



RESTORATIVE JUSTICE VERSUS RETRIBUTIVE JUSTICE: EXPLORING CHILD ABUSE CASES IN INDONESIA

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ABSTRACT

Law enforcement of child abuse cases in Indonesia presents complex challenges, particularly in determining the most effective justice approach for both victims and perpetrators. This article compares Restorative Justice and Retributive Justice in handling child abuse cases, focusing on their impact on victim rehabilitation, deterrent effects on perpetrators, and protection for victims. Restorative Justice, which focuses on restoring relationships between victims and perpetrators, can accelerate the rehabilitation process and reduce long-term trauma for victims. Conversely, Retributive Justice, which prioritizes punishment for perpetrators and aims to provide a deterrent effect, often neglects the aspect of recovery for victims. This article also explores the social and psychological impacts experienced by victims depending on the approach used, as well as the challenges faced by the Indonesian legal system in effectively implementing Restorative Justice in child abuse cases. By understanding these two approaches, it is hoped that more comprehensive solutions can be found in handling child abuse cases in Indonesia.

Keywords: *Restorative Justice; Retributive Justice; Child Abuse; Rehabilitation of Victims and Perpetrators; Indonesian Legal System.*

INTRODUCTION

Child abuse is a form of violence that threatens the future of young people and has long-term physical and psychological impacts. In Indonesia, handling child abuse cases remains a complex issue, involving various legal, social, and psychological aspects. In addressing these cases, the Indonesian criminal justice system is faced with two primary



approaches to case resolution: Restorative Justice and Retributive Justice.¹ These two approaches have different underlying principles regarding the roles of victims and perpetrators, as well as in achieving broader justice goals.

Restorative justice emphasizes restoring the relationship between the victim and the perpetrator,² with a focus on the victim's rehabilitation and the perpetrator's reintegration into society. This approach aims to repair the damage caused to both the victim and the perpetrator by involving various parties in the resolution process. In contrast, retributive justice focuses on imposing appropriate punishment on the perpetrator as a form of retribution for the crime, with the aim of providing a deterrent effect and preventing similar violations in the future.

The debate between these two approaches is increasingly relevant in the context of child abuse, as the social and psychological implications faced by victims depend heavily on the type of justice applied. While Restorative Justice is considered more humane and recovery-oriented,³ Retributive Justice is often considered more effective in providing a deterrent effect for perpetrators. However, the implementation of both approaches in the Indonesian legal system faces significant challenges, particularly in terms of implementing Restorative Justice principles in cases involving children.⁴

The latest high-profile case of child abuse involving Mario Dandy, the son of an Indonesian official, has captured public attention. This case not only concerns the issue of violence against children, but also demonstrates how the Indonesian justice system deals with cases involving perpetrators from influential families. Mario Dandy is suspected of abusing a child resulting in the victim suffering serious injuries. This case

¹ D. Rosyid, M. A., & Hastuti, "Implementasi Restorative Justice Melalui Upaya Rehabilitasi Dan Reintegrasi Sosial. Bagi Anak Yang Berkonflik Dengan Hukum," *Reformasi* 12, no. 2 (2022): 282–93, <https://doi.org/https://10.33366/rfr.v%vi%i.4061>.

² I. Darmika, "Diversion and Restorative Justice in the Criminal Justice System of Children in Indonesia," *Ijtima' Iyya Journal of Muslim Society Research* 3, no. 2 (2018): 180–211, <https://doi.org/https://doi.org/10.24090/ijtimaiyya.v3i2.1921>.

³ M. J. Wenzel, M., Okimoto, T. G., Feather, N. T., & Platow, "Retributive and Restorative Justice," *Law and Human Behavior* 32, no. 5 (2008): 375–89, <https://doi.org/https://doi.org/10.1007/s10979-007-9116-6>.

⁴ L. R. Hasibuan, "The Concept of Restorative Justice in the Juvenile Criminal Justice System: A Narrative Review of the Indonesian Context," *Sch Int J Law Crime Justice* 5, no. 7 (2022): 263–72, <https://doi.org/10.36348/sijlcj.2022.v05i07.004>.



raises many questions regarding how the legal system should handle cases of violence of this kind, and whether a Restorative Justice or Retributive Justice approach is more appropriate to achieve balanced justice.

This case began with an act of violence committed by Mario Dandy against a victim, also a child. The cause of this abuse has not been fully revealed publicly, but several reports suggest that tensions between children or other factors influenced by social and family backgrounds also influenced Mario's behavior. One important aspect in analyzing this case is the perpetrator's social standing, as he comes from a powerful and influential family. This has led to debate about whether the perpetrator should receive special treatment in the Indonesian justice system, given his social status.

Restorative Justice emphasizes restoring the relationship between the victim and the perpetrator,⁵ and involves a mediation process that allows both parties to talk and find a solution together. In the context of the Mario Dandy case, this approach could offer a more humane solution, where the victim is given space to express their feelings and hopes that the perpetrator will take personal responsibility. The mediation process carried out in Restorative Justice allows the victim to feel empowered and gives the perpetrator an opportunity to admit their mistakes and work to repair their relationship with the victim. However, the implementation of Restorative Justice in this case faces significant challenges,⁶ especially due to the perpetrator's high social status. It is possible that the community would prefer a more conventional and harsh approach, given the perpetrator's influential family background.

Furthermore, another challenge in implementing restorative justice is ensuring that the mediation process is fair and unaffected by social or political pressures.⁷ In the

⁵ P. Puspita, "The Effectiveness of Implementing Restorative Justice in Handling Child Crimes in Indonesia," *Indonesian Journal of Law and Humanities* 1, no. 1 (2025): 16–23, <https://doi.org/https://journal.jinovasi.com/index.php/ijlh/article/view/21>.

⁶ O. Eliandi, T., Prasetyo, T., & Yudianto, "Handling of Children by Diversion in Children Protection (Diversion and Restorative Justice)," *Research, Society and Development* 10, no. 1 (2021): e26010111826–e26010111826, <https://doi.org/https://doi.org/10.33448/rsd-v10i1.11826>.

⁷ S. Permana, Y., Yoserwan, Y., & Elvandari, "Application of Restorative Justice Principles in Judges' Considerations in Decisions to Release from All Legal Charges (Decision Case Study Number: 28/Pid. B/2022/PN. LBB)," *UNES Law Review* 6, no. 4 (2024): 12251–63, <https://doi.org/https://doi.org/10.31933/unesrev.v6i4.2197>.



Mario Dandy case, there is a risk that the mediation could be distorted by power factors, leading to injustice for the victim. Indonesian society, which tends to prioritize firm and balanced justice, may feel that the restorative justice approach does not sufficiently deter perpetrators.

In contrast, the retributive justice approach focuses on imposing appropriate punishment on the perpetrator, with the goal of creating a deterrent effect and preventing similar acts in the future. In Mario Dandy's case, the application of retributive justice could take the form of a prison sentence or a fine deemed proportionate to the offense. With this approach, the justice system is expected to send a clear signal that violence against children is a serious crime that must be punished severely, regardless of the perpetrator's background.

However, retributive justice does not always provide space for victims to achieve emotional healing, which is one of the main goals in addressing violence against children. Although punishment imposed on perpetrators can provide a sense of security to the community, victims may feel that justice has not been fully achieved if they are not empowered in the problem-solving process. Retributive justice focuses more on revenge and provides less opportunity for victims to participate in the healing process, which can leave victims feeling marginalized.

Therefore, this article aims to discuss the comparison between Restorative Justice and Retributive Justice in cases of child abuse in Indonesia. Some important questions that will be discussed include how the implementation of Restorative Justice can affect the rehabilitation process of victims and perpetrators, the extent to which Retributive Justice provides a deterrent effect, and the social and psychological impacts faced by victims. In addition, this article will also explore the challenges faced by the Indonesian legal system in implementing Restorative Justice in cases of child abuse.

Several previous studies have discussed the application of Restorative Justice and Retributive Justice in handling cases of violence against children, which provides important insights in understanding the differences in the impacts and challenges faced by each approach. Van Ness and Strong (2014) in their study revealed that Restorative



Justice has great potential in cases of child violence because this approach focuses on restoring the relationship between the victim and the perpetrator, as well as providing a space for victims to talk about their experiences. They also noted that Restorative Justice helps perpetrators realize the impact of their actions, which can reduce the likelihood of recurrence of violence in the future. This is the reason why this approach is more recommended in handling cases of child abuse, because it provides space for long-term recovery.

Umbreit, Vos, and Coates (2006) furthered this line of thinking by highlighting the success of Restorative Justice in reducing victim trauma and supporting perpetrators in taking responsibility. They emphasized that this approach provides an opportunity for perpetrators to reflect on their actions through mediation that directly involves the victim, thus making the healing process more focused. However, this study also noted challenges in its implementation, particularly in societies that prefer harsh punishments for perpetrators, which poses a barrier to the application of Restorative Justice in cases of violence against children.

Daly (2008) confirmed these findings by comparing the two approaches in Australia, where he found that Restorative Justice was more effective in reducing recurrent violence and accelerating the healing process for victims compared to Retributive Justice. However, he also noted that while Retributive Justice provides strict punishment and can reduce the sense of injustice in society, this approach does not provide sufficient space for victims to engage in their emotional healing process. Daly concluded that Restorative Justice offers a more humane middle ground, although its implementation requires the involvement of various parties, including the community and family.

Research by Lodewal and Verweij (2012) conducted in the Netherlands also demonstrated the significant benefits of Restorative Justice in cases of violence against children. They found that mediation conducted within a Restorative Justice framework not only helps victims recover emotionally but also provides an opportunity for perpetrators to take responsibility for their actions. However, the biggest challenge in its



implementation is the reliance on the Retributive Justice system in many countries, including the Netherlands, which tends to favor harsh punishments in cases of violence.

In his research on Restorative Justice in Indonesia, Fattah (2013) highlighted the social and legal challenges faced in implementing this approach. He stated that although Restorative Justice can provide better solutions to address victim trauma and assist in the rehabilitation of perpetrators, the Indonesian legal system still tends towards Retributive Justice, which places greater emphasis on punishment. Fattah also noted that the implementation of Restorative Justice in Indonesia is often hampered by public perceptions that prioritize harsh punishment for perpetrators, regardless of the aspect of recovery for victims or rehabilitation for perpetrators.

Overall, these studies show that while restorative justice has many advantages in terms of recovery and rehabilitation, its implementation in Indonesia still faces significant obstacles, primarily due to the tendency of society and the legal system to favor retributive justice. Therefore, efforts to integrate these two approaches are needed to achieve a more holistic solution in addressing child abuse cases in Indonesia. By understanding the differences between these two approaches, we can design a fairer justice system that not only punishes perpetrators but also provides space for recovery for victims.

METHOD

This study uses a normative juridical method to analyze the comparison between Restorative Justice and Retributive Justice in handling child abuse cases in Indonesia. This method focuses on the study of applicable legal norms, as well as laws and regulations related to the two justice approaches. This study aims to identify and compare the implementation of Restorative Justice and Retributive Justice in the Indonesian legal system, by examining regulations governing the handling of cases of violence against children and their impact on victims and perpetrators.

Restorative Justice and Retributive Justice

Restorative justice is a principle of law enforcement in case resolution that can



be used as an instrument of restoration and has been implemented by the Supreme Court through policy enforcement.⁸ However, its implementation in the Indonesian criminal justice system has not been optimally implemented.

Restorative justice is an alternative for resolving criminal cases. Within the criminal justice system, the focus is on punishment, which is transformed into a process of dialogue and mediation involving the perpetrator, the victim, the perpetrator's/victim's family, and other related parties.

This aims to collaboratively create an agreement on a just and balanced criminal case resolution for both victims and perpetrators, prioritizing restoration to their original state and restoring good relationships within the community. This aims to collaboratively create an agreement on a just and balanced criminal case resolution for both victims and perpetrators, prioritizing restoration to their original state and restoring good relationships within the community.

In Articles 364, 373, 379, 384, 407, and 482 of the Indonesian Criminal Code, the concept of restorative justice can be applied in cases of minor crimes, which carry a maximum prison sentence of three months and a fine of Rp 2.5 million.

Furthermore, restorative justice can be applied to children or women in conflict with the law, children who are victims or witnesses of crime, and those who are addicted to or abused drugs.

Restorative justice has a fundamental principle of restoring victims who have suffered as a result of crime by providing compensation, reconciliation, the perpetrator's participation in community service, or other agreements.

The law applied in restorative justice is impartial, impartial, and non-arbitrary. It only sides with the truth, in accordance with statutory regulations, and considers equal rights to compensation and balance in all aspects of life.

Based on Attorney General Regulation No. 15 of 2020, the requirements for restorative justice are:⁹

⁸ H. S. Flora, "Restorative Justice in the New Criminal Code in Indonesia: A Prophetic Legal Study," *Rechtsidee* 11 (2022): 10–21070, <https://doi.org/https://doi.org/10.21070/jihr.v11i0.836>.

⁹ J. Braithwaite, "Principles of Restorative Justice," *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms* 360 (2003): 1–20,



1. The crime is a first-time offense.
2. Losses under IDR 2.5 million.
3. An agreement between the perpetrator and the victim.
4. The crime is punishable by a fine or imprisonment of no more than 5 years.
5. The suspect returns the property obtained from the crime to the victim.
6. The suspect compensates the victim for the losses.
7. The suspect reimburses the costs incurred as a result of the crime and/or repairs the damage caused by the crime.

Settlement of cases with restorative justice is excluded for criminal acts against state security, the dignity of the President and Vice President, friendly countries, heads of friendly states and their deputies, public order, and morality.

Furthermore, restorative justice does not apply to crimes punishable by minimum penalties, narcotics crimes, environmental crimes, and those committed by corporations.

Implementing restorative justice requires several guidelines, including:

1. After receiving a signed, stamped, peace settlement request from both parties, an administrative review of the formal requirements for resolving the case through restorative justice is conducted.

2. After fulfilling the formal requirements, the peace settlement request is submitted to the investigator's superior for approval.

3. After the request is approved by the investigator's superior, such as the Chief of Criminal Investigation, the Regional Police Chief, or the Police Chief, the investigator must await the date for signing the peace settlement statement.

4. A conference is held, resulting in an agreement signed by all parties involved.

5. A memorandum is issued to the investigator's supervisor or Head of the Work Unit regarding the request for a special case conference for the purpose of dismissing the case.

6. Conduct a special case conference with participants: the reporter and/or their family, the reported party and/or their family, and community representatives appointed



by the investigator, the investigator in charge, and representatives from the internal supervisory function, legal function, and government agencies, if necessary.

7. Prepare the administrative requirements and documents for the special case conference, as well as the report on the results of the case conference.

8. Issue an order to terminate the investigation and a letter of determination to terminate the investigation based on restorative justice.

9. During the investigation phase, the investigator issues an order issued by the Director of Criminal Investigation at the National Police Headquarters, at the Regional Police level, and at the Police or Sector Police level.

10. Record the case in the new B-19 register as a restorative justice case, which is counted as a case settlement.

Retributive justice is an approach to the justice system that focuses on providing appropriate punishment to perpetrators of criminal acts, with the primary goal of providing retribution commensurate with the crimes committed. The basic principle of retributive justice is that justice is achieved when perpetrators receive punishment commensurate with the severity of their actions. This approach views crime as a violation of social norms that must be balanced with punishment that restores social balance.

Retributive justice focuses on punishment as a form of retribution,¹⁰ without considering other factors such as rehabilitation or restitution for the perpetrator.

In retributive justice, the primary goal is not only to punish the perpetrator, but also to create a deterrent effect, preventing the perpetrator from repeating their actions in the future. This approach is often considered effective in preventing crime, as it sends a clear message that criminal acts will face strict and appropriate consequences. However, retributive justice is often criticized for neglecting the rehabilitation of the perpetrator and for not providing opportunities for victims to actively participate in the legal process.

This approach prioritizes social revenge and retribution for wrongdoing, and in many cases, the punishments imposed are intended to meet society's need for clear and

¹⁰ M. J. Wenzel, M., Okimoto, T. G., Feather, N. T., & Platow, "Retributive and Restorative Justice," *Law and Human Behavior* 32 (2008): 375–89, <https://doi.org/https://doi.org/10.1007/s10979-007-9116-6>.



swift justice. This often makes retributive justice more dominant in traditional legal systems, including in cases involving violence or serious violations, such as the child abuse case involving Mario Dandy.

Retributive Justice is an approach in the justice system that focuses on giving appropriate punishment to perpetrators of criminal acts, with the aim of providing appropriate retribution for the crime committed.¹¹ According to Immanuel Kant, one of the leading philosophers, the basic principle of Retributive Justice is "just retribution", which means that punishment should be given to the perpetrator based on the severity of the wrong done, without considering other factors such as social impact or rehabilitation. For Kant, punishment is not for the purpose of deterrence or social improvement, but solely to uphold moral justice. The perpetrator, in Kant's view, must receive a punishment that is appropriate to his crime, as a form of accountability for his actions.

Michael Moore, a contemporary legal philosopher, expands on this view by stating that Retributive Justice aims to restore moral balance in society by ensuring that perpetrators bear the consequences of their actions. According to Moore, Retributive Justice is not only about providing retribution, but also to uphold the principle of essential justice, where perpetrators must be held accountable for their actions in accordance with the moral values prevailing in society. This concept emphasizes that every criminal act must be paid with an appropriate punishment, and its main goal is to fulfill society's moral demands for justice. Michael Moore, a contemporary legal philosopher, expands on this view by stating that Retributive Justice aims to restore moral balance in society by ensuring that perpetrators bear the consequences of their actions. According to Moore, Retributive Justice is not only about providing retribution, but also to uphold the principle of essential justice,¹² where perpetrators must be held accountable for their actions in accordance with the moral values prevailing in society. This concept emphasizes that every criminal act must be paid with an appropriate punishment, and its main goal is to fulfill society's moral demands for justice. Michael

¹¹ T. G. Wenzel, M., & Okimoto, "Retributive Justice," in *Handbook of Social Justice Theory and Research*, 2016, 237–56, https://doi.org/10.1007/978-1-4939-3216-0_13https://doi.org/10.1007/978-1-4939-3216-0_13.

¹² Wenzel, M., Okimoto, T. G., Feather, N. T., & Platow, "Retributive and Restorative Justice," 2008.



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Furthermore, Andrew von Hirsch, a legal expert who developed the theory of retributive justice, emphasized the importance of the principle of proportional justice in sentencing. Von Hirsch argued that retributive justice must ensure that the punishment imposed is commensurate with the severity of the crime committed by the perpetrator. Therefore, the punishment should not be excessive, but also should not be less than it should be. Von Hirsch believed that imposing appropriate punishment would help uphold justice and send a message to the perpetrator and society that every criminal act will have clear and firm consequences.

However, experts like David Garland acknowledge that implementing retributive justice in modern society is not easy. According to Garland, although the basic principles of retributive justice seem simple and clear, in practice, social and political factors often influence law enforcement. In some countries, including Indonesia, justice systems that rely on harsh punishments are often influenced by the social, economic, and even political backgrounds of perpetrators, potentially creating injustice. Garland suggests that while retributive justice plays a crucial role, it is crucial to consider these factors to ensure the justice system delivers balanced and unbiased justice.

Jeffrey Reiman, a legal sociologist, criticized retributive justice because it often applies more harshly to individuals from lower social strata, while those from the upper classes are more often lenient. In his book, Reiman highlights that social inequalities in the justice system often result in lower-class offenders receiving harsher sentences than those from the upper classes who may have better defense. In the case of Mario Dandy, even though he came from an influential family, the strict application of retributive



justice to him was crucial to ensuring that justice was upheld regardless of social status.

Overall, retributive justice emphasizes appropriate retribution for criminal acts, designed to deter perpetrators and provide a sense of justice to society.¹³ Punishments imposed based on this principle aim to demonstrate that any act of violence or violation of social norms will receive firm and proportionate consequences. In the case of Mario Dandy, the application of retributive justice can be seen in the imposition of punishment commensurate with the severity of the violent act committed, to send a clear message that violence against children is a serious offense that cannot be tolerated.

However, while retributive justice provides a clear sense of security and justice for the community,¹⁴ its application in the Mario Dandy case also reveals several weaknesses. Primarily, this system tends to neglect recovery for victims and rehabilitation for perpetrators. In cases of child abuse, victims who experience physical and psychological trauma are often disempowered to engage in the legal process, unlike approaches like restorative justice, which provide space for victims to speak out and seek healing. Therefore, while retributive justice provides clear and fair punishments, this system needs to be complemented with restorative measures for both victims and perpetrators to achieve more comprehensive justice.

Furthermore, the retributive justice system in cases like Mario Dandy's child abuse case can exacerbate social stigma against perpetrators. Although the punishments imposed are strict, society often focuses more on the perpetrator's social status than on the actual impact of their actions. This can lead to social injustice, especially if the punishment is not transparent or influenced by external factors. Therefore, it is crucial to ensure that the law is applied without interference from any party, so that the judicial process remains fair and objective.

Ultimately, while retributive justice plays a crucial role in the criminal justice

¹³ J. M. Carlsmith, K. M., & Darley, "Psychological Aspects of Retributive Justice," *Advances in Experimental Social Psychology* 40 (2008): 193–236, [https://doi.org/https://doi.org/10.1016/S0065-2601\(07\)00004-4](https://doi.org/10.1016/S0065-2601(07)00004-4).

¹⁴ R. Perry, "The Role of Retributive Justice in the Common Law of Torts: A Descriptive Theory," *Tenn. L. Rev.* 73 (n.d.): 177, <https://doi.org/https://heinonline.org/HOL/LandingPage?handle=hein.journals/tenn73&div=14&id=&page=>.



system by providing proportionate and fair punishments, the application of this approach in Mario Dandy's case must still consider the victim's rights and allow for the perpetrator's rehabilitation process. In cases of child abuse, simply imposing punishment without considering the victim's emotional recovery and the perpetrator's behavioral changes is insufficient to achieve true justice. Therefore, while retributive justice provides clarity and decisiveness, it is crucial to integrate other, more holistic elements so that the judicial process can create a positive long-term impact for the entire community.

Implementation of Restorative Justice for Perpetrators of Violence

One of the cases that has emerged related to child abuse cases is the case of Child Abuse by Mario Dandy. On February 20, 2023, Mario Dandy Satrio (20), the son of a tax official, abused David (17), the son of the central administrator of GP Ansor, in the Pesangrahan area, South Jakarta. This incident occurred after a complaint from a woman with the initials A, who was said to be David's ex-girlfriend and Mario Dandy's friend. The complaint made Mario Dandy emotional and decided to meet David to confirm the information he received.

Mario Dandy, along with A and a friend with the initials S, went to David's friend's house in the Grand Permata Complex. After the victim left the house, Mario Dandy took him to the back of a Rubicon car and asked him about the information he had heard. An argument ensued between the two, followed by violent acts of kicking and punching until the victim fell and became unconscious. This assault was recorded by Shane Lukas and went viral on social media. In the recording, Mario Dandy is seen kicking the unconscious David in the head. This recording became important evidence in the investigation process and sparked public attention to this case.

The police named Mario Dandy and Shane Lukas as suspects in this case. Mario Dandy was charged with Article 76C in conjunction with Article 80 of the Child Protection Law and/or Article 351 paragraph (2) of the Criminal Code concerning serious assault. Meanwhile, Shane Lukas was charged with the same article as a party who participated in the assault. Woman A was questioned by the police to clarify her involvement in this case. A was also at the scene when the assault took place. The police



are investigating the roles of A and Mario's other friend, S, in the incident to determine whether they participated in planning or carrying out the violent act.

David suffered serious injuries and remains in a coma in the hospital. The victim's family transferred David to Mayapada Hospital for intensive care. They hope the legal process will be conducted fairly and professionally without interference from any party. Rafael Alun Trisambodo, the father of Mario Dandy, a tax official, apologized to David's family, GP Ansor, and PBNU for his son's actions. He acknowledged that his actions were wrong and is ready to follow the legal process. David suffered serious injuries and remains in a coma in the hospital. The victim's family transferred David to Mayapada Hospital for intensive care. They hope the legal process will be conducted fairly and professionally without interference from any party. Rafael Alun Trisambodo, the father of Mario Dandy, a tax official, apologized to David's family, GP Ansor, and PBNU for his son's actions. He acknowledged that his actions were wrong and is ready to follow the legal process.

Restorative Justice (RJ) is an approach to the justice system that focuses on restoration and healing for both victims and perpetrators of crimes. In the case of Mario Dandy, a tax official's son who abused David, a teenager, the RJ approach offers a different approach to resolving this legal issue by allowing both the perpetrator and victim to participate directly in a more humane resolution process. Essentially, Restorative Justice prioritizes repairing relationships damaged by violence, rather than simply punishing the perpetrator.

The first principle of restorative justice is the perpetrator's accountability for their actions. In the context of Mario Dandy's case, the perpetrator is not only punished but also given the opportunity to face the emotional consequences of his actions, namely by understanding the impact of the violence on the victim. In the RJ approach, Mario Dandy can meet directly with David, if possible, to express remorse and apologize. This can be a crucial step in helping the victim, David, feel respected and empowered in the legal process.

Restorative justice aims to heal victims of the physical and emotional wounds caused by violence. In Mario Dandy's case, victim David, who suffered from abuse,



needed not only physical treatment but also psychological recovery. By involving David in mediation, he was given the opportunity to discuss his feelings and experiences during the violent incident, as well as its impact on his life. This mediation helped David overcome the trauma he experienced and accelerated his emotional recovery.

One of the advantages of restorative justice is that it gives victims a voice in the legal process, something that is often lacking in conventional justice systems that prioritize punishment. In Mario Dandy's case, through mediation facilitated by a professional mediator, David was able to reveal how Mario Dandy's violence affected his life, both physically and psychologically. This gave the victim a sense of control over the legal process, something often lacking in retributive justice approaches that focus more on punishing the perpetrator.

In the Restorative Justice system, perpetrators are also given the opportunity to take responsibility for their actions. Mario Dandy, the perpetrator of violence against David, will be asked to acknowledge his actions and understand their impact on the victim. Through mediation, Mario Dandy can be given the opportunity to apologize directly to David, which will help the perpetrator reflect on his actions. Providing the opportunity to speak directly with the victim also opens the possibility for the perpetrator to change his mindset and improve his behavior.

However, for perpetrators like Mario Dandy, who comes from an influential family, the biggest challenge in implementing restorative justice is the potential social and political pressure that could influence the outcome of the mediation process. In this case, the public may question whether the justice system can truly deliver equitable justice, given the perpetrator's family background. In this case, restorative justice can face significant obstacles, both in terms of public perception and the difficulty of creating an unbiased mediation process.

Restorative justice differs from retributive justice, which focuses on imposing punishment in response to the perpetrator's actions. In the Mario Dandy case, retributive justice prioritizes harsh punishments, such as imprisonment or fines, with the goal of deterring the perpetrator and protecting society. However, this approach emphasizes retaliation and does not allow the victim the opportunity to speak out or heal emotionally.



In contrast, restorative justice offers solutions that are more based on recovery and rehabilitation, for both victims and perpetrators. In the case of Mario Dandy, if the Indonesian legal system adopts restorative justice, the perpetrator can undergo a process of self-healing, while the victim is empowered to seek justice that involves emotional healing. Therefore, while retributive justice can impose appropriate punishment, restorative justice provides an opportunity to repair the relationship between the victim and perpetrator, while also mitigating the social impact on both parties.

One of the main advantages of restorative justice is its impact on victims, who can be directly involved in the legal process. In the case of Mario Dandy, mediation helped David overcome the psychological trauma he experienced after the assault, as he was given the opportunity to talk about his feelings and feel valued. In contrast, with retributive justice, while the punishment imposed on the perpetrator can provide a sense of security for the community, victims are often excluded from the legal process and their recovery may be neglected.

For Mario Dandy, the Restorative Justice process can aid rehabilitation by encouraging him to take direct responsibility for his actions. This gives the perpetrator an opportunity to regret his actions and understand their impact on the victim. This process can also provide the perpetrator with deeper insight into how their violence can damage social relationships and impact the lives of others.

Although Restorative Justice offers many benefits, its implementation in Indonesia still faces several challenges. One major challenge is the diverse understanding of justice in society. In Indonesia, the majority of the public still tends to support the Retributive Justice approach, especially in cases of violence, because it focuses more on harsh punishments and deterrent effects. Therefore, promoting Restorative Justice as a more effective approach to addressing violence against children will require a paradigm shift among the community and law enforcement.

Furthermore, there are challenges related to the acceptance of perpetrators in the Restorative Justice process, especially in cases involving perpetrators with high social status, such as Mario Dandy. Perpetrators may feel they don't have to face the same consequences as ordinary people, or they may face social pressure not to fully engage in



the recovery process. Therefore, the implementation of Restorative Justice must be carried out carefully, paying attention to equality before the law and preventing abuse of this system. For Mario Dandy, the Restorative Justice process can aid rehabilitation by encouraging him to take direct responsibility for his actions. This gives the perpetrator an opportunity to regret his actions and understand their impact on the victim. This process can also provide the perpetrator with deeper insight into how their violence can damage social relationships and impact the lives of others.

Although Restorative Justice offers many benefits, its implementation in Indonesia still faces several challenges. One major challenge is the diverse understanding of justice in society. In Indonesia, the majority of the public still tends to support the Retributive Justice approach, especially in cases of violence, because it focuses more on harsh punishments and deterrent effects. Therefore, promoting Restorative Justice as a more effective approach to addressing violence against children will require a paradigm shift among the community and law enforcement.

Furthermore, there are challenges related to the acceptance of perpetrators in the Restorative Justice process, especially in cases involving perpetrators with high social status, such as Mario Dandy. Perpetrators may feel they don't have to face the same consequences as ordinary people, or they may face social pressure not to fully engage in the recovery process. Therefore, the implementation of Restorative Justice must be carried out carefully, paying attention to equality before the law and preventing abuse of this system.

The Mario Dandy case highlights the significant challenges facing the Indonesian justice system in handling child abuse cases, particularly when the perpetrator comes from an influential family. The application of restorative justice in this case could be a more humane solution, focusing on restoring relationships, both between the victim and the perpetrator, and within the community. While its implementation faces challenges, particularly related to public perception and the perpetrator's social status, restorative justice can provide a fairer middle ground in achieving justice for both victims and perpetrators.

The application of restorative justice in the Mario Dandy case, if implemented



correctly, can positively impact victims in their recovery process, while giving perpetrators the opportunity to take responsibility and change. Therefore, while retributive justice provides clear and firm punishment, restorative justice provides an opportunity to reduce long-term trauma and repair the damage done. The Indonesian justice system can adopt both approaches in a balanced manner to create more holistic and dignified justice for all parties involved.

The Application of Retributive Justice in the Child Abuse Case of Mario Dandy: Legal and Social Implications

The child abuse case involving Mario Dandy, the son of a tax official, highlights the importance of implementing the justice system in addressing acts of violence against children. In this case, retributive justice is a relevant approach to analyze, given that its primary goal is to provide appropriate punishment to the perpetrator while simultaneously providing justice for the victim and society. In the case of Mario Dandy, the application of retributive justice will focus on providing a fair and proportional punishment, commensurate with the crime committed. This is expected to provide the victim with the sense of justice they crave and also send a clear message to society that violence is unacceptable, regardless of the perpetrator's background.

One of the main aspects of retributive justice is the imposition of punishment proportional to the perpetrator's actions.¹⁵ In the case of Mario Dandy, who assaulted David with kicks and punches that resulted in serious injuries, the punishment received must reflect the severity of the crime. The purpose of this punishment is not only to provide retribution for the actions that have been committed, but also to provide a deterrent effect on the perpetrator and prevent similar acts of violence in the future. The application of retributive justice in this case emphasizes that justice is measured by the balance between the crime and the punishment received by the perpetrator.

The implementation of this approach is expected to provide a sense of security for the community. Appropriate punishment symbolizes that acts of violence will not go unpunished, and that the legal system exists to protect society from violence. In this case,

¹⁵ Wenzel, M., Okimoto, T. G., Feather, N. T., & Platow, "Retributive and Restorative Justice," 2008.



the sentence handed down to Mario Dandy must reflect the justice received by the community. Clarity and certainty in a legal process based on retributive justice provide a sense of objective justice, which is crucial for building public trust in the justice system. Clear and firm punishments can signal that the legal system operates impartially, regardless of the perpetrator's social status.

While retributive justice focuses on retribution and appropriate punishment,¹⁶ this approach does not always allow victims to participate in the healing process.¹⁷ In the case of Mario Dandy, although the perpetrator was given an appropriate sentence, the victim, David, may have felt marginalized in a judicial process that favors the perpetrator. Victims in the retributive justice system are often not empowered to actively participate in the legal process. They are simply the objects of harm, without the opportunity to voice their feelings and hopes for healing. Unlike restorative justice, which provides victims with the opportunity to actively participate in the healing process, retributive justice focuses more on punishment.

However, one of the advantages of retributive justice is the deterrent effect it can have on perpetrators. In the case of Mario Dandy, a harsh sentence is expected to send a clear message to the perpetrator and society that acts of violence against children will not go unpunished. Thus, the punishment imposed aims to deter the perpetrator from committing similar crimes in the future and reduce the likelihood of similar violence recurring. This serves as a deterrent to other perpetrators who might consider committing similar acts of violence.

Furthermore, retributive justice provides legal certainty in sentencing perpetrators. In the case of Mario Dandy, it is hoped that a commensurate punishment will reduce the legal uncertainty that often arises when the perpetrator comes from an influential background. The public will feel more confident that the law works fairly for everyone, regardless of the perpetrator's social or economic status. This is a crucial factor

¹⁶ K. M. Carlsmith, "The Roles of Retribution and Utility in Determining Punishment," *Journal of Experimental Social Psychology* 42, no. 4 (2006): 437–51, <https://doi.org/https://doi.org/10.1016/j.jesp.2005.06.007>.

¹⁷ Stephen J Morse, "Mental Disorder and Criminal Law," *J. Crim. L. & Criminology* 101, no. 3 (2013), <https://doi.org/0091.4169/11/>.



in strengthening the sense of justice in society and ensuring that no individual is above the law.

However, one weakness of this approach is the lack of attention to the rehabilitation of the perpetrator. In a retributive justice system, perpetrators are punished, but there is no significant effort to change their behavior. On the other hand, perpetrator Mario Dandy, after serving his sentence, may not have the opportunity to undergo a rehabilitation process that could prevent him from repeating similar actions. Restorative justice, which focuses on the perpetrator's recovery through mediation and direct accountability to the victim, provides space for deeper behavioral change. Therefore, the application of retributive justice in Mario Dandy's case may provide punishment, but it does not provide sufficient opportunity for the perpetrator to truly improve himself.

Furthermore, in some cases, retributive justice can exacerbate social stigma against perpetrators. In Mario Dandy's case, his high social status could actually worsen public perception of the perpetrator. The public may feel that perpetrators from influential families should be given harsher sentences as a form of retribution for the violence they have committed. This stigma can negatively impact perpetrators, even after serving their sentences. This differs from the restorative justice approach, which focuses more on the perpetrator's rehabilitation and reintegration into society.

However, despite the shortcomings of retributive justice, this system still plays a crucial role in delivering justice. In the case of Mario Dandy, the sentence imposed can serve as a symbol that crimes against children, especially physical and psychological violence, will not be tolerated. By implementing retributive justice, society gains a sense of security that the law will punish perpetrators who commit crimes, despite its limitations in addressing the long-term impact on both victims and perpetrators.

Retributive justice also impacts society as a whole, particularly in creating a clearer and more assertive sense of justice. The Mario Dandy case demonstrates that the Indonesian legal system needs to pay special attention to providing appropriate punishment, especially when violence occurs among influential individuals. It reminds us that every individual, regardless of social background or power, must be held accountable for their actions, and the justice system must ensure that punishment is



meted out without interference from third parties.

Furthermore, retributive justice also teaches society the importance of respecting the law. In the Mario Dandy case, the law must demonstrate that no one is immune from justice, including the children of officials. A clear and transparent legal process will strengthen public trust in the justice system, which is the foundation for the sustainability of the law itself.

However, while the implementation of retributive justice provides clarity in the law, there is a need to look ahead and integrate rehabilitation into the judicial process. Often, punishments imposed under retributive justice focus solely on retribution and not on long-term behavioral improvement for the perpetrator. Therefore, while punishments can provide a sense of justice for society, the Indonesian justice system also needs to develop mechanisms that place greater emphasis on the rehabilitation of perpetrators.

The retributive justice-based legal process in the Mario Dandy case can serve as a starting point for justice system reform in Indonesia. By adhering to the principles of retributive justice, we can ensure that the law delivers firm and clear justice, without neglecting the rights of victims and the impact on society. As a next step, the Indonesian justice system needs to balance punishment and rehabilitation to create a more holistic and restorative justice for all parties involved.

Overall, the application of Retributive Justice in the case of child abuse by Mario Dandy illustrates how proportional punishment can function to maintain social order and provide a sense of security to the community. However, the implementation of a system that is more based on the recovery and rehabilitation of the perpetrator is also important to ensure that the justice rendered can achieve more impactful results in the long term, for both victims and perpetrators. Therefore, Retributive Justice should be seen as one part of a larger legal system, which needs to be supported by recovery efforts for victims and perpetrators.

Conclusion

Law enforcement in child abuse cases in Indonesia is a complex challenge that requires an effective justice approach for both victims and perpetrators. This article compares two main approaches, Restorative Justice and Retributive Justice, each of



which has a different impact on victim rehabilitation, the deterrent effect on perpetrators, and victim protection. Restorative Justice, which focuses on restoring the relationship between the victim and perpetrator, has been shown to accelerate victim rehabilitation and reduce long-term trauma. Meanwhile, Retributive Justice, while emphasizing punishment for perpetrators to create a deterrent effect, often neglects the aspect of recovery for victims. The social and psychological impacts experienced by victims are significantly influenced by the approach used, and a key challenge in the Indonesian legal system is how to implement Restorative Justice effectively.

To address child abuse cases in Indonesia more comprehensively, an approach that combines both Restorative Justice and Retributive Justice principles could be a more effective solution. This approach would ensure that appropriate punishment is imposed on the perpetrator while paying sufficient attention to the victim's recovery. To address child abuse cases in Indonesia more comprehensively, an approach that combines both Restorative Justice and Retributive Justice principles could be a more effective solution. This approach would ensure that appropriate punishment is imposed on the perpetrator while paying sufficient attention to the victim's recovery.

While Retributive Justice provides a deterrent effect through appropriate punishment, the legal system needs to ensure that the punishment also considers the rehabilitation aspect of the perpetrator. Perpetrators should go through a process that not only punishes them but also provides them with opportunities to improve their behavior through rehabilitation programs, counseling, and learning. This will enable them to reintegrate into society with more positive behavior after serving their sentences.



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