

Restorative Justice and Deterrence in Klitih Cases: Troubles Harmonizing Community Protection and Child Rehabilitation

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Abstrak

Masyarakat umum di Yogyakarta mengalami gangguan dan kekhawatiran yang signifikan akibat kejahatan jalanan yang dikenal sebagai klitih. Tujuan penelitian ini adalah untuk mengevaluasi implementasi keadilan restoratif dalam kasus-kasus kekerasan terhadap anak guna meningkatkan perlindungan komunitas dan kesempatan pendidikan bagi anak-anak. Pendekatan hukum normatif digunakan dalam penelitian ini, dan perspektif hukum normatif dipertimbangkan. Pendekatan normatif digunakan untuk menganalisis data yang dikumpulkan melalui proses evaluasi menyeluruh terhadap literatur yang sudah ada. Temuan penelitian menunjukkan bahwa keadilan restoratif memiliki potensi untuk mencapai keseimbangan damai antara perlindungan masyarakat dan rehabilitasi anak-anak yang terlibat dalam kasus kekerasan terhadap anak. Penyesuaian aturan dan regulasi, peningkatan efisiensi pelaksanaan, penyesuaian prosedur, pemanfaatan teknologi, dan pembentukan kemitraan dengan organisasi yang merupakan bagian dari masyarakat sipil adalah cara-cara untuk mencapai hal ini. Temuan penelitian ini menunjukkan bahwa implementasi langkah-langkah keadilan restoratif berpotensi secara efektif berkontribusi pada pembangunan masyarakat di Yogyakarta yang lebih aman, lebih adil, dan lebih kohesif.

Kata Kunci

Klitih Yogyakarta, Keadilan Restoratif, Perlindungan Masyarakat, Rehabilitasi Anak

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Abstract

The general populace in Yogyakarta is experiencing a large amount of disturbance and concern as a result of a sort of street crime known as *klitih*. The purpose of this research is to evaluate the implementation of restorative justice in instances involving child abuse in order to enhance both community protection and educational opportunities for children. Normative legal approaches are utilized in this work, and a normative juridical perspective is taken into consideration. Normative approaches were used to conduct the analysis once the data was gathered through the process of conducting a full evaluation of the already available literature. The findings of the research indicate that restorative justice has the potential to achieve a peaceful equilibrium between the protection of the community and the rehabilitation of children who have been involved in circumstances of child abuse. The alignment of rules and regulations, the enhancement of the efficiency of execution, the adaptation of procedures, the utilization of technology, and the formation of partnerships with organizations that are part of civil society are all ways in which this can be accomplished. The findings of this study indicate that the implementation of restorative justice measures has the potential to effectively contribute to the construction of a society in Yogyakarta that is safer, more equal, and more cohesive.

Keywords

Klitih Yogyakarta, Restorative Justice, Community Protection, Child Rehabilitation

Introduction

Yogyakarta's street crime, or *klitih*. The term *klitih* was meant to describe an activity or activities of leaving the house at night to relieve exhaustion rather than to bad things or criminal conduct¹. Teens with issues in their families, difficulties in school, negative stigma in their communities and surroundings, a lack of room for expression, and so on are a few

¹ Enung Hasanah and Supardi Supardi, "The Meaning of Javanese Adolescents' Involvement in Youth Gangs during the Discoveries of Youth Identity: A Phenomenological Study," *The Qualitative Report* 25, no. 10 (2020): 3602–26.

examples². *Klitih* is derived from the word "reform," specifically "walking back and forth" (*klithah-klithih*). This is a reference to the SA Mangunswito Javanese Language Dictionary, which says that words that change sound or that mimic sound are included in the category of *klitah-klitih*. Some Indonesian words that are comparable to *klitah-klitih* include helter-skelter and pace.

The inability of society to offer control to those who do *klitih* activities is one of the causes and catalysts for the creation of *klitih* acts. Aside from that, the government's lackadaisical approach to prevention is the second reason. Meanwhile, social media's contribution to increasing the space for mutual communication amongst members of *klitih* groups is the third factor contributing to the emergence of *klitih* actions³. Teenage criminal activity had previously been on the rise during the 1990s. Teenagers then joined gangs and used physical altercations to commit crimes. In addition, the DIY Regional Police (Polwil) started charting the juvenile gang's locations on July 7, 1993. Any Yogyakarta kid who engages in physical altercations will either be sent back to their parents or dismissed from the school⁴. Ultimately, this advice appeared restrictive to a lot of kids from less favourable family circumstances, who instead chose to express their frustration by escorting other youngsters about on motorbikes in search of opponents.

The teens went on to become part of an established gang, complete with a chairman, deputy, and treasurer⁵. which involves violence and theft, is starting to worry the residents of

² Inbar Levkovich and Michal Labes, "‘I Wanted to Hide but Also to Be Found’: The High School Experiences of Young Adults Who Grew up in the Same Home as a Sibling with Depression," *BMC Psychology* 11, no. 1 (2023): 190.

³ Fuadi Isnawan, "Law Number 11/2012 on the Juvenile Criminal Justice System in Overcoming Street Crime" *Klitih* in Yogyakarta City," *Jurnal Mahkamah: Kajian Ilmu Hukum Dan Hukum Islam* 8, no. 1 (2023): 1–16.

⁴ Haris Tofly and Nyadina Eka Santi, "Diversion Taken for the Case of Violence Committed by Children," *Indonesia Law Reform Journal* 4, no. 1 (2024): 15–41.

⁵ Lance Williams, *King David and Boss Daley: The Black Disciples, Mayor Daley, and Chicago on the Edge* (Rowman & Littlefield, 2023).

Yogyakarta and the neighbouring areas⁶. The two primary strategies used to combat this are preventive and restorative justice. The community has been feeling more insecure and afraid as a result of the sharp rise of *Klitih* instances in recent years⁷. In order to combat crime, the government has implemented a number of initiatives, two of which are restorative justice and prevention. The goal of restorative justice is to reconcile victims and offenders and mend their relationship through conflict resolution⁸. While prevention is an approach that focuses on enforcing strict punishments to provide a deterrent effect for the perpetrators and prevent crimes from occurring in the future, restorative justice in the context of violence aims to support victims in their trauma recovery process as well as help perpetrators understand the impact of their actions and take responsibility for them⁹. Prevention in the context of *klitih* seeks to give the community a sense of security while acting as a disincentive to *klitih* perpetrators, preventing them from repeating their activities¹⁰. Despite the fact that both strategies aim to end child abuse, there are worries that putting them into practice can lead to conflicts between community safety and child rehabilitation¹¹.

The *klitih* action's perpetrator choose their enemies at random. Teenagers from particular schools are typically the targets of *Klitih* foes, as seen by the type of bet that is employed. People from specific demographics, such as ladies, the elderly, and young people riding

⁶ Muhammad Nazhifuddin Fikri and Vani Dias Adiprabowo, "Framing Analysis of Klitih Reporting in Online News in the Special Region of Yogyakarta," *LITERATUS* 5, no. 1 (2023): 178–89.

⁷ Fahmi Sidiq, "Child Drug Abuse: Factors, Judicial Process, and Legal Protection," *International Journal of Humanities, Law, and Politics* 1, no. 4 (2023): 59–63.

⁸ Mark Umbreit, *Victim Meets Offender: The Impact of Restorative Justice and Mediation* (Wipf and Stock Publishers, 2023).

⁹ Ana M Nascimento, Joana Andrade, and Andreia de Castro Rodrigues, "The Psychological Impact of Restorative Justice Practices on Victims of Crimes—a Systematic Review," *Trauma, Violence, & Abuse* 24, no. 3 (2023): 1929–47.

¹⁰ Fuadi Isnawan, "Crime in Culture: Analysis of the Sarong War in the Holy Month from a Criminal Law Perspective," *Journal Equity of Law and Governance* 4, no. 1 (2024): 9–23.

¹¹ Ebenezer Kojo Gyasi Mensah, "Child Homelessness in the USA: Balancing Human Rights, Criminal Law, and National Security," *Criminal Law, and National Security* (April 5, 2024), 2024.

together, are seldom attacked by *Klitih* criminals¹². The situation of *klitih* in Yogyakarta has a history of violent culture, the influence of motorcycle gangs, the lack of positive space for teenagers, psychological and social factors, easy access to sharp weapons, weak law enforcement, and the impact of the COVID-19 epidemic. The next generation who is accustomed to aggressive behaviour results from the lengthy history of brawls between student groups in Yogyakarta¹³. The problem was worsened by the rise of motorcycle gangs by more methodically aggressive behaviour¹⁴. Conversely, the lack of public space and constructive events for young people motivates them to search for substitutes including *klitih* and brawls. Broken households, lack of affection, and self-identity problems among psychological and social elements render teenagers prone to engage in criminal activities¹⁵. Simple access to sharp weapons facilitates victim damage by them. Past weak law enforcement helped the criminals feel free to continue their activities¹⁶.

The COVID-19 epidemic has also made things worse by raising poverty and unemployment rates and motivating young people to turn to crime in order to pay for living¹⁷. Overcoming crime calls for a complete answer involving several stakeholders¹⁸. To stop and handle these issues governments, law enforcement, academics, communities, and families have to

¹² Ameylia Puspita Rosa Dyah Ayu Arintyas, Hakimul Ikhwan, and Muhadjir Darwin, "Protection Innovation Actions as an Effort to Fulfill the Social Rights of Children in Conflict with the Law: Case Study in Dki Jakarta and Di Yogyakarta," *Available at SSRN 4819137*, n.d.

¹³ Nur Irsyadiah et al., "Zero Tolerance for Bullying: Effective Measures to Stop and Prevent Harassment in Schools," *EDUTEC: Journal of Education And Technology* 7, no. 3 (2024): 423–35.

¹⁴ Philip Sernbo, "Organized Crime, Gangs and Drugs: A Scoping Review of the Overlap," 2024.

¹⁵ Rayshawn L Wilson, "Resilience and Stigma Management of African American College Graduates with Incarcerated Parents" (Walden University, 2024).

¹⁶ Beki Pieri and Iain Brennan, "The Meaning and Use of Weapons in English Prisons," *CrimRxiv*, 2024.

¹⁷ Robert MacDonald et al., "The COVID-19 Pandemic and Youth in Recent, Historical Perspective: More Pressure, More Precarity," *Journal of Youth Studies* 27, no. 5 (2024): 723–40.

¹⁸ M D Romael Haque et al., "Are We Asking the Right Questions?: Designing for Community Stakeholders' Interactions with AI in Policing," in *Proceedings of the CHI Conference on Human Factors in Computing Systems*, 2024, 1–20.

cooperate¹⁹. These initiatives have to be sustainable and concentrate on young development, strong law enforcement, and the building of a safe and favourable surroundings for the next generation²⁰. Dealing with crime cases involving minors, including *klitih* in Yogyakarta, cannot concentrate on one element²¹. children rehabilitation and community protection have to be matched. Maintaining security and discipline depends first on community protection. Child rehabilitation should not be overlooked, though either. Rehabilitation helps to create a safer society and stop young people from doing illegal activities once more²². Achieving restorative justice, protecting children's rights, and avoiding stigmatizing behaviour depend on the harmonization of these two elements as well²³. In the end, this harmonization will contribute to create a more inclusive society, stop child neglect and exploitation, and provide chances for youngsters to have better lives going forward. Reaching this harmony calls for dedication and teamwork among all the players government, law enforcement, social institutions, and the community²⁴.

Restoring relationships and reintegrating offenders into society provides a fresh perspective in the criminal justice system for restorative justice, therefore transcending vengeance and

¹⁹ Claudia Gross Shader et al., "City Government as Super-Controller: A Systematic Review of Non-Police Mechanisms That City Governments Can Apply to Reduce Crime at Hot Spots," *Aggression and Violent Behavior*, 2024, 101957.

²⁰ KGNU Ranaweera, "Urban Harmony: Balancing Fear of Crime with Sustainable and Innovative Community Development," 2024.

²¹ Arintyas, Ikhwan, and Darwin, "Protection Innovation Actions as an Effort to Fulfill the Social Rights of Children in Conflict with the Law: Case Study in Dki Jakarta and Di Yogyakarta."

²² Rudi Suwardana, Muhammad Arif Sahlepi, and T Riza Zarzani, "Implementation Of Criminal Sanctions Against Children Who Commit Criminal Offenses," in *International Conference on Health Science, Green Economics, Educational Review and Technology*, vol. 6, 2024, 50–61.

²³ Beatrice Argentero et al., "Legal Opinions On Gender-Based Violence By The Students Of The School Of International Studies," n.d.

²⁴ John Kevin V Bangaysiso et al., "Lives Beyond the Badge: Exploring the Work-Life Balance of Special Weapons and Tactics (SWAT) Operatives," *International Journal of Law and Politics Studies* 6, no. 3 (2024): 193–217.

sentencing²⁵. Under this strategy, all the people engaged in a criminal activity including victims, offenders, and the society actively participate²⁶. Restoring justice's primary objective is to arrive at a fair and fulfilling consensus for all participant²⁷. Both practically and non-materially, victims are entitled to payback for their losses. Encouraged to own their crimes, offenders are assisted in returning to be responsible, active members of society. This procedure is supposed to bring back mutual trust and harmony in society as well as mend connections between the engaged parties²⁸. How can restorative justice be implemented effectively to achieve community protection and child rehabilitation in cases of violence against children? How to overcome the legal and governmental challenges that hinder the effective implementation of restorative justice in cases of *klitih*? What are the recommendations for harmonization between community protection and child rehabilitation in the role of government?

Method

This research is classified as a normative type of research. Normative research aims to understand and analyze applicable legal norms or rules. In this context, the norms studied are related to restorative justice in the criminal justice system in Indonesia. The research approach used is normative juridical. This approach focuses on the study and analysis of written legal materials, such as laws and regulations, legal doctrines, jurisprudence, previous books and journals and other secondary legal materials. The data collection technique used

²⁵ Grazia Mannozi, "Social Rehabilitation Through Restoration?: Old Issues and Transformative Perspectives in the Relationship Between Restorative Justice and the Criminal Justice System," in *Social Rehabilitation and Criminal Justice* (Routledge, 2024), 53–69.

²⁶ Saltanat Azhibekova and Bibigul Kulmukhanbetova, "Public Organization Participation in the Prevention of Sexual Crimes against Minors and Adolescents: International Practices," *Journal of Forensic Science and Medicine* 10, no. 2 (2024): 99–105.

²⁷ William R Wood and Masahiro Suzuki, "Getting to Accountability in Restorative Justice," *Victims & Offenders*, 2024, 1–24.

²⁸ Fasuan Emmanuel Olawale, Khoo Ying Hooi, and K S Balakrishnan, "From Divided Past to Cohesive Future': A Reflection on the Reconciliatory Mechanisms of (Yoruba) Traditional Approaches to Conflict Resolution in Nigeria," *African Identities*, 2024, 1–16.

in this study is a literature study. Literature studies are carried out by collecting and studying the legal materials mentioned above. This technique is used to analyze the applicable legal norms. Normative analysis aims to understand the relationship between legal norms, identify inconsistencies and inconsistencies, and evaluate the effectiveness of these legal norms.

Result and Discussion

Legal Foundations of Restorative Justice in Indonesia

This section Restoring Justice in Indonesia has multiple legal bases, both those clearly controlling restorative justice and those anchored in the ideas guiding its implementation²⁹. The following lists some of the legal foundations:

1. Constitution of the Republic of Indonesia 1945³⁰

- a. Article 1 paragraph 3: Realizing social justice for all Indonesian people and controlling the Unitary State of the Republic of Indonesia so shielding all Indonesian bloodshed.
- b. Article 27 paragraph 2 controls citizens' rights and responsibilities to land a respectable employment and income.
- c. Article 31 paragraph 1: upholds everyone's right to a suitable education.

2. The Criminal Code (KUHP)³¹

- a. Article 10 controls the goals of punishment: it protects the society from acts against the law, it helps and educates prisoners to become valuable persons for society, and it gives victims, offenders, and society justice.

²⁹ Hugo Fredmark, "Forging Connections: Traditional Rituals and Social Reintegration of Ex-Combatants: A Qualitative Comparison of Truth and Reconciliation Commissions," 2024.

³⁰ Lusia Indrastuti, Waluyo S Pradoto, and Lulus Udjiwati, "Democratic Political Law in Indonesia After Amendments to the 1945 Uud," *Journal of Law and Sustainable Development* 12, no. 1 (2024): e2310–e2310.

³¹ Yolla Veronica Sembiring et al., "Criminal Law and Scope of Criminal Law," *International Journal of Law and Society* 1, no. 3 (2024): 37–44.

- b. Article 11 controls the principles of penal punishment: those of justice, humanity, and legal certainty, therefore guiding the principle of punitive punishment.
- c. Article 12: controls criminal activity as a last resort; so, criminalization can only be used in this last option to settle criminal matters.

3. Law Number 35 of 2014 pertaining to Child Protection³²

- a. Article 1 number 2 controls the definition of a child that is, a person not yet eighteen including those still in the womb.
- b. Article 77 controls children's rights to rehabilitation physical, psychological, social, and financial recovery among other things.
- c. Article 78 controls the state's responsibility for planning child rehabilitation.

4. Additional laws and rules³³

- a. Regulation of the Supreme Court of the Republic of Indonesia Number 3 of 2017 concerning the Handling of Children's Cases: Controls the methods of handling children's cases, including the application of restoring justice.
- b. Regulation of the Prosecutor's Office of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice: Regulates the terms and procedures for the termination of prosecution based on restoring justice.
- c. Control of the National Police of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restoring Justice: Controls the function and obligations of the National Police in handling criminal acts based on restorative justice.

³² Paul McCafferty, "Children's Participation in Child Welfare Decision Making: Recognising Dichotomies, Conceptualising Critically Informed Solutions.," *Child Care in Practice* 30, no. 2 (2024): 112–29.

³³ Markus Hinterleitner, Christoph Knill, and Yves Steinebach, "The Growth of Policies, Rules, and Regulations: A Review of the Literature and Research Agenda," *Regulation & Governance* 18, no. 2 (2024): 637–54.

Apart from the above-mentioned legal foundation, many international legal instruments pertinent to restorative justice exist as well³⁴, United Nations Declaration on the Principles of Restoring Justice. This Declaration controls the fundamental ideas of restorative justice including active engagement of victims, offenders, and communities, recovery of victims' losses, and reintegration of offenders into society³⁵.

Several laws and rules, including Law Number 35 of 2014 concerning Child Protection, Regulation of the Supreme Court of the Republic of Indonesia Number 3 of 2017 concerning the Handling of Children's Cases, and the Prosecutor's Regulation of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecution Based on Restoring Justice, have let the application of restorative justice accommodate itself. Restoring justice is expected to have major positive effects on Indonesia's criminal justice system in particular on case resolution's effectiveness, crime rate reduction, victim recovery, and rebuilding of mutual confidence and harmony in society. Restoring justice has certain difficulties as well³⁶. Its successful execution depends on socializing, education, training, and infrastructure facility strengthening as well as on Realizing a fair and decent criminal justice system by a restorative justice method depends on everyone's commitment and cooperation from the government, law enforcement, academia, to the community.

In Indonesia, linked in a strong legislative framework, child protection and restorative justice go hand in hand³⁷. Starting from the 1945 Constitution of the Republic of Indonesia, children's rights to welfare, health, and education are confirmed³⁸. Law Number 35 of 2014

³⁴ Grazia Mannozi, "Innovative and Transformative Effects of Restorative Justice: Reflections on the Recent Reform Adopted in Italy," in *Restorative Justice at a Crossroads* (Routledge, 2024), 78–103.

³⁵ Delphine Griveaud, "Restorative Justice in France: A Participatory Turn? Empirical Research on the Management of Victims' Participation," *International Criminology* 4, no. 1 (2024): 31–43.

³⁶ Shirley Jülich et al., "Restorative Justice Responses to Sexual Violence: Perspectives and Experiences of Participating Persons Responsible and Persons Harmed," *Victims & Offenders*, 2024, 1–26.

³⁷ Arie Putra Prakoso, Fatimah Yunus, and Iwan Romadhan Sitorus, "Restorative Justice Against Child Crime In the Perspective of Islamic Law at the Bengkulu City Police Station," *QIYAS: Jurnal Hukum Islam Dan Peradilan* 8, no. 2 (2024): 142–50.

³⁸ Lukas Alexander Sinuraya et al., "Legal Protection for Children Against the Threat of Addictive Cigarette Substances," *Journal of Law and Sustainable Development* 12, no. 1 (2024): e2555–e2555.

concerning Child Protection subsequently became a more complete legal umbrella, controlling children's rights and obligations, as well as the roles and responsibilities of many parties in protecting them³⁹. Conversely, restorative justice is emerging as a new paradigm in the young criminal justice system. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Regulation of the Supreme Court of the Republic of Indonesia Number 3 of 2017 concerning the Handling of Children's Cases, and the Prosecutor's Regulation of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecution Based on Restoring Justice contained diversions and restorative justice.

Realizing a fair and respectable young criminal justice system depends mostly on the harmonizing of laws and rules⁴⁰. The basic basis is child protection; restorative justice is a mechanism to help children whose rights have been abused by criminal activity to be restored⁴¹. Still, there are difficulties in this harmonizing. Obstacles to be surmounted are ignorance of restorative justice, inadequate infrastructure and human resources, and poor party cooperation. Key to promoting the efficient use of restorative justice are socializing and educational initiatives, training and capacity building, as well as improvement of buildings and infrastructure. Harmonizing child protection and restorative justice with the dedication and collaboration of all the parties will open the path for a better future for Indonesian children whereby their rights are honoured and the young criminal justice system functions fairly and with dignity.

³⁹ Paul McCafferty and Esther Mercado Garcia, "Children's Participation in Child Welfare: A Systematic Review of Systematic Reviews," *The British Journal of Social Work* 54, no. 3 (2024): 1092–1108.

⁴⁰ Muneeba Faizan Nazim, Sohail Amjad, and Anum Shahid, "Juvenile Justice Reform: A Comparative Study Of International Practices," *Pakistan Islamicus (An International Journal of Islamic & Social Sciences)* 4, no. 01 (2024): 42–53.

⁴¹ Tahura Malagano and Andrew R J Dainty, "Analysis Of Implementation Of Diversion And Restorative Justice As A Form Of Protection Of Children's Rights In Conflict With The Law," *EQUALEGUM International Law Journal*, 2024, 15–22.

A fresh approach in the criminal justice system, restorative justice is here to link Indonesian legal theory and jurisprudence⁴². Restoring justice can be applied from a strong basis in doctrines such Article 1 paragraph 3 of the 1945 Constitution, Article 28B paragraph (2), Article 10 of the Criminal Code, and Article 12 of the Criminal Code⁴³. By offering unambiguous rules and criteria, jurisprudence including the Supreme Court Decision Number 127P/Pid.Sus/2019 and the Supreme Court Decision Number 25P/HUM/2020 strengthens the application of restorative justice even further. Harmonizing theory with jurisprudence does not, however, present without difficulties⁴⁴. Restoring justice still in its early phases and calls for socializing, teaching, training, and infrastructure improvement⁴⁵.

Realizing a fair and decent criminal justice system by means of a restorative justice strategy depends on the commitment and cooperation of all parties, from the government, law enforcement, academics, to the society. Restoring justice is believed to be a good way to solve criminal situations, particularly those involving children, in Indonesia by means of ongoing development of doctrine and jurisprudence as well as enhancement of its implementation in the field.

⁴² Hazar Kusmayanti et al., "The Character of Peace in Judges' Customary Criminal Receptions as Restorative Justice," *Journal of Law and Legal Reform* 5, no. 1 (2024): 409–32.

⁴³ Azriadi Azriadi, Hartiwiningsih Hartiwiningsih, and Mohammad Jamin, "The Protection of Children: An Examination Via The Pancasila Paradigm," in *International Conference On Law, Economic & Good Governance (IC-LAW 2023)* (Atlantis Press, 2024), 87–95.

⁴⁴ Siddhi Singh, "Harmonizing Jurisprudence: A Quest For Ethical Legal Practice Through The Integration Of Indic Civilization Values Into Legal Education," *Educational Administration: Theory and Practice* 30, no. 5 (2024): 405–10.

⁴⁵ Thalia González and Mara Schiff, "The Uncertain Future of Restorative Justice: Anti-Woke Legislation, Retrenchment and Politics of the Right," *Retrenchment and Politics of the Right* (April 18, 2024), 2024.

A Study of Legislative Standards Concerning Child Rehabilitation and Community Protection

Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia asserts that "everyone has the right to the protection of himself, his family, honour, dignity, and property." Legislation Number 35 of 2014 concerning Child Protection⁴⁶:

- a. This legislation controls children's rights, the responsibilities of parents, family, and society, as well as the part the government should perform in safeguarding children.
- b. Law Number 11 of 2012 about the Juvenile Criminal Justice System: This law controls the juvenile criminal justice system, emphasizing restoring justice, diversion, and child rehabilitation.
- c. Government Regulation Number 66 of 2016 about Types and Tariffs of Social Rehabilitation Services: This government control controls the kinds and rates of social rehabilitation programs for youngsters running afoul of the law.

One must harmonize child rehabilitation and community protection. On the one hand, society has the right to prevent criminal behaviour and experience security⁴⁷. Children who engage in criminal activity, on the other hand, have rights to rehabilitation and recovery so they may go back and actively contribute to society. By means of a restorative justice approach, Indonesian legal standards have given room for this harmony⁴⁸. This method lets child rehabilitation be done while still keeping an eye on victim and community interests. Legal rules present various difficulties in their application, even if they have given space for harmonization.

⁴⁶ Kartika Asmanda Putri and Endang Yuliana Susilowati, "Legal Protection of Children and Women Victims of Household Violence Based on Constitutional Perspective," *International Journal of Multicultural and Multireligious Understanding* 11, no. 2 (2024): 548–56.

⁴⁷ Arintyas, Ikhwan, and Darwin, "Protection Innovation Actions as an Effort to Fulfill the Social Rights of Children in Conflict with the Law: Case Study in Dki Jakarta and Di Yogyakarta."

⁴⁸ Andry SyafrizaL Tanjung and Jafan Fifaldi Harahap, "Restorative Justice Regulations in Reforming Criminal Procedure Law," *Daengku: Journal of Humanities and Social Sciences Innovation* 4, no. 1 (2024): 155–61.

Insufficient knowledge of restorative justice: Many people still lack awareness of the idea and advantages of restorative justice for child rehabilitation. Children's rehabilitation calls for enough resources in terms of facilities, personnel, and financial capacity. Negative stigma toward minor criminals could impede their process of rehabilitation. Education and socializing initiatives regarding restorative justice for the community and stakeholders are required to help overcome these obstacles. Furthermore, important are enhancing resources for children's rehabilitation and designing surroundings better fit for their reintegration into society. By using the restorative justice method, legal conventions in Indonesia have laid the foundation for harmony between community protection and child rehabilitation. Still, the execution of this harmonization calls for major efforts from several sides to overcome different current obstacles⁴⁹.

Research Analysis in A Legal Context

Studies on the possibilities and constraints of restorative justice in *klitih* cases offer a mixed picture of the part this method can play in attempts to balance between child rehabilitation and community protection. Legally, restorative justice is acknowledged as one of the alternatives to resolving criminal cases in Indonesia, stated in⁵⁰:

- a. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System: Regulates the juvenile criminal justice system that focuses on restorative justice, diversion, and child rehabilitation;
- b. Supreme Court Regulation Number 3 of 2017 concerning Guidelines for the Application of Diversion in Children's Criminal Justice: Establishes guidelines for the application of diversion in young criminal justice including in cases involving restorative justice.

⁴⁹ Flavia Beccia et al., "Integrating China in the International Consortium for Personalised Medicine: A Position Paper on Innovation and Digitalization in Personalized Medicine," *BMC Public Health* 24, no. 1 (2024): 464.

⁵⁰ Deny Haspada, "Legal Analysis of Restorative Justice Practices in Resolving Child Crime Cases in Indonesia," *Influence: International Journal of Science Review* 6, no. 1 (2024): 131–40.

Restoring justice applied in *klitih* situations must so take various legal factors into account, including:

- a. The offenders of the crime have to still be handled through the relevant legal channel. The criminal judicial system cannot be hampered with restorative justice.
- b. Legal protection and justice are rights belonging to victims. The restoring justice procedure has to make sure the victim's rights including those pertaining to compensation for the losses suffered are satisfied.
- c. Restoring justice has to strike a balance between personal interests and those of the society as a whole, therefore including the interests of the individual offender. Perpetrators' rehabilitation has to be done so as not to compromise the society.

Although restorative justice seems to be a good strategy for reducing criminal charges, it must be used wisely and with regard to relevant legal issues. Restoring justice is supposed to help to balance community protection with child rehabilitation by means of appropriate and quantifiable implementation, thereby helping to prevent crime events in Yogyakarta⁵¹.

Suggestions for restorative justice application and law and regulatory improvement

Restoring justice will be implemented from a strong legal framework created by improving laws and regulations including strengthening the legal basis of restorative justice, offering thorough rules, and enhancing cooperation among institutions. Building human resource capacity, improving education and socializing, creating a support system for offenders, and doing research and evaluation will help to guarantee that restorative justice is used regularly and professionally, so guaranteeing its efficacy. Restoring justice applied suitably and proportionately in the context of *klitih* will depend on changes to the restoring justice mechanism in *klitih* cases, including consideration of the seriousness of the crime, ensuring

⁵¹ Edi Yunara and Taufik Kemas, "The Role of Victimology in the Protection of Crime Victims in Indonesian Criminal Justice System," *Mahadi: Indonesia Journal of Law* 3, no. 01 (2024): 63–78.

active participation of all parties, ensuring fair reparations, and strengthening monitoring and evaluation mechanisms.

Information and communication technologies digital platforms, information systems, and communication technology will help to facilitate access to knowledge and communication in the restorative justice process, boost efficiency, and extend the reach of education and socializing, thereby increasing the impact of these elements. Strengthening synergy and cooperation in the prevention of criminal justice and the application of restorative justice by means of cooperation with civil society organizations that is, involving civil society organizations, building cooperation networks, and so enhancing the capacity of civil society organizations will help to ensure that synergy is strong. Restoring justice can be a good way to harmonize community protection and child rehabilitation in the prevention of crime in Yogyakarta by means of a combination of measures to improve regulations, increase the efficacy of implementation, adjust mechanisms, use technology, and collaborate with civil society organizations⁵². Together with thorough initiatives to avoid crime, the correct and regular application of restorative justice could produce a safer, fairer, and more harmonic Yogyakarta society where children have the chance to grow and develop into positive and productive persons⁵³. Improving laws and regulations, raising the efficacy of the application of restorative justice, changing mechanisms, using technology, and working with civil society organizations will help to harmonize between community protection and child rehabilitation in Yogyakarta in crime prevention. Applied sensibly and regularly, restorative justice can be a solution helping to build a fairer, safer, and more harmonic society⁵⁴.

⁵² Etinosa Igbinenikaro and O A Adewusi, "Policy Recommendations for Integrating Artificial Intelligence into Global Trade Agreements," *International Journal of Engineering Research Updates* 6, no. 01 (2024): 1–10.

⁵³ Maulidina Yuliani, Ritha F Dalimunthe, and Prihatin Lumbanraja, "Building And Developing A Creative Business Spirit That Is Beneficial To Society Through The Application Of Entrepreneurship," *Musytari: Neraca Manajemen, Akuntansi, Dan Ekonomi* 4, no. 12 (2024): 40–51.

⁵⁴ Camila Devis-Rozental and Susanne Rose Clarke, *Building Communities of Practice in Higher Education: Co-Creating, Collaborating and Enriching Working Cultures* (Taylor & Francis, 2024).

Conclusion

Klitih, a form of delinquency perpetrated by adolescents in Yogyakarta, has emerged as a pressing issue due to its disruptive impact on the local society. Restorative justice is a complementary approach to criminal management that focuses on both prevention and resolution. Restorative justice seeks to address criminal offense by engaging offenders, victims, and the community in order to achieve a mutually agreed-upon resolution. The primary problem in managing childbirth is achieving a balance between community protection and child rehabilitation. Perpetrators of *Klitih* crimes are mostly underage and thus necessitate rehabilitation. Nevertheless, individuals also require security. Restorative justice in Indonesia is supported by a robust legal framework, but its effective implementation is hindered by challenges such as limited outreach, inadequate human resources, and insufficient cooperation among involved parties. The suggested remedies encompass enhancing rules, bolstering the efficacy of implementing restorative justice, modifying methods, harnessing technology, and fostering collaboration with civil society organisations. If properly and sustainably implemented, restorative justice is anticipated to foster a safer, more equitable, and more harmonious society in Yogyakarta.

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