducted face-to-face in Indonesian at District Court X, Police Sector Y, or other agreed safe locations, lasted approximately 30–60 minutes, were audio-recorded with permission, and were transcribed. Quotations presented in this article were translated into English and checked against the original transcripts. The researcher observed without facilitating the forums or participating in decisions. Documents included diversion agreements, court determinations, case records, legislation, and procedural guidance.

National juvenile case and diversion statistics were obtained from official court records (Mahkamah Agung Republik Indonesia, 2026), while Bandung police records for 2021–2025 provided secondary contextual data. Because national records did not identify the number of legally eligible diversion cases, all registered juvenile cases were retained as the denominator for descriptive purposes. Bandung records were analyzed by distinguishing recorded cases from individual child victims and child offenders. Analysis followed the interactive model (Miles et al., 2014). Interview, observational, and documentary evidence were organized within each case, while recurrent and contrasting patterns were compared across cases using triangulation matrices. Reintegrative Shaming Theory, Family Group Conferencing, and the Rights-Based Perspective served as sensitizing concepts rather than a formal codebook.

Contradictory accounts were retained, and unverified follow-up was not treated as evidence of recovery or reintegration. Source and method triangulation supported credibility, while reflexive review distinguished reported, observed, documented, and interpretive evidence and considered the researcher's social welfare and child-protection standpoint. The lead researcher conducted the analysis; therefore, no intercoder agreement was calculated. Framework construction integrated cross-case similarities and differences, identified process gaps, and the three sensitizing perspectives and social welfare, with international practices providing comparative support. Operational components, including separate assessments, accountability and recovery plans, and monitoring and evaluation, were incorporated where supported by cross-case evidence and integrated conceptual analysis. Because the framework derives from only two agreement-producing cases and has not been independently tested or validated, it remains empirically informed, preliminary, and provisional.

Ethical approval was granted on December 23, 2025 (No. 1112/UN6.KEP/EC/2025), followed by institutional permission on December 29, 2025 (No. 20721/UN6.G/PT.01.04/2025). No recruitment, interviews, or observations began before both approvals. Adults provided written informed consent; parents or legal guardians consented, and children provided informed assent. Participation was voluntary and could be declined or discontinued without adverse consequences. Permission was obtained for audio recording and quotation use. Identities and research locations were anonymized, data were securely stored for two years, and interviews could be paused or terminated if distress occurred, with debriefing and referral available when required.

C. Results and Discussion

This section comprises two parts. The Results present findings from two diversion cases in Bandung based on interviews, observations, and documents, covering case contexts, accountability, participation, victim experiences, rights safeguards, agreement implementation, and reported follow-up. The Discussion interprets these findings through Reintegrative Shaming Theory, Family Group Conferencing, the Rights-Based Perspective, and a social welfare perspective, while relating them to previous studies and broader contexts. The cross-case findings provide the empirical basis for the preliminary restorative justice framework through diversion.

1. Results

This section presents documentary evidence, observational evidence, and informant accounts from two diversion cases in Bandung. Documents established the case contexts and formal outcomes, observations recorded conduct during the diversion forums, and interviews described the experiences of children, families, and institutional informants. Institutional descriptions of general procedures are distinguished from evidence that those procedures were implemented in either case.

a. Case Context and Cross-Case Comparison

Document analysis showed that Case A occurred during juvenile case examination at District Court X and involved eight child offenders and one child victim. The diversion agreement dated January 20, 2026, recorded apologies, mutual forgiveness, a peaceful settlement, and IDR 10,000,000 in compensation. The agreement subsequently received court approval.

Case B occurred during the investigation stage at Police Sector Y and involved one child offender and one child victim. The diversion agreement dated January 21, 2026, recorded an apology and its acceptance, a commitment not to repeat the conduct, and IDR 7,000,000 toward the victim's medical expenses. The agreement also received court approval.

Table 2. Comparison of Diversion Implementation in Case A and Case B

Aspect	Case A	Case B
Procedural stage	District-court examination	Police investigation
Children involved	Eight child offenders and one child victim	One child offender and one child victim
Route to agreement	Multiple procedural points and a prolonged process before the final court-stage agreement	Family negotiation followed by formal police-stage diversion
Child participation	Children attended, while adults communicated most positions	The child offender spoke more directly; the child victim was substantially represented by family
Community involvement	No school or community representative was observed	No school or community representative was observed
Documented agreement	Apologies, mutual forgiveness, peaceful settlement, and IDR 10,000,000 in compensation	Apology, acceptance, non-repetition commitment, and IDR 7,000,000 toward medical expenses
Implementation evidence	Family supervision was reported; post-agreement implementation was not observed longitudinally.	The agreed responsibility remained, while the child reported that assistance ended when the case was completed.

Source: Processed by the authors from interview, observation, and documentary data (2026).

A member of a child offender's family described the prolonged procedural history of Case A: *"This was therefore the third meeting. The process had lasted almost six months, Ma'am; at the police station alone, we had been reporting regularly for almost six months"*. (Interview with FO-A, January 13, 2026)

The account described repeated procedural encounters and prolonged mandatory reporting before the final court-stage agreement, but no monitoring afterward. Other interview accounts referred more broadly to repeated family negotiations; this variation was retained because informants may have described different formal and informal meetings.

b. Accountability, Dignity, and Social Responses

Interview and observational evidence showed that the forums addressed harmful conduct, its consequences, apology, and responsibility. A law enforcement informant

described how wrongdoing was explained to a child: *"The child is given an understanding through an examination process conducted in a humane and non-rigid manner. Investigators first establish comfortable communication so that the child can open up. After that, the wrongdoing and the consequences of the act are explained gradually"*. (Interview with LE-2, January 26, 2026)

This account described a gradual, communicative approach focused on the conduct and its consequences. During the observed forums, no overtly humiliating language, insulting labels, discriminatory treatment, or intimidating conduct was recorded. This observational evidence did not establish whether less visible pressure arose from adult authority, fear of prosecution, economic dependence, or limited understanding of available alternatives.

Families were the most consistently reported source of accompaniment and emotional support. A child offender in Case A described reactions outside the formal process: *"I felt uncomfortable, pressured, and as though people around me always viewed me differently"*. (Interview with CO-A, January 13, 2026)

The child associated community reactions with discomfort, pressure, and perceived differential treatment. In another response, the child stated that no person or institution had specifically helped remove the negative view and that the support most strongly experienced came from the family. No comparable community reaction was reported in Case B. The evidence therefore showed different reported exposure to stigma, but it did not establish sustained reintegration or social acceptance.

c. Preparation, Child Participation, and Community Involvement

Preparation was not directly observed and was described unevenly in interviews. Some explanations were provided directly to children, whereas other information was communicated mainly through parents or accompanying adults.

The child victim in Case B described the earlier family negotiation and the subsequent formal diversion: *"I felt normal, Ma'am, because I did not take part in that negotiation; I stayed in the upstairs room. However, I was also present at the police station when the formal diversion was conducted"*. (Interview with CV-B, January 21, 2026)

The account showed that the child did not participate in the earlier family negotiation and had limited direct expression during the formal diversion, where observation showed that family members conveyed most information about the victim's condition and interests.

By contrast, observation showed that the child offender in Case B spoke more directly, explained the incident, and apologized. The documented agreement separately

recorded a commitment not to repeat the conduct. Physical attendance therefore did not result in the same degree of direct expression for both children.

A child advocacy representative described an institutional role available during preparation: *"Institutions, particularly organizations such as LAHA, play a role in providing information and accompanying the parties concerned, including families and communities, so that they understand the purpose and objectives of the conference. They also function as mediators and facilitators in facilitating coordination among officials, families, and communities"*. (Interview with CA-1, January 13, 2026). This account described an available institutional function rather than assistance demonstrated to have been provided consistently in both cases.

No teachers, school representatives, neighborhood leaders, religious figures, or other community representatives participated in either observed forum. A child offender in Case A stated: *"There was none, Ma'am. Community leaders, neighbors, teachers, and friends were not directly involved. The resolution process involved mostly the family, the Court, the social worker, BAPAS, the victim, and the victim's family"*. (Interview with CO-A, January 13, 2026)

The observed forums were therefore attended mainly by children, families, and formal institutional actors. Institutional informants explained that community actors could be involved according to the circumstances, location, and needs of a case. These descriptions of general practice did not establish that community participation occurred in Case A or Case B.

d. Victim Needs and Agreement Implementation

Observational evidence showed that the child victims remained accompanied during the forums and were not openly blamed, insulted, or treated as responsible for the incidents. Documentary evidence established apologies and financial responsibilities, while interview accounts indicated that medical and emotional needs continued after the agreement.

A member of a child victim's family stated: *"Yes, I will monitor my child's condition during the recovery process because my child still has to undergo check-ups"*. (Interview with FV-A, January 13, 2026)

The account indicated that medical follow-up and monitoring remained primarily family-led. In separate responses, the same informant described no special assistance beyond the family, stated that the agreement was helpful although the child might still be experiencing trauma, and referred to support from relatives and the

immediate environment. These accounts established continuing concerns and family support; they did not establish completed physical, psychological, or social recovery.

Observation covered agreement formulation rather than the full implementation period. The child offender in Case B described assistance and responsibility after the formal case process: *"At first there was assistance, Ma'am, but once the case was over, everything was also over, and I was also given the responsibility that had been agreed upon"*. (Interview with CO-B, January 21, 2026)

The child perceived that assistance ended when the case was completed, while the agreed responsibility remained. The account did not establish the duration, frequency, or professional content of the earlier assistance.

e. Monitoring, Coordination, and Cross-Source Synthesis

Institutional informants described mechanisms for monitoring and interagency coordination. The Community Counselor stated: *"The institution conducts monitoring through a mandatory-reporting mechanism, either weekly or monthly. In addition, the Community Counselor also visits the child's home and environment directly to monitor development"*. (Interview with CC-1, February 5, 2026). This account described monitoring mechanisms used by Community Counselors. It was not, by itself, evidence that mandatory reporting and home visits were implemented after the agreements in both cases. A social worker described interagency coordination:

"Coordination is carried out through intensive communication and open information sharing among related institutions, such as the police, Bapas, and social workers. This process always involves assessment and follow-up assessment, including home visits to ensure that the condition of the child and family remains monitored". (Interview with SW-1, January 29, 2026)

The broader account also referred to child and family strengthening and selective community involvement. However, case-specific evidence did not demonstrate that mandatory reporting, home visits, social work assistance, service referrals, and coordinated monitoring were consistently combined in both cases.

Across interviews, observations, and documents, both cases produced court-approved agreements, relied substantially on families, maintained accompaniment of the children, and showed no overtly degrading conduct during the observed forums. Differences remained in procedural route, preparation, children's direct expression, victim participation, reported stigma, professional involvement, and continuity of assistance. Institutional informants described broader mechanisms and possible services, whereas

children and families reported uneven explanations and considerable dependence on family support.

The evidence established agreement formation and formal legal resolution. It did not establish completed victim recovery, sustained offender reintegration, improved social functioning, fulfillment of long-term needs, reduced stigma, or reduced reoffending. These cross-case findings provide the empirical basis for the Discussion and for formulating the preliminary restorative justice framework through diversion.

2. Discussion

The central finding of this study is that procedural completion and restorative quality are not equivalent. Although both cases produced apologies, negotiated responsibilities, family involvement, and court-approved agreements, these achievements did not establish that preparation was sufficient, children meaningfully influenced decisions, victim recovery was completed, stigma was addressed, or professional support continued after agreement. This distinction matters because evaluating diversion primarily through agreement achievement risks reducing restorative justice to successful case closure. The findings instead of position diversion as a continuous process in which accountability, conferencing, rights protection, and social welfare perform distinct but interdependent functions. From this perspective, diversion's restorative value depends not merely on whether parties reach agreement, but on how responsibility is understood, participation is experienced, recovery is supported, and institutional obligations continue beyond formal resolution.

This interpretation extends Reintegrative Shaming Theory (RST) beyond the distinction between disapproval and stigmatization. RST proposes that accountability becomes reintegrative when harmful conduct is disapproved of while the person remains accepted within continuing relationships (Braithwaite, 1989). In both cases, families accompanied children, participated in negotiation, supported agreed responsibilities, and remained central sources of supervision and emotional support, supporting the relational basis of restorative accountability described by Wood and Suzuki (2024). Yet the findings caution against assuming that conduct-focused criticism is automatically non-stigmatizing. Children encounter adults with greater authority, legal knowledge, and decision-making power, while developmental, cognitive, emotional, and environmental conditions affect how responsibility is understood (Suzuki & Wood, 2018). Silence, apology, attendance, or agreement may therefore indicate compliance rather than informed accountability.

The study consequently positions developmentally appropriate reintegrative accountability as more demanding than apology or behavioral compliance. Responsibility should be understandable, proportionate, achievable, and accompanied by opportunities for children to question, disagree, and demonstrate understanding. This interpretation also extends accountability beyond the diversion forum. Case A indicates that respectful treatment during formal proceedings cannot prevent labeling when information circulates through peers, schools, neighborhoods, or digital networks. Such labeling can weaken attachment to conventional relationships and institutions (Bernburg et al., 2006), whereas supportive relationships can strengthen social bonds (Lodi et al., 2022). Reintegration therefore requires attention to confidentiality, educational and family support, and post-diversion labeling (Suzuki, 2025). Because broader community actors were absent and criminal subcultures were not established in either case, the evidence supports family interdependency more strongly than assumptions of communitarianism or subcultural influence.

The same continuity problem emerges when the findings are examined through Family Group Conferencing (FGC). FGC conceptualizes restorative intervention through referral, preparation, conferencing, family or community involvement, and implementation (Morris & Maxwell, 1998; Pennell et al., 2002). The two cases provided stronger evidence of referral and formal conferencing than of consistent preparation, community involvement, and post-agreement implementation. This imbalance demonstrates why a restorative meeting cannot be treated as the entire restorative process. Cross-case differences further suggest that participation is partly shaped before the forum through information, emotional readiness, family expectations, facilitation, and available support. Separate preparation for child offenders and child victims is therefore analytically important because their accountability, safety, readiness, participation preferences, recovery needs, and support requirements cannot be inferred solely from parents or professionals.

This argument does not imply that direct participation or broad community involvement should always be maximized. Victim participation may appropriately occur through direct attendance, trusted representation, written or recorded statements, or separate communication when safety, readiness, informed agreement, and best interests make confrontation unsuitable (Hobbs et al., 2022). Similarly, schools, neighbors, religious figures, or community leaders may strengthen supervision, education, legitimacy, and social acceptance when their roles are relevant (Hillman et al.,

2004; Marlina & Mulyadi, 2024; Roy & Schoeman, 2021), but unnecessary disclosure can intensify stigma and pressure. Community participation should therefore be selective rather than automatic. This finding supports adapting FGC principles to Indonesia's legal structure, service capacity, and social diversity rather than importing a fixed institutional model (Febriansari & Cahyaningtyas, 2021).

More consequentially, the cases reveal that restorative responsibility becomes fragile when implementation depends predominantly on families. Despite evidence that effective conferencing depends on assessment, supervision, services, and implementation support (Price et al., 2022), professionals did not consistently demonstrate responsibilities for psychosocial support, education, stigma management, referral, and monitoring. Similar coordination and follow-up weaknesses have been reported in Indonesian diversion practice (Irawan et al., 2022; Nashriana et al., 2023; Rismana et al., 2025). The study therefore extends FGC operationally by treating monitoring and evaluation as post-implementation additions rather than original FGC elements. Their purpose is not to enlarge procedure unnecessarily, but to determine whether responsibilities were fulfilled, services reached children, circumstances changed, and reassessment became necessary. Diversion consequently becomes a supported continuum rather than an attendance-based conference.

A rights-based reading further demonstrates why presence cannot be equated with participation. Human dignity, nondiscrimination, participation, transparency, and accountability provide the normative foundation for evaluating restorative processes (Androff, 2018). Although overt humiliation, discrimination, and victim blaming were not observed, the absence of visible mistreatment is an insufficient measure of rights protection. Lundy's (2007) formulation of space, voice, audience, and influence is particularly relevant because children attended and could respond, yet adults frequently communicated positions and negotiated outcomes. Family representation may protect children experiencing distress or limited confidence but becomes substitutive when it obscures how children's own views were elicited and considered. This interpretation resonates with concerns that adult-led youth justice may reduce participation to symbolic presence (Charles et al., 2024; Creaney & Burns, 2024), and that trust depends on children seeing their views influence decisions (Strømmland et al., 2023).

Meaningful participation therefore requires more than providing information or obtaining signatures. Children's perspectives should be elicited separately, communicated in developmentally appropriate ways, and connected visibly to deliberation (Rizanzarli et

al., 2023; Purba et al., 2024). Transparency similarly requires demonstrated understanding of options, confidentiality, consequences, agreements, and subsequent responsibilities. The same caution applies to voluntariness: the study established no overt intimidation but did not systematically assess subtler pressure arising from parental authority, fear of prosecution, economic dependence, institutional expectations, or incomplete knowledge. Participation should consequently allow repeated voluntariness checks, questions, additional support, pauses, or withdrawal, consistent with standards for nonjudicial measures involving children (Committee on the Rights of the Child, 2019). Informed consent, child assent, confidentiality, safety, child-appropriate communication, and opportunities to discontinue participation operationalize rather than replace the underlying rights principles.

The findings concerning child victims expose another limitation of settlement-centered evaluation: acknowledgment of harm is not equivalent to recovery. Apology, compensation, and payment of medical expenses may recognize responsibility, but continuing medical examinations and reported trauma mean that completed physical, psychological, or social recovery cannot be inferred from agreement (Tursilarini et al., 2024). Diversion should therefore assess safety, emotional condition, service needs, and subsequent development rather than treating settlement as evidence of victim restoration (Putri, 2023). Restorative encounters may provide recognition, information, and greater control, but their effects depend on readiness, facilitation, case characteristics, and continuing support (Lloyd & Borrill, 2020). This supports separating the victim recovery plan from offender obligations so that compensation does not substitute for health, psychological, educational, social, or protection services (Tursilarini et al., 2024).

This separation also shifts accountability from children and families toward institutions as duty bearers. Family support was central in both cases, but family capacity cannot substitute for professional assessment, legal explanation, psychosocial assistance, referral, and coordinated monitoring. Access to justice requires understandable procedures, accessible support, and accountable institutions (Liefwaard, 2019), while welfare and justice functions can operate through complementary principles of protection, participation, and responsibility (Forde, 2021). Social workers can contribute assessment, preparation, counseling, family strengthening, referral, and coordination (Atashi Golestani et al., 2026), but restorative capacity weakens when professional roles are marginalized or institutional coordination remains fragmented (Sithole & Muzingili, 2026). A rights-based approach therefore connects participation with influence,

transparency with demonstrated understanding, voluntariness with ongoing assessment, and accountability with clear institutional responsibility.

Taken together, these findings support a preliminary framework that integrates empirical, theoretical, and operational dimensions rather than placing four perspectives side by side. RST directs developmentally appropriate reintegrative accountability; FGC structures the process; the Rights-Based Perspective sets standards for dignity, nondiscrimination, participation, transparency, and accountability; and social welfare directs attention to services and anticipated outcomes. Figure 2 translates these functions into a continuum from legal eligibility and referral through separate assessment, preparation, conferencing, agreement, court approval, implementation, monitoring, and evaluation. Crucially, this architecture keeps offender accountability and victim recovery distinct. The former concerns achievable responsibility, reparative action, and support; the latter concerns safety, health, psychosocial, educational, social, protection, and compensation needs. Rights-based safeguards operate throughout, not at a single procedural stage.

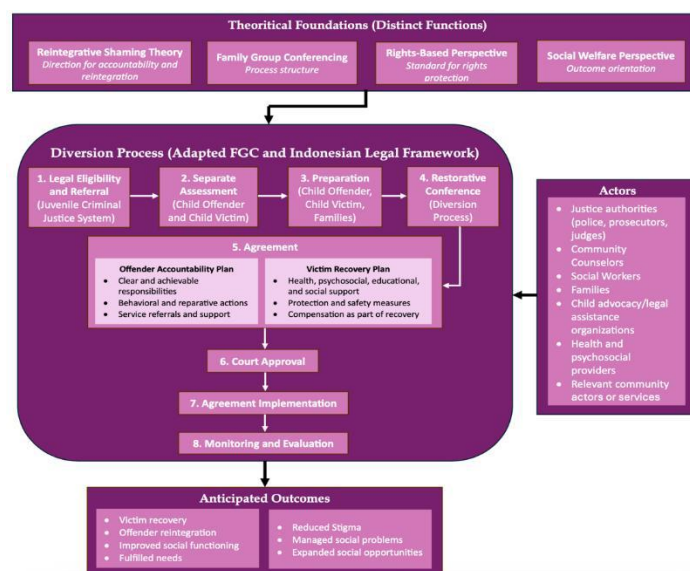


Figure 2. Preliminary Restorative Justice Framework Through Diversion
Source: Developed by the authors from cross-case findings and theoretical synthesis (2026).

Note: Figure 2 presents the agreement pathway. The accompanying text explains the no-agreement pathway, feedback to reassessment, and detailed rights-based safeguards. Immediate outputs are embedded in stages 5–8, while this study did not measure the anticipated outcomes.

The framework should not be interpreted as a new legal procedure or as evidence that Indonesian diversion is formally equivalent to FGC. Its theoretical contribution lies in assigning distinct but connected functions to four perspectives; its practical contribution lies in connecting legal resolution with differentiated assessment, child-appropriate preparation, separate accountability and recovery planning, identifiable responsibilities, services, monitoring, and possible reassessment. Victim recovery, offender reintegration, improved social functioning, fulfilled needs, reduced stigma, managed social problems, and expanded opportunities remain anticipated rather than demonstrated outcomes. This distinction is essential because the two cases cannot establish long-term effectiveness. Accordingly, the framework strengthens the substantive architecture of statutory diversion while remaining empirically informed, preliminary, and provisional because it derives from two agreement-producing cases and has not been independently tested or validated.

The implications extend beyond Indonesia because the tensions identified in Bandung concern the design of restorative juvenile justice rather than a single legal system. Adult-dominated participation questions whether children meaningfully influence decisions; family-dependent recovery exposes the limits of substituting relatives for professional services; weak post-agreement coordination challenges equating legal closure with restorative completion; and confidentiality concerns complicate assumptions that broader community participation is always desirable. These concerns reinforce the importance of child dignity, rehabilitation, family support, and protection within justice and welfare responses to children (Rizanizarli et al., 2023; Tursilarini et al., 2024). International restorative and youth-conferencing scholarship similarly emphasizes implementation support, context-sensitive participation, and continuity beyond conferencing (Marder, 2022; Price et al., 2022; Suzuki, 2025). The framework's transferable contribution therefore lies not in replicating Bandung procedures, but in differentiated assessment, meaningful child participation, distinct accountability and recovery planning, explicit institutional responsibility, and verifiable post-agreement follow-up.

The findings should be interpreted within the scope of the study's design. Drawing on two purposively selected diversion cases in Bandung that both resulted in court-approved agreements provided an in-depth view of successful agreement pathways, but necessarily limited insight into cases in which diversion was refused, discontinued, unsuccessful, or undertaken under different institutional conditions. Moreover, because the study could not comprehensively observe preparation and post-agreement implementation

and did not follow children over time, it cannot determine whether the processes examined resulted in sustained recovery, reintegration, reduced stigma, improved social functioning, or lower reoffending. Subtle relational and institutional pressures may also have remained beyond direct observation, while some mechanisms reported by institutional informants could not be consistently verified across cases. Accordingly, the proposed framework should be understood as an empirically grounded conceptual proposition whose broader applicability and practical robustness remain to be established through further validation.

D. Conclusion

This study demonstrates that the restorative quality of diversion cannot be determined by procedural completion alone. Evidence from the two Bandung cases shows that apology, negotiated responsibility, family involvement, and court-approved agreements can facilitate formal resolution, yet these mechanisms do not necessarily ensure meaningful child participation, sustained accountability, victim recovery, or coordinated post-agreement support. The central insight is therefore that procedural and restorative completion, although interconnected, represent different dimensions of juvenile justice. Diversion becomes substantively restorative when the process extends beyond reaching agreement to address how children participate, understand responsibility, experience protection, recover from harm, and receive continuing institutional support.

The study contributes a preliminary restorative justice framework that connects legal procedure with developmental accountability, meaningful participation, differentiated recovery needs, and social welfare support. Rather than treating Reintegrative Shaming Theory, Family Group Conferencing, the Rights-Based Perspective, and social welfare as parallel perspectives, the framework assigns them complementary functions within a continuous diversion process. This integration advances understanding of diversion from an agreement-centered mechanism toward a process linking separate assessment, preparation, conferencing, differentiated offender accountability and victim recovery planning, implementation, and follow-up. Its practical and policy significance lies in clarifying that responsibilities after agreement should not rest predominantly on children and families but should require identifiable institutional actors, coordinated services, and mechanisms to monitor and reassess implementation.

These implications are relevant beyond the Indonesian context because juvenile justice systems face a shared challenge of reconciling legal resolution with children's

participation, accountability, protection, and longer-term welfare. The framework offers transferable design principles rather than a universally applicable procedural model, allowing its components to be considered within different legal, institutional, and sociocultural settings. Its present value therefore lies primarily in providing an empirically grounded basis for examining what must occur around and beyond a restorative agreement.

Future research should test these propositions across unsuccessful or discontinued diversion, victim refusal, different procedural stages, and settings with varying institutional capacities. Longitudinal research is particularly needed to determine how agreements are implemented and whether recovery, reintegration, social functioning, educational continuity, and stigma change over time. Research should also examine less visible forms of relational or institutional pressure and validate the framework with children, families, practitioners, legal professionals, service providers, and independent experts.

Ultimately, diversion should not be judged by whether an agreement ends a case, but by whether the process creates meaningful participation, dignified accountability, supported recovery, and continuing responsibility toward both children. A restorative agreement is therefore not the endpoint of justice; it is the point at which restorative responsibility must become demonstrable in practice.

Declaration of Competing Interest

The authors declare no known financial, professional, or personal competing interests that could have influenced the research, analysis, interpretation, or publication of this article.

Declaration of Generative AI

The authors declare that artificial intelligence (AI) tools were used in a limited manner to support language refinement, clarity of expression, and editorial consistency during manuscript preparation. The use of AI did not involve the generation of research data, analysis, interpretation of findings, or substantive scholarly arguments. All intellectual content, research design, data collection, analysis, and conclusions remain the authors' full responsibility.

References

- Androff, D. (2018). Practicing Human Rights in Social Work: Reflections and Rights-Based Approaches. *Journal of Human Rights and Social Work*, 3(4), 179-182. <https://doi.org/10.1007/s41134-018-0056-5>

- Atashi Golestani, H., Arshi, M., Vameghi, M., & Farajiha, M. (2026). Identification of Restorative Services of Social Work in Juvenile Proceedings from the Perspective of Criminal Justice Stakeholders in Iran: A Qualitative Study. *Discover Psychology*, 6. <https://doi.org/10.1007/s44202-026-00591-0>
- Bernburg, J. G., Krohn, M. D., & Rivera, C. J. (2006). Official Labeling, Criminal Embeddedness, and Subsequent Delinquency: A Longitudinal Test of Labeling Theory. *Journal of Research in Crime and Delinquency*, 43(1), 67–88. <https://doi.org/10.1177/0022427805280068>
- Braithwaite, J. (1989). *Crime, Shame and Reintegration*. Cambridge University Press.
- Charles, A., Hampson, K., Case, S., & Brown, A. (2024). Challenging Notions of Children's "Participation" in the Youth Justice System: The United Nations Convention on the Rights of the Child, Article 12. *The International Journal of Children's Rights*, 32(1), 9–44. <https://doi.org/10.1163/15718182-32010002>
- Committee on the Rights of the Child. (2019). *General Comment No. 24 (2019) on Children's Rights in the child Justice System*. <https://www.ohchr.org>
- Creaney, S., & Burns, S. (2024). Freedom from Symbolic Violence? Facilitators and Barriers to Participatory Practices in Youth Justice. *Youth Justice*, 24(1), 31–52. <https://doi.org/10.1177/14732254231156844>
- Department of Justice and Constitutional Development. (2023). *Departmental Annual Report on the Implementation of the Child Justice Act for 2022/2023*. <https://www.justice.gov.za/vg/cj/CJA-AnnualReport-2022-2023.pdf>
- Febriansari, K. M., & Cahyaningtyas, I. (2021). Ide Family Group Conference dalam Sistem Peradilan Pidana Anak di Indonesia. *Jurnal Pembangunan Hukum Indonesia*, 3(3), 370–383. <https://doi.org/10.14710/jphi.v3i3.370-383>
- Forde, L. (2021). Welfare, Justice, and Diverse Models of Youth Justice: A Children's Rights Analysis. *The International Journal of Children's Rights*, 29(4), 920–945. <https://doi.org/10.1163/15718182-29040005>
- Gitterman, A., & Germain, C. B. (2008). *The life Model of Social Work Practice: Advances in Theory and Practice* (3rd ed.). Columbia University Press.
- Hillian, D., Reitsma-Street, M., & Hackler, J. (2004). Conferencing in the Youth Criminal Justice Act of Canada: Policy developments in British Columbia. *Canadian Journal of Criminology and Criminal Justice*, 46(3), 343–366. <https://doi.org/10.3138/cjccj.46.3.343>
- Hobbs, A., Cienfuegos-Silvera, A., & Wylie, L. E. (2022). Variations in Victim Presence in Restorative Youth Conferencing Programs: The Use of Surrogate Victims Increases Reparation Completion. *Victims & Offenders*, 17(7), 994–1008. <https://doi.org/10.1080/15564886.2021.1982097>

- Irawan, A., Hambali, M. A., & Arsetyo, Y. I. C. (2022). Kedudukan dan Peran Pembimbing Kemasyarakatan dalam Pendampingan bagi Anak Berhadapan Hukum sebagai Pelaku. *Journal Equitable*, 7(2), 125–156. <https://doi.org/10.37859/jeq.v7i2.4119>
- Karsudin, K., & Cahyaningtyas, I. (2021). Government Policy on Child Crime through the Concept of Diversion as a Solution amid the Spread of Covid-19. *Lex Scientia Law Review*, 5(2), 1–18. <https://doi.org/10.15294/lesrev.v5i2.49914>
- Liefwaard, T. (2019). Access to Justice for Children: Towards a Specific Research and Implementation Agenda. *The International Journal of Children's Rights*, 27(2), 195–227. <https://doi.org/10.1163/15718182-02702002>
- Lloyd, A., & Borrill, J. (2020). Examining the Effectiveness of Restorative Justice in Reducing Victims' Post-Traumatic Stress. *Psychological Injury and Law*, 13(1), 77–89. <https://doi.org/10.1007/s12207-019-09363-9>
- Lodi, E., Perrella, L., Lepri, G. L., Scarpa, M. L., & Patrizi, P. (2022). Use of Restorative Justice and Restorative Practices at School: A Systematic Literature Review. *International Journal of Environmental Research and Public Health*, 19(1), 96. <https://doi.org/10.3390/ijerph19010096>
- Lundy, L. (2007). 'Voice' is not Enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child. *British Educational Research Journal*, 33(6), 927–942. <https://doi.org/10.1080/01411920701657033>
- Mahkamah Agung Republik Indonesia. (2026). *Laporan Pelaksanaan Kegiatan tahun 2025*. <https://badilag.mahkamahagung.go.id/laptah>
- Marder, I. D. (2022). Mapping Restorative Justice and Restorative Practices in Criminal Justice in the Republic of Ireland. *International Journal of Law, Crime and Justice*, 70, 100544. <https://doi.org/10.1016/j.ijlcrj.2022.100544>
- Marlina, & Mulyadi, M. (2024). Building Restorative Justice in Gampong as a Bottom-up Legitimation of the Protection of Children in Conflict with the Law in Indonesia: Case Study in Aceh. *Cogent Social Sciences*, 10(1), 2347410. <https://doi.org/10.1080/23311886.2024.2347410>
- Midgley, J. (1995). *Social Development: The Developmental Perspective in Social Welfare*. Sage Publications.
- Miles, M. B., Huberman, A. M., & Saldaña, J. (2014). *Qualitative Data Analysis: A Methods Sourcebook* (3rd ed.). SAGE Publications.
- Morris, A., & Maxwell, G. (1998). Restorative Justice in New Zealand: Family Group Conferences as a Case Study. *Western Criminology Review*, 1(1), 1.

- Nashriana, N., Banjarani, D. R., Del Rosario, M. S., & Novianti, V. (2023). Enhancing Restorative Justice in Indonesia: Exploring Diversion Implementation for Effective Juvenile Delinquency Settlement. *Sriwijaya Law Review*, 7(2), 318–334. <https://doi.org/10.28946/slrev.Vol7.Iss2.2427.pp318-334>
- NSW Bureau of Crime Statistics and Research. (2024). *The Involvement of Young People Aged 10 to 13 years in the NSW Criminal Justice System*. <https://bocsar.nsw.gov.au>
- Oranga Tamariki–Ministry for Children. (2025). *Engaging Victims in Youth Justice FGCs: A 2-Site Analysis of what Works*. <https://www.orangatamariki.govt.nz>
- Oranga Tamariki–Ministry for Children. (2026). *Oranga Tamariki Performance Report for Quarter 2, 2025 to 2026*. <https://www.orangatamariki.govt.nz>
- Pennell, J., Turner, T., & Hardison, J. (2002). *North Carolina Family Group Conferencing Project*. <https://cfac.chass.ncsu.edu>
- Price, S., Prenzler, T., McKillop, N., & Rayment-McHugh, S. (2022). The Evolution of Youth Justice Conferencing in Queensland, 1990–2021. *Current Issues in Criminal Justice*, 34(1), 77–94. <https://doi.org/10.1080/10345329.2021.1988248>
- Purba, N., Suriani, S., Ismail, I., Ismail, W. N. A. T., & Saragih, A.-K. (2024). Double Track System for Child Convictions for Sexual Violence in North Sumatera: Perspective of Restorative Justice. *Samarah*, 8(2), 1216–1238. <https://doi.org/10.22373/sjhk.v8i2.23000>
- Putri, D. D. P. (2023). Sounding the Justice for Child: Does Restorative Justice Matters? *Journal of Law and Legal Reform*, 4(3), 303–324. <https://doi.org/10.15294/jllr.v4i3.68106>
- Rahman, F. (2019). Contextualizing Restorative Justice through Diversion Mechanism: A Study of Indonesia's Juvenile Justice System. *Indonesia Law Review*, 9(3), 241–259. <https://doi.org/10.15742/ilrev.v9n3.584>
- Rismana, D., Maskur, A., Permonoputri, R. M. L. F., Hariyanto, H., & Hariz, H. S. S. (2025). The legal Effectiveness of Juvenile Diversion: A Study of the Indonesian Juvenile Justice System. *Khazanah Hukum*, 7(2), 190–205. <https://doi.org/10.15575/kh.v7i2.44162>
- Rizanizarli, R., Mahfud, M., Pratama, R. C., & Fikri, F. (2023). The Application of Restorative Justice for Children as Criminal Offenders in the Perspective of National Law and Qanun Jināyat. *Samarah*, 7(1), 21–39. <https://doi.org/10.22373/sjhk.v7i1.15633>
- Roy, T., & Schoeman, M. (2021). Analysing the Applicability of Family Group Conferencing as a Youth Justice Intervention in South Africa. *Vulnerable Children and Youth Studies*, 16(3), 245–252. <https://doi.org/10.1080/17450128.2021.1934619>
- Sasmita, D. (2025). *Sistem Peradilan Pidana Anak: Anak Berhadapan Hukum adalah Korban*. Komisi Perlindungan Anak Indonesia.

- Sithole, J. D. S., & Muzingili, T. (2026). The Paradox of Restorative Juvenile Justice in Zimbabwe: A Social Work Perspective on the Challenges for Effective Implementation of Pre-Trial Diversion Programmes. *Journal of Human Rights and Social Work*, 11, 259–273. <https://doi.org/10.1007/s41134-026-00434-x>
- Strømmland, M., Bahus, M. K., & Andersen, A. J. W. (2023). “What’s the Purpose of Having a Say if I Cannot Participate?” A Qualitative Study of Young People’s Experiences of Being Heard and to Participate in Decision-Making Processes in Norwegian Child Welfare Services. *The International Journal of Children’s Rights*, 31(3), 729–755. <https://doi.org/10.1163/15718182-31030007>
- Suzuki, M. (2025). Offender Journeys in Restorative Youth Justice Conferencing: The Overlap between Restorative Justice and Desistance. *Deviant Behavior*, 46(4), 435–455. <https://doi.org/10.1080/01639625.2024.2352047>
- Suzuki, M., & Wood, W. R. (2018). Is Restorative Justice Conferencing Appropriate for Youth Offenders? *Criminology & Criminal Justice*, 18(4), 450–467. <https://doi.org/10.1177/1748895817722188>
- Tursilarini, T. Y., Udiati, T., Irmawan, I., Cahyono, S. A. T., Suryani, S., & Al Vayed, D. (2024). Examining Child Victims of Incest in Indonesia: Between the Legal System and Family Dysfunction. *Juris: Jurnal Ilmiah Syariah*, 23(1), 129–142. <https://doi.org/10.31958/juris.v23i1.12341>
- Wood, W. R., & Suzuki, M. (2024). Getting to Accountability in Restorative Justice. *Victims & Offenders*, 19(7), 1400–1423. <https://doi.org/10.1080/15564886.2024.2333304>

