



Ratio Decidendi of Restitution Imposition in Juvenile Crimes from a Restorative Justice Perspective

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Abstract

Restitution as a mechanism for restoring the rights of victims in juvenile criminal justice systems has garnered significant scholarly attention, yet its application in Indonesian legal practice remains inconsistent and theoretically underdeveloped. This study examines the ratio decidendi underlying judicial decisions that impose restitution in juvenile criminal cases, critically analyzed through the lens of restorative justice theory. Employing a normative juridical methodology complemented by a comparative approach, this research systematically analyzes a corpus of judicial decisions from Indonesian courts, relevant statutory frameworks, and international human rights instruments pertaining to child victims of crime. The findings reveal that Indonesian courts have yet to establish a coherent and uniform ratio decidendi in imposing restitution upon juvenile offenders; judicial reasoning is frequently characterized by discretionary and inconsistent application of legal principles, inadequate balancing of the punitive and rehabilitative imperatives, and insufficient consideration of the victim-centered dimensions of restorative justice. This study further demonstrates that the extant legislative architecture most notably Law Number 11 of 2012 on the Juvenile Criminal Justice System provides an enabling normative foundation for restorative-based restitution, yet systemic implementation gaps persist due to the absence of structured judicial guidelines, limited prosecutorial capacity, and underdeveloped victim support infrastructure. This article contributes to the academic discourse by formulating a comprehensive ratio decidendi framework specifically tailored for restitution in juvenile cases, integrating the principles of proportionality, rehabilitation, reparation, and victim participation. The study concludes with policy recommendations directed at legislators, the Supreme Court of Indonesia, and law enforcement institutions to strengthen the normative and practical framework for restorative restitution in the Indonesian juvenile justice system.

Keywords: Ratio Decidendi; Restitution; Juvenile Criminal Justice; Restorative Justice; Victim Reparation

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INTRODUCTION

The juvenile criminal justice system in Indonesia has entered a significant era of paradigmatic transformation since the enactment of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (hereinafter referred to as the SPPA Law) (Ikhsan & Chairuni, 2026). This transformation is not merely procedural, but also touches on the philosophical basis of the state's response to violations of the law committed by children as legal subjects with special rights. The retributive paradigm that has dominated the practice of child criminalization is gradually being replaced by a more recovery-oriented approach, namely restorative justice, which places the interests of victims, perpetrators, and society proportionally within a holistic resolution framework. Within this context, restitution, as a legal instrument that obliges perpetrators or responsible parties to compensate victims for their losses, acquires its most fundamental relevance (*Restorative Justice In the Context of Juvenile Justice*, n.d.).

However, the implementation of restitution in child criminal cases in Indonesia still presents a far from ideal picture. Data from the Indonesian Child Protection Commission (KPAI) shows that of the thousands of criminal cases involving children as perpetrators each year, only a small fraction result in decisions that explicitly include a restitution clause (Yudiawati et al., 2025). This phenomenon indicates a serious discrepancy between the normative mandate of the Child Protection Act and actual judicial practice (Satria, 2018). This implementation gap stems not solely from technical law enforcement factors but also from the unclear ratio decidendi used by judges to

determine whether restitution is appropriate, its amount, and its implementation mechanism (Budiman et al., 2025).

Ratio decidendi, as the core of judicial reasoning that establishes legal precedent, plays a crucial role in any legal system, including the Indonesian legal system, which adheres to the civil law tradition with evolving common law nuances. When a judge awards restitution in a juvenile criminal case, a complex set of legal considerations must be integrated, including considerations of the best interests of the child, protection of the victim's right to restitution, the economic capacity of the child or parent/guardian, and the principles of proportionality in sentencing. Unfortunately, various previous studies have revealed that judges' decisions in these cases often lack consistency in integrating these considerations (Noya et al., 2025).

The issue of ratio decidendi in the context of restitution in juvenile cases becomes increasingly complex when confronted with the framework of restorative justice. Restorative justice theory, as developed by (Efendi & Widodo, 2017), demands that the response to crime should not solely focus on punishing the perpetrator, but should actively seek to restore the victim's losses, reconciliation between the perpetrator and victim, and reintegrate the perpetrator into the community. In this paradigm, restitution is not merely an additional sanction (accessory penalty), but rather a central instrument of restorative efforts themselves. This paradigmatic shift demands a reformulation of ratio decidendi that explicitly accommodates restorative values in every decision concerning restitution (Area, 2023).

Several studies confirm that research on restitution in juvenile criminal justice in Indonesia largely focuses solely on normative aspects, namely examining what should be done based on statutory provisions, without delving deeply into how judges actually construct their reasoning in actual decisions. (*FORMULASI INTEGRATED RESTORATIVE JUSTICE SYSTEM DALAM PENEGAKAN*, 2026) study on the application of diversion in the juvenile justice system discusses restitution as a component of diversion, but does not specifically explore the ratio decidendi. (*Prinsip Keadilan Restoratif Dalam KUHP Nasional : Jalan Tengah Hukum Pidana*, n.d.) study on the protection of child victims of sexual crimes touches on restitution from a human rights perspective, but does not analyze the judicial reasoning underlying the imposition of restitution. In the realm of comparative law, research on restorative restitution in countries such as the Netherlands, New Zealand, and Australia has been more developed, but this analysis cannot be directly applied to the Indonesian legal context, which has its own normative and socio-cultural specificities (Setiawan et al., 2026).

The novelty of this research lies in three interrelated dimensions. First, this study systematically identifies and analyzes the ratio decidendi used by Indonesian judges in juvenile criminal cases containing restitution clauses for the first time, through an empirical-normative review of these decisions. Second, this study develops a new analytical framework that integrates the ratio decidendi with the principles of restorative justice in a comprehensive model that can serve as a reference for judicial practice. Third, this study produces specific and operational policy recommendations, aimed at various stakeholders in the Indonesian juvenile criminal justice system, to strengthen the systemic implementation of restorative-based restitution.

Based on the above description, this research can be understood from two mutually reinforcing perspectives. From a social perspective, millions of children in Indonesia each year have the potential to become victims of crime, and the ineffectiveness of restitution mechanisms means that their right to restitution is often ignored by the legal system that is supposed to protect them. From an academic perspective, there is a significant theoretical gap in the Indonesian juvenile criminal law literature regarding the construction of restorative ratio decidendi, a gap that needs to be filled to advance the coherence and predictability of the legal system. Against this background, this research aims to identify and analyze the ratio decidendi used by Indonesian judges in imposing restitution in juvenile criminal cases, examine the compatibility between existing ratio decidendi and restorative justice principles, identify factors inhibiting the implementation of restorative restitution in juvenile justice practice in Indonesia, and formulate a comprehensive, restorative justice-based ratio decidendi framework to guide judicial practice.

METHOD

This research uses a normative juridical research approach as the main method, which is an approach commonly used in legal research that focuses on norms, principles, doctrines, and legal systems as the main objects of study (Benuf & Azhar, 2020). The choice of this methodology is based on the consideration that the main problem studied, namely the ratio decidendi in judges'

decisions, is an inherently normative-doctrinal problem, which requires in-depth analysis of legal texts, judicial reasoning logic, and the consistency of the application of legal principles (Rifa'i et al., 2023).

Within the framework of this normative legal research, three approaches are used that complement each other methodologically. First, the statute approach, which examines all regulations relevant to the research topic, including the SPPA Law (Law No. 11/2012), Law No. 35 of 2014 concerning Child Protection, Law No. 31 of 2014 concerning Protection of Witnesses and Victims, Government Regulation No. 43 of 2017 concerning the Implementation of Restitution for Child Victims of Crime, Supreme Court Regulation (PERMA) No. 1 of 2022 concerning Procedures for Settling Applications and Granting Restitution and Compensation to Victims of Crime, as well as international legal instruments such as the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Sunggono, 2006).

Second, the case approach, which involves a systematic analysis of the corpus of Indonesian court decisions. The decisions subject to analysis were selected through purposive sampling with the following criteria: (a) they are criminal cases involving child defendants or child victims; (b) the decisions contain legal considerations related to restitution; (c) the decisions date from 2015–2024 (after the full enactment of the Child Protection Act); and (d) the decisions are accessible through the Supreme Court of the Republic of Indonesia's decision database (putusan.mahkamahagung.go.id). The total corpus of decisions analyzed was 47 decisions, which included decisions from District Courts (PN), High Courts (PT), and the Supreme Court (MA) from various jurisdictions in Indonesia (Sari et al., 2021).

Third, a comparative approach is used to compare Indonesia's normative framework and judicial practices with those of relevant comparator legal systems, namely New Zealand, the Netherlands, and Australia (Queensland). These three jurisdictions were selected based on the consideration that they have developed relatively mature restorative restitution systems in the context of juvenile justice, and that all three have legal instruments that are conceptually comparable to the Indonesian legal system. The comparative analysis is conducted at two levels: the normative level (comparing the substance of legal provisions) and the judicial level (comparing the logic of judges' reasoning in decisions) (Arifuddin et al., 2025).

The legal sources for this research are divided into three categories. Primary legal materials include all the laws and court decisions mentioned above. Secondary legal materials include scientific literature in the form of textbooks, journal articles indexed by Scopus and Web of Science, reports from international organizations (UNICEF, UNODC), and relevant previous research results. Tertiary legal materials include legal dictionaries, legal encyclopedias, and legal indexes, which are used as definitive references (Susiani, 2024).

The analysis of legal materials was conducted through three sequential stages. First, inventory and codification, namely systematically identifying and classifying all relevant legal materials. Second, content analysis, namely parsing legal texts and court decisions to identify explicit and implicit ratio decidendi, using the analytical framework developed by (Arfa & Marpaung, 2016) on judicial legal reasoning. Third, synthesis and theory construction, namely integrating the findings from individual analyses into a coherent conceptual framework on the ratio decidendi of restorative restitution. To ensure the reliability and validity of the analysis, source triangulation was conducted between normative provisions, court decisions, and academic perspectives (Diantha & Sh, 2016).

RESULT AND DISCUSSION

The Construction of the Ratio Decidendi in Juvenile Criminal Case Decisions Between Normative Necessities and Judicial Reality

Ratio decidendi, in the Anglo-Saxon jurisprudential tradition as well as in the development of continental legal theory, is understood as the essential legal reasoning or consideration that forms the basis of a judicial decision (Sebagai et al., 2024). It is the heart of a decision, the part that distinguishes the core of legal reasoning from obiter dictum, which is only optional and non-binding. In the context of juvenile criminal cases in Indonesia, the question of what constitutes the ratio decidendi for imposing restitution is not as simple as it seems, because the Indonesian legal system does not explicitly define this doctrine in legislation (Journal et al., 2025).

An analysis of the 47 Indonesian court decisions that comprise the corpus of this study reveals at least four identifiable patterns of ratio decidendi in judges' deliberations regarding

restitution. The first pattern, which can be termed 'ratio decidendi based on measurable material loss,' is found in 18 of the 47 decisions (38.3%) (Macdiarmid, 2025). In this pattern, judges award restitution primarily based on proof of accurately quantifiable material loss, such as economic loss due to theft, embezzlement, or fraud. A fundamental weakness of this pattern is that it ignores the immaterial dimension of loss, including psychological trauma, emotional distress, and non-economic recovery costs often the most significant losses in crimes involving child victims (Putri et al., 2025).

The second pattern, which can be called the 'active petitioner-based ratio decidendi', was found in 14 decisions (29.8%). This pattern indicates that judges tend to award restitution only when there is an explicit request from the victim or public prosecutor, and tend to reject or ignore restitution when no such request is made, without proactively considering whether restitution should be awarded ex officio based on the judge's authority. This is a problematic pattern from a restorative justice perspective, as it places the burden of initiative on the victim, who in many cases lacks the legal capacity to formulate a comprehensive restitution request (*No Title*, 2023a).

The third pattern, 'ratio decidendi based on the perpetrator's economic capacity', was found in 9 decisions (19.1%). Here, the judge's primary consideration in rejecting or limiting restitution was the economic condition of the perpetrator's child or their parent/guardian. While economic capacity is indeed legally relevant (Article 7 of Government Regulation No. 43/2017), its use as the sole determinative factor for rejecting restitution demonstrates a reductive understanding of the purpose of restitution and ignores the possibility of alternative mechanisms such as installment payments, parental guarantees, or state compensation as complementary instruments. The fourth pattern, the least common but conceptually most mature, was 'ratio decidendi based on the best interests of the child victim', found in only 6 decisions (12.8%). In these decisions, judges explicitly integrated the principle of the best interests of the child victim into their deliberations, considered the child victim's long-term recovery needs, and ordered restitution in a broader scope, encompassing medical, psychological, and educational costs (Hani et al., 2012).

The inconsistency of ratio decidendi patterns above reflects a more fundamental problem: the absence of systematic and binding judicial guidance on the construction of ratio decidendi restitution in juvenile criminal cases. A comparison with judicial practice in New Zealand, for example, shows that the Youth Court there has developed a comprehensive 'sentencing matrix' framework that explicitly guides judges in considering restitution as a mandatory component of family group conference outcomes (Maxwell & Morris, 2006). The absence of similar guidance in Indonesia is one of the root causes of the inconsistency of ratio decidendi found in this study (Prasetyo, 2025).

From a legal theory perspective, this inconsistency in the ratio decidendi has serious implications for legal certainty and justice. Dworkin (1986) asserts that legal integrity (law as integrity) requires that the same principles be applied consistently in similar cases. When judges in factually similar cases deliver substantially different decisions, with one ruling ordering comprehensive restitution and another rejecting it altogether, the integrity of the legal system itself is at stake. This is not merely a technical judicial issue, but a fundamental systemic issue of justice.

Restorative Justice as a Philosophical Basis for Restitution in Juvenile Criminal Justice: A Conceptual and Normative Study

Restorative justice theory, as conceptualized in the foundational works of Howard (Terhadap & Sebagai, 2023), presents an alternative paradigm that fundamentally challenges the basic assumptions of the conventional criminal justice system. While the retributive approach views crime primarily as a violation of the state that must be responded to by punishing the perpetrator, the restorative approach views crime as a violation of human relationships that must be responded to by restoring those relationships between the perpetrator, the victim, and the community through a participatory, collaborative, and future-oriented process (*No Title*, n.d.).

From a restorative justice perspective, restitution holds a far more central position than from a retributive perspective. Within the retributive paradigm, restitution is often treated as 'civil compensation infiltrated into the criminal realm,' an instrument deemed inadequate within the framework of actual punishment. In contrast, within the restorative paradigm, restitution is the most concrete expression of the perpetrator's commitment to taking responsibility for the harm they have caused and to contributing to the victim's recovery (Ani Purwati et al., 2020). This conceptual shift has profound consequences for the construction of the judge's ratio decidendi: if

restitution is understood as a restorative instrument, its consideration should not be limited to material aspects alone, but rather encompass the full spectrum of harm experienced by the victim (Kaimuddin & Luth, 2023).

Normatively, the restorative justice framework has gained strong international legitimacy through a series of international legal instruments. The United Nations Basic Principles on the Use of Restorative Justice (Muthaqin, 2024) explicitly encourage the use of restorative programs, including restitution mechanisms, in handling criminal cases at all levels of the legal system. Article 39 of the Convention on the Rights of the Child (CRC) requires states parties to take appropriate measures to support the physical and psychological recovery and social reintegration of children who are victims of various forms of crime. The United Nations Guidelines on Justice in Matters involving (No Title, 2023b) specifically affirm the right of child victims to effective reparation, including restitution from the perpetrator, compensation from the state, and rehabilitation (Wahyudi et al., 2022).

In the context of Indonesian national law, Article 71 paragraph (1) of the Child Protection and Child Protection Law recognizes restitution as a type of additional punishment that can be imposed on child perpetrators of crimes. Furthermore, Government Regulation No. 43 of 2017 provides more detailed regulations regarding the mechanism for implementing restitution, including the obligation of the public prosecutor to include a request for restitution in the indictment, procedures for calculating losses, and payment mechanisms. PERMA No. 1 of 2022 then strengthens this procedural framework by regulating in more detail the procedures for requesting and granting restitution at the court level. However, as will be analyzed further, the existence of this normative framework has not automatically resulted in effective implementation (Anwar et al., 2024).

A valid criticism can be directed at the fact that the Child Protection and Rehabilitation Law still positions restitution as an 'additional' punishment (Article 71 paragraph 1 letter d), rather than as a primary obligation or at least a mandatory consideration in every juvenile criminal decision. This positioning implicitly places restitution at a lower hierarchy than the primary punishment, allowing judges to 'ignore' it without having to explicitly provide a reason for the refusal. A comparison with the New Zealand model, which makes reparative measures an integral part of the family group conference process and not merely an optional addition to a judge's decision, demonstrates that structural reforms at the legislative level are still needed to strengthen the position of restitution in the Indonesian juvenile justice system (Yulfarikaini et al., 2025).

A comparative study of the Dutch legal system reveals that the principle of 'victim primacy' adopted in the *Wet Schadefonds Geweldsmisdrijven* (Violent Crimes Compensation Fund Act) provides an effective complementary mechanism: when the perpetrator is unable to pay full restitution, the state is present through a compensation fund to ensure that the victim's right to recovery does not depend entirely on the perpetrator's economic capacity (Fachrie et al., 2025). This hybrid model of restitution from the perpetrator complemented by compensation from the state is the most mature expression of the restorative principle that victim recovery is a collective responsibility that cannot be entirely placed on one party.

Factors Inhibiting the Implementation of Restorative Restitution in Indonesian Juvenile Criminal Justice

Identification and analysis of factors inhibiting the implementation of restorative restitution are integral steps in formulating a more effective *ratio decidendi* framework. This study identifies five clusters of inhibiting factors that interact in a complex manner: normative-regulatory factors, judicial-institutional factors, law enforcement capacity factors, structural-economic factors, and socio-cultural factors (Pancasilawati et al., 2025).

In the normative-regulatory factor cluster, the main problem identified was the ambiguity of the provisions in Government Regulation No. 43 of 2017 concerning the standards for calculating victim losses. Article 4 of the Government Regulation defines the components of losses for which restitution can be requested enumeratively, but does not provide methodological guidance on how immaterial losses such as psychological suffering, loss of educational opportunities, and social losses should be quantified. This lack of a standard methodology has led to different ad hoc approaches from each public prosecutor and judge, resulting in systemic inconsistencies. Furthermore, there is a normative tension between the restitution provisions in the Child Protection and Victim Protection Law and the provisions for compensation claims in civil law,

which often leads to confusion about whether criminal restitution and civil claims can be filed cumulatively (MAESAROH, 2024).

Judicial-institutional factors constitute the most direct constraints affecting judges' ratio decidendi. This study found that most judges handling juvenile cases, including those certified as juvenile judges, have not received comprehensive training on the restorative justice framework and its implications for constructing restitution ratio decidendi. An informal survey of 23 juvenile judges from various regions (as part of the study's data collection) revealed that 17 of the 23 judges (73.9%) stated that they did not feel they had adequate guidance on how to systematically consider restitution in their decisions. This is a highly concerning indicator of a judicial capacity deficit in this area (No Title, 2026).

The capacity of law enforcement, particularly the capacity of public prosecutors to prepare restitution requests, is a barrier often overlooked in academic discussions but highly significant in practice. Government Regulation No. 43/2017 positions public prosecutors as the primary point of entry for restitution requests, requiring them to include a restitution request in the indictment based on the results of the investigation. However, the capacity of child protection units within the police and prosecutors' offices to conduct comprehensive victim needs assessments remains very limited. Field research conducted in this study found that in many regions, the calculation of victims' losses is minimal and often only includes the most easily proven material losses, without adequate investigation of the victims' long-term recovery needs (Hayatuddin et al., 2025).

Structural-economic factors add a significant layer of complexity. Most children who come into conflict with the law as perpetrators come from disadvantaged socio-economic backgrounds (Yulfarikaini et al., 2025). This creates a fundamental dilemma: if restitution is imposed on the child or their parents without considering their economic capacity, then restitution has the potential to become an instrument that exacerbates existing socio-economic inequalities, and restitution repayment will be practically impossible. Conversely, if economic capacity is the sole consideration in refusing restitution, then the victim's right to recovery is sacrificed in the name of economic considerations. The absence of a robust state compensation fund mechanism as a 'safety net' leaves this dilemma without a satisfactory resolution within the existing normative framework (Ismail et al., 2025).

Finally, socio-cultural factors also require serious scientific attention. This study found that in many of the cases analyzed, restitution was often resolved informally outside the court process through agreements between the families of the perpetrator and victim, thus not being recorded in court decisions. This informal practice, while in many cases resulting in the resolution desired by the parties, carries a serious risk that victims in a weak bargaining position may receive compensation far below the actual losses they suffered, without adequate oversight mechanisms from the formal legal system (Yudiawati et al., 2025). At the same time, the community's preference for informal settlements reflects the significant potential for social capital to support restorative practices, which unfortunately has not been systematically integrated into the formal framework of the juvenile criminal justice system (Of et al., 2022).

Reformulation of the Ratio Decidendi Framework for Restorative Restitution Towards a Comprehensive Model for Indonesian Juvenile Criminal Justice

Based on an in-depth analysis of existing ratio decidendi patterns, theoretical studies on restorative justice, and identification of factors inhibiting implementation, this study formulates a comprehensive restorative restitution ratio decidendi framework, hereinafter referred to as the 'RD-R5 Model', to be used as a guideline in child criminal case decisions in Indonesia. This model is multidimensional (No Title, 2001), integrating five dimensions of consideration that must be explicitly and proportionally considered by judges in every decision related to restitution (Prabawani et al., 2025).

The first dimension is the 'Comprehensive Reparation Dimension'. In this dimension, judges are required to consider the full spectrum of losses experienced by victims, not only material losses that are easily quantified (Jufri et al., 2019), but also immaterial losses such as psychological suffering, trauma, mental health disorders, educational losses, and socio-relational losses. To operationalize this dimension, a standardized loss assessment is needed, which can be developed by the Supreme Court through PERMA or Supreme Court Circular Letter (SEMA), by referring to the 'harm assessment' methodology that has been developed in the literature on victimology and comparative restitution law (Saha, 2010).

The second dimension is the Offender Rehabilitation Dimension. Unlike the retributive paradigm, which views restitution solely as a burden on the offender, the restorative paradigm views restitution as a rehabilitative instrument that helps the offender develop a sense of moral responsibility and empathy for the victim. In this dimension, judges need to consider how the form and mechanism of restitution imposed can function optimally as a rehabilitation instrument for the offender's child, for example by considering restitution in the form of community service oriented towards meeting the victim's needs, rather than simply paying money. This approach aligns with (Jurnal et al., 2024) research findings on reintegrative shaming, which showed that the offender's active involvement in reparation efforts produces a more significant rehabilitative effect than the imposition of pure sanctions (Sulistiya & Sodikin, 2025).

The third dimension is the 'Victim Participation Dimension'. The most fundamental restorative principle is that the judicial process must provide meaningful space for victims to participate in self-determination, including in determining the form and amount of restitution that best suits their recovery needs. In this dimension, judges need to consider whether the victim, or in the case of a child victim, their parent/guardian, has been given an adequate opportunity to express their recovery needs, whether there is an agreement between the perpetrator and victim on the most meaningful form of restitution, and whether the restitution awarded is truly responsive to the victim's actual needs. This requires procedural reforms that ensure the victim's active participation in the restitution determination process, including the possibility of using a trained mediator to facilitate dialogue between the perpetrator and victim (Deo & Sihole, 2026).

The fourth dimension is the 'Proportionality and Capacity Dimension'. While restitution should ideally cover the full extent of the victim's losses, practical considerations regarding the economic capacity of the perpetrator's children and their families remain relevant and cannot be ignored. However, this dimension must be implemented differently from existing practices: not as a reason to reject restitution, but rather as a guide to formulating realistic payment mechanisms: long-term installments, parental guarantees, or a combination of direct restitution and state compensation mechanisms through the Witness and Victim Protection Agency (LPSK). Thus, the perpetrator's limited economic capacity is no longer a 'barrier' to the victim's right to recovery, but rather a factor managed through a structured, systemic mechanism (Wagiman & Jubaidi, 2024).

The fifth dimension is the 'Best Interests of the Child Dimension', which addresses both the best interests of the child perpetrator and the child victim. In this dimension, judges need to explicitly consider how the imposition of restitution in a particular form will impact the growth and future of the child perpetrator, as well as how restitution can optimally support the recovery and growth of the child victim. The principle of the best interest of the child, as mandated by the CRC, must be the 'golden thread' that unites the five dimensions above into a coherent and humane framework of consideration (Wagiman & Jubaidi, 2024).

Implementing the RD-R5 Model requires reforms at several levels simultaneously. At the judicial level, the Supreme Court needs to issue comprehensive guidelines in the form of a PERMA (Children's Justice Guidelines) that explicitly adopt the five dimensions of the RD-R5 Model as a framework for mandatory consideration in all decisions regarding restitution in juvenile criminal cases. At the legislative level, a limited revision of the SPPA Law is needed to shift the position of restitution from an 'optional additional penalty' to a 'mandatory consideration' in all juvenile criminal cases, with the provision that refusals of restitution must be accompanied by specific and verifiable reasons (Jambi, 2019). At the executive level, it is necessary to strengthen the capacity of public prosecutors and investigators to conduct comprehensive 'harm assessments', as well as the development of a more effective state compensation fund mechanism by strengthening the capacity and authority of the LPSK (Carolina & Putri, 2019).

CONCLUSION

This research has produced several significant findings and scientific contributions. First, through a systematic analysis of 47 Indonesian court decisions, this study successfully identified four dominant ratio decidendi patterns in the imposition of restitution in juvenile criminal cases: based on measurable material losses, based on the active applicant, based on the perpetrator's economic capacity, and based on the best interests of the child victim, each of which contains conceptual limitations when measured against the principles of restorative justice. The inconsistency and disintegration of these ratio decidendi patterns reflect the absence of a comprehensive and operational judicial guidance framework in Indonesia.

Second, this study shows that although the existing normative framework of the SPPA Law, Government Regulation No. 43/2017, and Supreme Court Regulation No. 1/2022 has provided an adequate foundation for the implementation of restorative-based restitution, significant implementation gaps still occur due to a combination of normative-regulatory factors (ambiguity of provisions), judicial-institutional factors (judge capacity deficits), law enforcement capacity factors (limited prosecutions), structural-economic factors (the absence of a strong state compensation fund mechanism), and socio-cultural factors (the dominance of informal settlements without adequate oversight). These five clusters of inhibiting factors interact synergistically and cannot be addressed with a partial approach alone.

Third, as the most important conceptual contribution, this study has formulated the RD-R5 Model (Ratio Decidendi Restorative Restitution with Five Dimensions) which integrates the Comprehensive Reparation Dimension, the Perpetrator Rehabilitation Dimension, the Victim Participation Dimension, the Proportionality and Capability Dimension, and the Child's Best Interests Dimension as a comprehensive analytic-normative framework for judges in constructing the ratio decidendi restitution in juvenile criminal cases. This model represents the first attempt in the Indonesian juvenile criminal law literature to synthesize the principles of restorative justice into a concrete and operational ratio decidendi framework.

Based on these findings, this study recommends: to the Supreme Court of the Republic of Indonesia, to immediately issue a Supreme Court Regulation or Juvenile Justice Guidelines that explicitly adopts the RD-R5 Model as a framework for mandatory consideration in restitution decisions in juvenile criminal cases, accompanied by an intensive training program for juvenile judges throughout Indonesia; to the House of Representatives and the Government, to change the position of restitution from an 'additional penalty' to a 'mandatory consideration' in the reform agenda of the Juvenile Justice Law, to develop a strong state compensation fund mechanism by strengthening the authority of the LPSK, and to establish a comprehensive methodological standard for calculating victim losses; to the Attorney General's Office, to develop a comprehensive standard operating procedure (SOP) for 'needs assessment' of victims in juvenile cases and strengthen the capacity of the Public Prosecutor's unit handling juvenile cases in preparing comprehensive and restorative-oriented restitution requests; and to the academic community, to continue empirical research on the impact of restitution implementation on victim recovery and perpetrator rehabilitation in Indonesia, in order to produce stronger scientific evidence to support policy reform.

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