

DISCRETION OF LAW ENFORCEMENT OFFICIALS IN HANDLING CHILDREN WHO COMMIT CRIMES: A STUDY OF COMPLIANCE WITH THE PRINCIPLES OF RESTORATIVE JUSTICE

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ABSTRACT

The discretionary power of law enforcement officials in handling juvenile delinquency cases represents a critical juncture where legal formalism intersects with restorative justice principles. This study examines the extent to which law enforcement discretion aligns with restorative justice frameworks when processing children in conflict with the law. Utilizing a qualitative approach with case study methodology, this research analyzes 45 cases of juvenile delinquency handled by law enforcement agencies across three jurisdictions over a two-year period (2022-2024). Data were collected through in-depth interviews with 30 law enforcement officials, legal practitioners, and juvenile justice stakeholders, supplemented by document analysis of case files and policy documents. The findings reveal significant variations in discretionary practices, with compliance rates to restorative justice principles ranging from 42% to 78% across jurisdictions. Key factors influencing discretionary decisions include organizational culture, training exposure to restorative justice approaches, severity of offenses, victim-offender dynamics, and institutional support mechanisms. The study identifies four discretionary typologies: formalistic enforcers, contextual mediators, welfare-oriented facilitators, and hybrid practitioners. While formal policies endorse restorative approaches, implementation gaps persist due to insufficient training, limited resources, ambiguous procedural guidelines, and resistance to paradigm shifts from retributive to restorative models. The research contributes to juvenile justice literature by mapping the discretionary landscape and its alignment with restorative justice imperatives, offering evidence-based recommendations for policy reform, capacity building, and institutional strengthening to enhance child-centered justice delivery systems.

Keywords: Discretionary power, Law enforcement, Juvenile delinquency, Restorative justice, Child rights.

DISKRESI APARAT PENEGAK HUKUM DALAM PENANGANAN ANAK PELAKU TINDAK PIDANA: STUDI ATAS KESESUAIAN DENGAN PRINSIP RESTORATIVE JUSTICE

ABSTRAK

Kewenangan diskresioner petugas penegak hukum dalam menangani kasus kenakalan remaja merupakan titik kritis di mana formalisme hukum beririsan dengan prinsip-prinsip keadilan restoratif. Penelitian ini mengkaji sejauh mana kewenangan diskresioner penegak hukum selaras dengan kerangka kerja keadilan restoratif dalam menangani anak-anak yang berkonflik dengan hukum. Menggunakan pendekatan kualitatif dengan metodologi studi kasus, penelitian ini menganalisis 45 kasus kenakalan remaja yang ditangani oleh lembaga penegak hukum di tiga

yurisdiksi selama periode dua tahun (2022-2024). Data dikumpulkan melalui wawancara mendalam dengan 30 pejabat penegak hukum, praktisi hukum, dan pemangku kepentingan keadilan remaja, dilengkapi dengan analisis dokumen berkas kasus dan dokumen kebijakan. Temuan menunjukkan variasi signifikan dalam praktik diskresi, dengan tingkat kepatuhan terhadap prinsip keadilan restoratif berkisar antara 42% hingga 78% di berbagai yurisdiksi. Faktor-faktor kunci yang mempengaruhi keputusan diskresi meliputi budaya organisasi, paparan pelatihan terhadap pendekatan keadilan restoratif, tingkat keparahan pelanggaran, dinamika korban-pelaku, dan mekanisme dukungan institusional. Studi ini mengidentifikasi empat tipologi diskresi: penegak formalistik, mediator kontekstual, fasilitator berorientasi kesejahteraan, dan praktisi hibrida. Meskipun kebijakan formal mendukung pendekatan restoratif, kesenjangan implementasi tetap ada akibat pelatihan yang tidak memadai, sumber daya yang terbatas, pedoman prosedural yang ambigu, dan resistensi terhadap pergeseran paradigma dari model retributif ke restoratif. Penelitian ini berkontribusi pada literatur keadilan anak dengan memetakan lanskap diskresi dan keselarasan dengan imperatif keadilan restoratif, serta menawarkan rekomendasi berbasis bukti untuk reformasi kebijakan, pembangunan kapasitas, dan penguatan institusional guna meningkatkan sistem penyampaian keadilan yang berpusat pada anak.

Kata kunci: Kekuasaan diskresioner, Penegakan hukum, Kenakalan remaja, Keadilan restoratif, Hak anak.

INTRODUCTION

The treatment of children who commit crimes has undergone significant transformation over the past decades, shifting from punitive-retributive paradigms toward more rehabilitative and restorative approaches (Dünkel et al., 2017; Gavrielides, 2021). This evolution reflects growing recognition that children possess distinct developmental characteristics, diminished culpability, and heightened capacity for rehabilitation compared to adult offenders (Steinberg & Scott, 2003; Cipriani, 2009). International legal frameworks, particularly the United Nations Convention on the Rights of the Child (UNCRC) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), have established normative standards emphasizing the best interests of the child, diversion from formal judicial proceedings, and utilization of restorative justice mechanisms (Van Ness & Strong, 2010; Goldson & Muncie, 2015). Within juvenile justice systems, law enforcement officials occupy a pivotal gatekeeping position, exercising substantial discretionary power that fundamentally shapes case trajectories and outcomes (Hoyle & Zedner, 2007; Lipsky, 2010). This discretion manifests at multiple decision points, including whether to formally arrest or informally warn, whether to divert cases from prosecution, and how to engage with families and communities in addressing juvenile misconduct (Goldstein, 1960; Davis, 1969). The discretionary space is particularly significant because it operates at the critical interface between formal legal structures and informal social controls, potentially facilitating restorative justice interventions that prioritize repair, reintegration, and reconciliation over punishment (Braithwaite, 2002; Bazemore & Schiff, 2005).

Restorative justice principles emphasize victim-offender-community dialogue, accountability through understanding harm caused, and collaborative problem-solving to repair damage and restore relationships (Zehr, 2015; Johnstone & Van Ness, 2007). When applied to juvenile cases, restorative approaches align with developmental psychology insights regarding adolescent capacity for moral reasoning, empathy development, and behavioral change (Woolard & Scott, 2009; Cauffman & Steinberg, 2000). Research demonstrates that restorative

interventions can reduce recidivism, enhance victim satisfaction, and promote positive youth development more effectively than traditional punitive measures (Sherman & Strang, 2007; Latimer et al., 2005; Wilson et al., 2017). Despite normative frameworks advocating restorative approaches, empirical evidence reveals considerable variation in how law enforcement officials exercise discretion when handling juvenile cases (Cunneen & Goldson, 2015; McAra & McVie, 2007). Several factors contribute to this variation, including organizational culture within law enforcement agencies, individual officer attitudes and training, availability of diversion programs and community resources, characteristics of specific offenses and offenders, and broader sociopolitical contexts influencing criminal justice priorities (Worden, 1989; Gau & Brunson, 2010; Brunson & Weitzer, 2009).

The research gap this study addresses concerns the insufficient empirical investigation into how law enforcement discretion operates in practice vis-à-vis restorative justice principles in juvenile cases. While substantial literature examines either police discretion generally (Walker, 1993; Klinger, 1997) or restorative justice implementation (Daly, 2016; Rodriguez, 2007), fewer studies systematically analyze their intersection specifically regarding children in conflict with the law. Furthermore, existing research often focuses on single jurisdictions or particular programs, limiting generalizability and comparative insights (Bergseth & Bouffard, 2007; Hayes, 2005). This study fills this gap by conducting a multi-jurisdictional comparative analysis of discretionary patterns and their alignment with restorative justice imperatives. The central research question guiding this investigation is: To what extent does the discretionary power exercised by law enforcement officials in handling children who commit crimes comply with the principles of restorative justice? Subsidiary questions include: What factors influence law enforcement decisions to utilize restorative approaches? What barriers impede implementation of restorative justice principles? How do discretionary practices vary across different jurisdictions and offense types? What institutional reforms could enhance alignment between discretionary practices and restorative justice frameworks?

This research contributes to juvenile justice scholarship by providing empirical evidence regarding discretionary practices at the critical law enforcement entry point, mapping variations in compliance with restorative justice principles, identifying facilitating and constraining factors, and generating evidence-based policy recommendations. The findings have practical implications for training programs, policy development, and institutional reforms aimed at creating more child-centered, restorative juvenile justice systems that balance accountability with rehabilitation and reintegration imperatives.

RESEARCH METHODS

2.1. Research Design

This study employed a qualitative research design with a multiple case study approach to examine law enforcement discretion in juvenile justice contexts (Yin, 2018; Stake, 2006). The case study methodology was selected for its capacity to provide rich, contextualized understanding of complex social phenomena within real-life settings, particularly appropriate when investigating 'how' and 'why' questions regarding contemporary events over which researchers have limited control (Eisenhardt, 1989; Flyvbjerg, 2006). The multiple case design enabled comparative analysis across jurisdictions, enhancing analytical generalization and theoretical development while acknowledging contextual specificities (Miles & Huberman, 1994).

2.2. Research Setting and Case Selection

Three jurisdictions were purposively selected based on criteria including: (1) existence of formal policies endorsing restorative justice approaches for juveniles; (2) demographic diversity reflecting urban, suburban, and rural contexts; (3) variation in organizational structures and resources; and (4) willingness of law enforcement agencies to participate. The selected jurisdictions included one large metropolitan area (Population: 2.5 million), one mid-sized city (Population: 450,000), and one rural county network (Population: 120,000). This sampling strategy facilitated examination of how contextual factors influence discretionary practices across different settings (Patton, 2015). Within these jurisdictions, 45 juvenile delinquency cases were selected for in-depth analysis, representing a range of offense types (property crimes, minor assaults, drug-related offenses, vandalism, and traffic violations) and offender characteristics (age, gender, prior history, family circumstances). Cases were identified through law enforcement records covering a two-year period (January 2022 - December 2024), with selection ensuring representation of both diverted and formally processed cases to enable comparative analysis (Creswell & Poth, 2018).

2.3. Data Collection Methods

Data collection involved multiple methods to ensure triangulation and enhance validity (Denzin, 1978). Primary methods included:

In-depth semi-structured interviews were conducted with 30 participants, including frontline police officers (n=15), juvenile unit supervisors (n=6), prosecutors liaising with law enforcement (n=4), diversion program coordinators (n=3), and juvenile justice policy makers (n=2). Interview protocols explored discretionary decision-making processes, factors influencing case dispositions, knowledge and attitudes toward restorative justice principles, perceived barriers and facilitators, and recommendations for system improvements. Interviews lasted 60-90 minutes, were audio-recorded with consent, and transcribed verbatim (Kvale & Brinkmann, 2009).

Document analysis examined case files, arrest reports, diversion referral documents, internal policy manuals, training materials, and inter-agency memoranda of understanding. This analysis provided insights into formal procedures, documentation practices, and institutional frameworks shaping discretionary practices (Bowen, 2009). Observational field notes were compiled during researcher attendance at juvenile intake meetings, diversion screening sessions, and training workshops. These observations illuminated interactional dynamics, organizational culture elements, and informal norms influencing discretionary decisions (Emerson et al., 2011).

2.4. Data Analysis

Qualitative data analysis followed thematic analysis procedures (Braun & Clarke, 2006) supported by NVivo software for data organization and coding. Analysis proceeded through iterative stages: (1) familiarization through repeated reading of transcripts and documents; (2) generation of initial codes capturing discrete ideas and phenomena; (3) searching for themes by collating codes into broader patterns; (4) reviewing and refining themes through constant comparison and theoretical saturation checks; (5) defining and naming final themes; and (6) producing the analytical narrative linking findings to research questions and theoretical frameworks (Charmaz, 2006). A deductive-inductive hybrid approach was employed, beginning with sensitizing concepts derived from restorative justice literature (victim involvement,

accountability emphasis, reparative focus, reintegration support) while remaining open to emergent themes grounded in empirical data (Fereday & Muir-Cochrane, 2006). Case-level analysis was complemented by cross-case synthesis to identify patterns, variations, and contextual influences across jurisdictions (Eisenhardt & Graebner, 2007).

2.5. Ethical Considerations

The research received institutional review board approval and adhered to ethical protocols for research involving vulnerable populations and sensitive topics. Informed consent was obtained from all participants, with particular attention to confidentiality protections given the sensitive nature of law enforcement and juvenile justice information. Case file data were fully anonymized, removing all personally identifying information. Participants were assured that their responses would not affect employment or professional relationships, and voluntary participation was emphasized throughout (Israel & Hay, 2006).

2.6. Validity and Reliability

Multiple strategies enhanced research trustworthiness (Lincoln & Guba, 1985). Triangulation of data sources, methods, and investigators reduced bias and strengthened credibility. Member checking involved sharing preliminary findings with selected participants to verify accuracy of interpretations. Thick description provided sufficient contextual detail to enable transferability assessments. An audit trail documented analytical decisions and methodological procedures. Reflexivity practices included maintaining a research journal to acknowledge researcher positionality and potential influences on data collection and interpretation (Guba & Lincoln, 1989).

RESEARCH METHODS

The study employed a qualitative research design with a multiple case study approach to analyze law enforcement discretion within juvenile justice systems (Yin, 2018; Stake, 2006). This method was chosen for its strength in revealing the complexity of social and institutional interactions in their real-life contexts, addressing “how” and “why” questions that cannot be experimentally controlled (Eisenhardt, 1989; Flyvbjerg, 2006). By applying a multiple case study design, the research enabled comparative and contextualized analysis across jurisdictions, improving theoretical generalization while respecting situational diversity (Miles & Huberman, 1994). The setting comprised three jurisdictions—urban, suburban, and rural selected based on their restorative justice adoption, demographic and organizational variation, and openness to research participation (Patton, 2015). Forty-five juvenile cases spanning different offense types and socio-demographic characteristics were analyzed from official records covering 2022–2024 (Creswell & Poth, 2018). Data collection integrated triangulated methods to enhance validity and credibility (Denzin, 1978). Primary data were gathered through semi-structured interviews with 30 key actors, including police officers, supervisors, prosecutors, diversion coordinators, and policy makers, to explore discretion processes, restorative justice perspectives, and institutional constraints (Kvale & Brinkmann, 2009). Supplementary data came from document analysis—examining case files, arrest reports, and policy manuals to capture procedural and regulatory dynamics (Bowen, 2009), alongside field observations during intake meetings and training sessions to reveal informal practices and organizational culture (Emerson et al., 2011).

This multi-source evidence base provided a holistic understanding of discretionary decision-making within varied juvenile justice contexts. Data were analyzed using thematic analysis

supported by NVivo software (Braun & Clarke, 2006). Following an iterative, deductive–inductive hybrid process, the researcher coded, categorized, and synthesized data through repeated comparison until theoretical saturation was achieved (Charmaz, 2006; Fereday & Muir-Cochrane, 2006). Ethical clearance and informed consent procedures ensured the protection of vulnerable participants, with anonymization of all case data (Israel & Hay, 2006). Trustworthiness was strengthened through triangulation, member checking, thick description, and reflexive documentation of analytical decisions (Lincoln & Guba, 1985; Guba & Lincoln, 1989). Collectively, these strategies supported methodological rigor and credibility in examining discretionary practices and their implications for juvenile justice reform.

RESULTS AND DISCUSSION

3.1. Patterns of Discretionary Practice

Analysis of the 45 cases revealed substantial variation in how law enforcement officials exercised discretion, with overall compliance with restorative justice principles ranging from 42% to 78% across the three jurisdictions. The metropolitan jurisdiction demonstrated the highest compliance rate (78%), attributed to established diversion infrastructure, specialized juvenile units, and regular restorative justice training. The mid-sized city showed moderate compliance (63%), while the rural jurisdiction exhibited the lowest rate (42%), reflecting resource constraints and limited access to alternative programming. Four distinct discretionary typologies emerged from the data, representing different approaches law enforcement officials adopt when handling juvenile cases:

Formalistic Enforcers (23% of officers interviewed) prioritized strict legal compliance and formal processing, exhibiting skepticism toward informal interventions. These officers emphasized the seriousness of law violations and expressed concerns about accountability, viewing formal justice system involvement as necessary for deterrence. As one officer stated: "Kids need to understand there are consequences. Being too soft doesn't teach them responsibility." This orientation aligns with what Tyler (2006) terms procedural justice emphases but diverges from restorative principles by minimizing victim-offender dialogue and community involvement.

Contextual Mediators (37% of officers) demonstrated flexibility in decision-making, carefully assessing case-specific factors including offense severity, offender history, family support systems, and victim preferences. These officers utilized diversion when circumstances appeared favorable but maintained willingness to formally process cases when restorative conditions seemed absent. Their approach resonates with therapeutic jurisprudence principles (Wexler & Winick, 1996) and reflects what Lipsky (2010) describes as street-level bureaucrat adaptive strategies.

Welfare-Oriented Facilitators (27% of officers) prioritized child welfare and rehabilitation, actively seeking alternatives to formal processing. These officers viewed their role as facilitating youth access to supportive services rather than enforcing punitive measures. They demonstrated strong alignment with restorative justice values, emphasizing accountability through understanding rather than punishment. One officer explained: "My job is to help these kids get back on track, not to ruin their futures with records. If we can address the underlying issues, that's real public safety."

Hybrid Practitioners (13% of officers) exhibited mixed orientations, sometimes embracing restorative approaches and other times reverting to formalistic enforcement, depending on organizational pressures, workload factors, and perceived case complexity. This inconsistency

reflects what Hawkins (2003) identifies as the inherent tension between bureaucratic efficiency demands and individualized justice ideals.

3.2. Factors Influencing Discretionary Decisions

Multiple interrelated factors shaped how law enforcement officials exercised discretion, with implications for restorative justice implementation:

Training and Knowledge: Officers who received specialized training in restorative justice principles and adolescent development demonstrated significantly higher utilization of diversion and informal resolution mechanisms. Training exposure correlated with more sophisticated understanding of restorative justice beyond mere leniency, recognizing it as structured accountability through different means. Conversely, officers lacking such training frequently equated restorative approaches with "going easy" on offenders, revealing knowledge gaps that undermine implementation (Payne & Welch, 2018).

Organizational Culture and Leadership: Departments with leadership explicitly endorsing restorative approaches and establishing performance metrics beyond arrest statistics created enabling environments for discretionary innovation. In contrast, agencies emphasizing traditional law enforcement metrics (arrests, clearance rates) implicitly discouraged diversion, even when formal policies supported restorative practices. This finding echoes organizational culture research demonstrating that informal norms often supersede formal policies (Schein, 2010; Reuss-Ianni, 1983).

Offense Characteristics: Minor offenses (shoplifting, vandalism, minor assaults) received more frequent diversion consideration compared to serious offenses (aggravated assault, robbery), reflecting offense severity gradations in discretionary decision-making. However, substantial variation existed even within offense categories, suggesting that statutory offense classification alone inadequately predicts case processing. Contextual factors such as victim harm, offender remorse, and family support significantly influenced outcomes (Black, 1980; Smith & Visher, 1981).

Victim Involvement and Preferences: Cases where victims expressed willingness to participate in restorative processes demonstrated substantially higher diversion rates. However, victim participation remained inconsistent, with only 34% of eligible cases involving meaningful victim engagement. Barriers included victim reluctance, logistical challenges in facilitating victim-offender contact, and insufficient resources to support victim participation. This gap represents a critical implementation deficit, as victim involvement constitutes a core restorative justice tenet (Strang, 2002; Umbreit et al., 2005).

Family and Community Context: Officers considered family stability, parental cooperation, and community resource availability when making discretionary decisions. Youth with engaged families and access to supportive services received more favorable consideration for diversion. This pattern raises equity concerns, as socioeconomically disadvantaged youth may face double jeopardy—both the disadvantages producing delinquency risk and reduced access to diversionary opportunities (Bishop, 2005; Fader et al., 2015).

Prior History and Perceived Risk: First-time offenders received substantially more lenient treatment compared to repeat offenders, reflecting both legal frameworks and officer perceptions of rehabilitation potential. However, definitions of "prior history" varied, with some jurisdictions counting only formal adjudications while others included previous police contacts regardless of formal outcomes. This inconsistency created disparate treatment patterns across jurisdictions (Cauffman et al., 2007).

3.3. Barriers to Restorative Justice Implementation

Despite formal policy endorsements of restorative approaches, multiple barriers impeded systematic implementation:

Resource Constraints: All three jurisdictions reported insufficient resources to support comprehensive restorative programming. Limitations included inadequate staffing for case management, lack of trained facilitators for victim-offender conferences, and minimal funding for community-based services. The rural jurisdiction particularly struggled, with one diversion program serving an entire county with a single part-time coordinator. Resource scarcity forced officers to make pragmatic rather than principle-driven decisions, often defaulting to formal processing when uncertain (Taxman & Belenko, 2012).

Procedural Ambiguity: While policies endorsed restorative approaches, operational guidelines remained vague. Officers expressed uncertainty regarding eligibility criteria, procedural steps, documentation requirements, and success metrics. One supervisor noted: "We're told to use diversion when appropriate, but what does 'appropriate' mean? Everyone interprets it differently." This ambiguity produced inconsistent application and officer frustration (Schneider & Ingram, 1990).

Institutional Resistance and Cultural Inertia: Law enforcement organizational culture traditionally emphasizes crime control and enforcement, creating tension with restorative justice values prioritizing healing and reconciliation. Some officers viewed restorative approaches as inconsistent with law enforcement identity, expressing concerns about professional role confusion. Additionally, inter-agency coordination challenges between police, courts, schools, and social services fragmented implementation efforts (Maguire, 2003).

Accountability Concerns: Officers and prosecutors expressed concerns that diversion might inadequately hold youth accountable, particularly for serious offenses or repeat offenders. These concerns reflected misunderstandings about restorative justice, confusing it with lenient treatment rather than alternative accountability mechanisms. Additionally, concerns about political and public backlash if diverted youth reoffended created risk-averse decision-making (Piquero et al., 2010).

Measurement and Evaluation Deficits: Inadequate data systems prevented systematic tracking of diversion outcomes, recidivism rates, and victim satisfaction. Without robust evaluation mechanisms, agencies struggled to demonstrate restorative programming effectiveness, undermining support for expansion. Performance metrics remained primarily arrest-focused, failing to capture restorative justice values such as victim healing, offender accountability through reparation, and community strengthening (Welsh & Harris, 2016).

3.4. Facilitating Factors and Promising Practices

Despite barriers, certain factors facilitated restorative justice implementation and warrant replication:

Specialized Juvenile Units: The metropolitan jurisdiction's dedicated juvenile unit, staffed by officers with specialized training and caseload management capacity, achieved the highest compliance with restorative principles. Specialization enabled officers to develop expertise, build relationships with community partners, and dedicate time to case-specific assessment rather than rushing to dispositions (Whitehead & Lab, 2009).

Structured Decision-Making Tools: One jurisdiction implemented a validated risk-needs assessment instrument guiding discretionary decisions. This tool provided structured criteria for

evaluating offense severity, offender risk, and amenability to diversion, reducing subjectivity while maintaining professional judgment space. Officers reported that the tool legitimized diversion decisions and provided defensible rationales when challenged (Vincent et al., 2012).

Community Partnerships: Jurisdictions with strong partnerships between law enforcement, schools, mental health providers, and community organizations demonstrated more successful diversion implementation. These partnerships expanded available resources, facilitated information sharing, and created continuum-of-care approaches addressing underlying factors contributing to delinquency (Brank et al., 2008).

Training and Continuous Professional Development: Regular training incorporating restorative justice principles, adolescent development, trauma-informed practices, and cultural competency positively influenced discretionary decision-making. Training that included experiential components (role-playing, case simulations) and opportunities for reflection proved more impactful than didactic presentations alone (Payne et al., 2017).

Leadership Commitment and Clear Communication: Departments where leadership explicitly endorsed restorative approaches through both policy statements and resource allocation created enabling environments. Leaders who regularly communicated about the importance of diversion, celebrated successful cases, and protected officers from criticism when diversion cases proved challenging fostered innovation and risk-taking necessary for paradigm change (Engel, 2001).

3.5. Comparative Analysis Across Jurisdictions

Cross-jurisdictional comparison illuminated how contextual factors shaped discretionary practices and restorative justice implementation. The metropolitan jurisdiction's advantages included: established infrastructure (specialized units, dedicated facilities, technology systems), robust community partner networks, diverse programming options, and regular training opportunities. These structural supports enabled more consistent application of restorative principles. The mid-sized jurisdiction occupied a middle position, possessing some specialized capacity but facing resource limitations constraining comprehensive implementation. Officers expressed frustration about knowing what should be done but lacking means to execute effectively. This jurisdiction exemplified the gap between aspirational policies and operational realities common in many communities.

The rural jurisdiction confronted the most substantial challenges: geographic dispersion complicating service delivery, limited organizational capacity (small agencies with generalist officers handling diverse responsibilities), scarce community resources, and cultural conservatism favoring traditional enforcement approaches. Despite these barriers, individual officers demonstrated commitment to helping youth, suggesting that resource infusion and technical assistance could yield improvements (Weisheit et al., 2006). These findings align with broader criminal justice literature documenting how organizational capacity, resource availability, and community context fundamentally shape policy implementation, often creating divergent outcomes despite similar formal policies (Matland, 1995; Lipsky, 2010). The analysis suggests that restorative justice implementation requires not merely policy adoption but sustained investment in infrastructure, training, and community capacity building tailored to local contexts.

3.6. Implications for Theory and Practice

This research contributes to juvenile justice scholarship by empirically examining the intersection of law enforcement discretion and restorative justice principles, domains often

studied separately. The identification of four discretionary typologies advances understanding of how individual orientations interact with organizational and contextual factors to produce varied outcomes. This typology suggests that systemic change requires addressing multiple levels: individual attitudes and knowledge, organizational culture and incentives, and institutional resources and partnerships.

The findings validate concerns raised in implementation science literature about the gap between policy adoption and practice transformation (Fixsen et al., 2005). Merely enacting restorative justice policies proves insufficient without attending to implementation factors including training, resources, procedural clarity, cultural change, and accountability mechanisms. This underscores the need for comprehensive implementation frameworks rather than policy mandates alone.

From a practical standpoint, the research identifies specific leverage points for enhancing restorative justice implementation: investing in specialized juvenile units, developing structured decision-making tools, strengthening community partnerships, providing comprehensive training, cultivating supportive organizational cultures, and establishing robust evaluation systems. These recommendations are not merely aspirational but grounded in empirical evidence of what works in jurisdictions achieving higher compliance with restorative principles. The study also raises important equity considerations. The finding that discretion operates less favorably for socioeconomically disadvantaged youth highlights how well-intentioned reforms can inadvertently reproduce systemic inequalities. This calls for explicit attention to equity in implementation, including monitoring for disparate impacts across demographic groups and ensuring that access to diversion does not depend on family resources or social capital (Fader et al., 2015; Bishop, 2005).

CONCLUSION

This study examined how law enforcement officials exercise discretion when handling children who commit crimes and the extent to which discretionary practices align with restorative justice principles. The findings reveal a complex landscape characterized by substantial variation across jurisdictions, individual officers, and case types. While formal policies increasingly endorse restorative approaches, implementation remains inconsistent, with compliance rates ranging from 42% to 78% across the three study jurisdictions. Four distinct discretionary typologies emerged formalistic enforcers, contextual mediators, welfare-oriented facilitators, and hybrid practitioners each reflecting different philosophical orientations and practical approaches to juvenile case processing. These typologies underscore that discretion is not merely technical decision-making but involves value judgments, role conceptions, and organizational influences that shape how individual officers translate policy mandates into practice.

Multiple factors influence discretionary decisions, including training exposure, organizational culture, offense characteristics, victim preferences, family context, and resource availability. Significantly, structural factors such as specialized units, decision-making tools, community partnerships, and leadership commitment emerge as more powerful predictors of restorative justice implementation than individual officer attitudes alone, suggesting that systemic interventions can shift practices even absent universal philosophical conversion. Barriers to implementation include resource constraints, procedural ambiguity, cultural resistance, accountability concerns, and measurement deficits. These barriers are not insurmountable but require comprehensive strategies addressing multiple dimensions: resource investment, procedural clarification, cultural transformation, public education, and evaluation capacity

building. The research demonstrates that context matters profoundly what works in well-resourced metropolitan areas may prove unfeasible in rural jurisdictions without adaptation and capacity building. Several recommendations emerge from this research:

First, invest in specialized juvenile units with dedicated staffing, training, and resources to handle juvenile cases using restorative approaches. Specialization enables expertise development, relationship building with community partners, and time allocation necessary for individualized assessment and intervention planning.

Second, develop and implement validated structured decision-making tools that guide discretionary decisions while maintaining professional judgment space. These tools should incorporate restorative justice principles, offense severity gradations, risk-needs assessment, and eligibility criteria for diversion programs.

Third, establish comprehensive, sustained training programs incorporating restorative justice principles, adolescent development, trauma-informed practices, cultural competency, and facilitation skills. Training should include experiential components and opportunities for reflection, moving beyond knowledge transmission to practice transformation.

Fourth, strengthen community partnerships through formal memoranda of understanding, regular coordination meetings, cross-training opportunities, and resource sharing arrangements. Effective juvenile justice systems require coordinated responses spanning law enforcement, schools, mental health services, family support organizations, and community groups.

Fifth, cultivate organizational cultures that support restorative approaches through leadership communication, revised performance metrics, protection from criticism when cases prove challenging, and celebration of successful diversion outcomes. Cultural change requires consistent messaging and institutional reinforcement over time.

Sixth, establish robust data systems and evaluation mechanisms to track diversion rates, program completion, recidivism, victim satisfaction, and equity indicators. Evaluation evidence is essential for demonstrating effectiveness, identifying improvement needs, and sustaining political and financial support.

Seventh, monitor for equity impacts and implement safeguards ensuring that access to diversion and restorative interventions does not depend on socioeconomic status, family resources, or social capital. This may require proactive outreach, provision of support services, and periodic disparity analysis.

This research has limitations that suggest directions for future investigation. The study focused on three jurisdictions over a two-year period; longitudinal research tracking implementation trajectories over extended periods could illuminate how practices evolve, stabilize, or regress. The sample included primarily minor-to-moderate offenses; research examining discretion in serious offense cases would complement these findings. Additionally, this study centered on law enforcement perspectives; future research incorporating youth, family, and victim perspectives would provide more complete understanding of how discretion operates and impacts stakeholders. Despite limitations, this research contributes empirical evidence regarding a critical yet understudied aspect of juvenile justice systems—the discretionary practices of law enforcement officials at the entry point where trajectories toward either restorative or punitive outcomes are established. The findings demonstrate that while gaps exist between restorative justice aspirations and implementation realities, promising practices exist that, if systematically adopted and supported, could enhance alignment between discretionary practices and principles that prioritize child welfare, victim healing, and community strengthening. Achieving this vision requires sustained commitment, adequate resources, and recognition that transforming systems

involves not merely changing policies but reshaping organizational cultures, building capacities, and nurturing partnerships that collectively support child-centered justice delivery.

BIBLIOGRAPHY

- Bazemore, G., & Schiff, M. (2005). *Juvenile justice reform and restorative justice: Building theory and policy from practice*. Willan Publishing.
- Bergseth, K. J., & Bouffard, J. A. (2007). The long-term impact of restorative justice programming for juvenile offenders. *Journal of Criminal Justice*, 35(4), 433-451.
- Bishop, D. M. (2005). The role of race and ethnicity in juvenile justice processing. In D. F. Hawkins & K. Kempf-Leonard (Eds.), *Our children, their children: Confronting racial and ethnic differences in American juvenile justice* (pp. 23-82). University of Chicago Press.
- Black, D. (1980). *The manners and customs of the police*. Academic Press.
- Bowen, G. A. (2009). Document analysis as a qualitative research method. *Qualitative Research Journal*, 9(2), 27-40.
- Braithwaite, J. (2002). *Restorative justice and responsive regulation*. Oxford University Press.
- Brank, E. M., Kucera, S. C., & Hays, S. A. (2008). Parental responsibility statutes: An organization and policy implications analysis. *Journal of Law and Family Studies*, 7(1), 1-55.
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77-101.
- Brunson, R. K., & Weitzer, R. (2009). Police relations with black and white youths in different urban neighborhoods. *Urban Affairs Review*, 44(6), 858-885.
- Cauffman, E., & Steinberg, L. (2000). (Im)maturity of judgment in adolescence: Why adolescents may be less culpable than adults. *Behavioral Sciences & the Law*, 18(6), 741-760.
- Cauffman, E., Piquero, A. R., Kimonis, E., Steinberg, L., Chassin, L., & Fagan, J. (2007). Legal, individual, and environmental predictors of court disposition in a sample of serious adolescent offenders. *Law and Human Behavior*, 31(6), 519-535.
- Charmaz, K. (2006). *Constructing grounded theory: A practical guide through qualitative analysis*. SAGE Publications.
- Cipriani, D. (2009). *Children's rights and the minimum age of criminal responsibility: A global perspective*. Ashgate Publishing.
- Creswell, J. W., & Poth, C. N. (2018). *Qualitative inquiry and research design: Choosing among five approaches* (4th ed.). SAGE Publications.
- Cunneen, C., & Goldson, B. (2015). Restorative justice? A critical analysis. In B. Goldson & J. Muncie (Eds.), *Youth crime and justice* (2nd ed., pp. 137-156). SAGE Publications.
- Daly, K. (2016). What is restorative justice? Fresh answers to a vexed question. *Victims & Offenders*, 11(1), 9-29.
- Davis, K. C. (1969). *Discretionary justice: A preliminary inquiry*. Louisiana State University Press.

- Denzin, N. K. (1978). *The research act: A theoretical introduction to sociological methods* (2nd ed.). McGraw-Hill.
- Düinkel, F., Grzywa-Holten, J., & Horsfield, P. (Eds.). (2017). *Restorative justice and mediation in penal matters: A stock-taking of legal issues, implementation strategies and outcomes in 36 European countries*. Forum Verlag Godesberg.
- Eisenhardt, K. M. (1989). Building theories from case study research. *Academy of Management Review*, 14(4), 532-550.
- Eisenhardt, K. M., & Graebner, M. E. (2007). Theory building from cases: Opportunities and challenges. *Academy of Management Journal*, 50(1), 25-32.
- Emerson, R. M., Fretz, R. I., & Shaw, L. L. (2011). *Writing ethnographic fieldnotes* (2nd ed.). University of Chicago Press.
- Engel, R. S. (2001). Supervisory styles of patrol sergeants and lieutenants. *Journal of Criminal Justice*, 29(4), 341-355.
- Fader, J. J., Kurlychek, M. C., & Morgan, K. A. (2015). The color of juvenile justice: Racial disparities in dispositional decisions. *Social Science Research*, 44, 126-140.
- Fereday, J., & Muir-Cochrane, E. (2006). Demonstrating rigor using thematic analysis: A hybrid approach of inductive and deductive coding and theme development. *International Journal of Qualitative Methods*, 5(1), 80-92.
- Fixsen, D. L., Naoom, S. F., Blase, K. A., Friedman, R. M., & Wallace, F. (2005). *Implementation research: A synthesis of the literature*. University of South Florida.
- Flyvbjerg, B. (2006). Five misunderstandings about case-study research. *Qualitative Inquiry*, 12(2), 219-245.
- Gau, J. M., & Brunson, R. K. (2010). Procedural justice and order maintenance policing: A study of inner-city young men's perceptions of police legitimacy. *Justice Quarterly*, 27(2), 255-279.
- Gavrielides, T. (2021). Restorative justice and the right to desistance. *International Journal of Restorative Justice*, 4(2), 174-198.
- Goldson, B., & Muncie, J. (Eds.). (2015). *Youth crime and justice* (2nd ed.). SAGE Publications.
- Goldstein, J. (1960). Police discretion not to invoke the criminal process: Low-visibility decisions in the administration of justice. *Yale Law Journal*, 69(4), 543-594.
- Guba, E. G., & Lincoln, Y. S. (1989). *Fourth generation evaluation*. SAGE Publications.
- Hawkins, K. (2003). *Law as last resort: Prosecution decision-making in a regulatory agency*. Oxford University Press.
- Hayes, H. (2005). Assessing reoffending in restorative justice conferences. *Australian and New Zealand Journal of Criminology*, 38(1), 77-101.
- Hoyle, C., & Zedner, L. (2007). Victims, victimization, and criminal justice. In M. Maguire, R. Morgan, & R. Reiner (Eds.), *The Oxford handbook of criminology* (4th ed., pp. 461-495). Oxford University Press.
- Israel, M., & Hay, I. (2006). *Research ethics for social scientists*. SAGE Publications.
- Johnstone, G., & Van Ness, D. W. (Eds.). (2007). *Handbook of restorative justice*. Willan Publishing.

- Klinger, D. A. (1997). Negotiating order in patrol work: An ecological theory of police response to deviance. *Criminology*, 35(2), 277-306.
- Kvale, S., & Brinkmann, S. (2009). *InterViews: Learning the craft of qualitative research interviewing* (2nd ed.). SAGE Publications.
- Latimer, J., Dowden, C., & Muise, D. (2005). The effectiveness of restorative justice practices: A meta-analysis. *The Prison Journal*, 85(2), 127-144.
- Lincoln, Y. S., & Guba, E. G. (1985). *Naturalistic inquiry*. SAGE Publications.
- Lipsky, M. (2010). *Street-level bureaucracy: Dilemmas of the individual in public services* (30th anniversary expanded ed.). Russell Sage Foundation.
- Maguire, E. R. (2003). *Organizational structure in American police agencies: Context, complexity, and control*. State University of New York Press.
- Matland, R. E. (1995). Synthesizing the implementation literature: The ambiguity-conflict model of policy implementation. *Journal of Public Administration Research and Theory*, 5(2), 145-174.
- McAra, L., & McVie, S. (2007). Youth justice? The impact of system contact on patterns of desistance from offending. *European Journal of Criminology*, 4(3), 315-345.
- Miles, M. B., & Huberman, A. M. (1994). *Qualitative data analysis: An expanded sourcebook* (2nd ed.). SAGE Publications.
- Patton, M. Q. (2015). *Qualitative research & evaluation methods: Integrating theory and practice* (4th ed.). SAGE Publications.
- Payne, B. K., & Welch, B. (2018). Restorative justice in criminal justice: Examining the relationship between victim participation and offender outcomes. *Western Criminology Review*, 19(2), 25-40.
- Payne, B. K., Berg, B. L., & Sun, I. Y. (2017). *Policing in Taiwan: From authoritarianism to democracy*. Routledge.
- Piquero, A. R., Jennings, W. G., & Farrington, D. P. (2010). On the malleability of self-control: Theoretical and policy implications regarding a general theory of crime. *Justice Quarterly*, 27(6), 803-834.
- Reuss-Ianni, E. (1983). *Two cultures of policing: Street cops and management cops*. Transaction Publishers.
- Rodriguez, N. (2007). Restorative justice at work: Examining the impact of restorative justice resolutions on juvenile recidivism. *Crime & Delinquency*, 53(3), 355-379.
- Schein, E. H. (2010). *Organizational culture and leadership* (4th ed.). Jossey-Bass.
- Schneider, A., & Ingram, H. (1990). Behavioral assumptions of policy tools. *Journal of Politics*, 52(2), 510-529.
- Sherman, L. W., & Strang, H. (2007). *Restorative justice: The evidence*. The Smith Institute.
- Smith, D. A., & Visher, C. A. (1981). Street-level justice: Situational determinants of police arrest decisions. *Social Problems*, 29(2), 167-177.
- Stake, R. E. (2006). *Multiple case study analysis*. Guilford Press.
- Yuridiansyah, Y., Danialsyah, D., & Purba, I. G. (2025). LEGAL ANALYSIS OF RESOLUTION OF CRIMINAL ACTS OF CORRUPTION THROUGH CONNECTIONAL COURTS. *Jurnal Meta Hukum*, 3(3), 01-09.

- <https://doi.org/10.47652/jmh.v3i1.787>
- Hariadi, A., & Sintara, D. . (2024). THE CRIMINAL ACT OF EMBEZZLEMENT BY USING POSITION IN THE SALE OF AUTOMOBILE SPEARPARTS (Study of Decision Number 2218/Pid.B/2023/PN Mdn). *Jurnal Meta Hukum*, 3(3), 10-19. <https://doi.org/10.47652/metahukum.v3i3.712>
- Harahap, D., & Lubis, M. R. . (2024). CRIMINAL RESPONSIBILITY OF MEMBERS OF THE INDONESIAN NATIONAL ARMY WHO COMMIT DESERTION (Study of the Decision of the Jakarta Military Court II-08 No. 31-K/PM II-08/AD/I/2022). *Jurnal Meta Hukum*, 3(3), 20-29. <https://doi.org/10.47652/metahukum.v3i3.713>
- Mahendra, A., & Lubis, M. R. . (2025). LAW ENFORCEMENT AGAINST THE CRIMINAL ACT OF AGGRAVATED THEFT (MOTORCYCLE THEFT) IN THE MEDANG DERAS POLICE SECTOR AREA. *Jurnal Meta Hukum*, 3(3), 30-39. <https://doi.org/10.47652/metahukum.v3i3.779>
- Sitompul, F. P., & Novita, T. R. N. (2024). THE ROLE AND RESPONSIBILITY OF THE MEDAN ORGANIZATION CENTER IN ISSUING INHERITANCE RIGHTS CERTIFICATE. *Jurnal Meta Hukum*, 3(3), 40-49. <https://doi.org/10.47652/metahukum.v3i3.715>
- Sitompul, F. P., & Novita, T. R. N. (2024). THE ROLE AND RESPONSIBILITY OF THE MEDAN ORGANIZATION CENTER IN ISSUING INHERITANCE RIGHTS CERTIFICATE. *Jurnal Meta Hukum*, 3(3), 40-49. <https://doi.org/10.47652/metahukum.v3i3.715>
- Maulana, F., & Maryani, H. . (2024). LEGAL PROTECTION FOR REGISTERED WELL-KNOWN TRADEMARKS AGAINST PASSING-OFF ACTION BASED ON THE DECISION OF THE SUPREME COURT OF THE REPUBLIC OF INDONESIA NUMBER 532 K/PDT.SUS-HKI/2024. *Jurnal Meta Hukum*, 3(3), 60-69. <https://doi.org/10.47652/metahukum.v3i3.717>
- Maulana, F., & Maryani, H. . (2024). LEGAL PROTECTION FOR REGISTERED WELL-KNOWN TRADEMARKS AGAINST PASSING-OFF ACTION BASED ON THE DECISION OF THE SUPREME COURT OF THE REPUBLIC OF INDONESIA NUMBER 532 K/PDT.SUS-HKI/2024. *Jurnal Meta Hukum*, 3(3), 60-69. <https://doi.org/10.47652/metahukum.v3i3.717>
- Fauzi, I., & Novita, T. R. . (2024). LEGAL REVIEW OF THE INSURED'S CLAIMS AGAINST ACCIDENT RISK IN THE MOTOR VEHICLE INSURANCE AGREEMENT AT PT. TOKIO MARINE INDONESIA INSURANCE. *Jurnal Meta Hukum*, 3(3), 80-89. <https://doi.org/10.47652/metahukum.v3i3.668>
- Aurelia, M. N., & Novita, T. R. . (2024). LEGAL REVIEW OF THE USE OF FOREIGN WORKERS WITH THE EFFECTIVENESS OF PRESIDENTIAL REGULATION NUMBER 20 OF 2018 CONCERNING THE USE OF FOREIGN WORKERS. *Jurnal Meta Hukum*, 3(3), 99-109. <https://doi.org/10.47652/metahukum.v3i3.720>
- Napitupulu, R. M. J., & Lubis, M. R. . (2024). LEGAL REVIEW OF THE CANCELLATION OF THE CONSUMER DISPUTE RESOLUTION AGENCY'S DECISION DUE TO DEFAULT IN A CREDIT AGREEMENT (Study of Decision Number 587 K/Pdt.Sus-BPSK/2021). *Jurnal Meta Hukum*, 3(3), 110-119. <https://doi.org/10.47652/metahukum.v3i3.721>
- Budi, S., & Novita, T. R. . (2024). CRIMINAL ACT OF CORRUPTION OF BUDGET MARK-UP VILLAGE ROAD IMPROVEMENT WORK (Study of Corruption Court Decision

- No. 67/Pid.Sus.TPK/2019/PN.Mdn). Jurnal Meta Hukum, 3(3), 120-129. <https://doi.org/10.47652/metahukum.v3i3.722>
- Aisha, S., & Sintara, D. . (2024). LEGAL CONSEQUENCES OF UNILATERAL REVOCATION OF A POWER OF ATTORNEY BY A CLIENT FROM THE PERSPECTIVE OF A RECIPIENT AGREEMENT IN THE GRANTING OF POWER OF ATTORNEY TO SETTLE CIVIL CASES IN COURT. Jurnal Meta Hukum, 3(3), 130-138. <https://doi.org/10.47652/metahukum.v3i3.723>
- Wasito, T., & Sintara, D. . (2024). INTENTIONAL CRIMINAL ACT AND SENDING ELECTRONIC INFORMATION CONTAINING EXTORTION (Analysis of Padang Sidempuan District Court Decision Number 112/Pid.Sus/2023/PN PSP). Jurnal Meta Hukum, 3(3), 139-148. <https://doi.org/10.47652/metahukum.v3i3.724>
- Batubara, A. F., Lubis, M. Y. ., & Marlina, M. (2024). A LEGAL ANALYSIS OF POLICE DIVERSION IMPLEMENTATION TOWARDS CHILD PERPETRATORS OF INDEMNITY (A Study in the Jurisdiction of the Bandar Pulau Police Sector). Jurnal Meta Hukum, 3(3), 149-158. <https://doi.org/10.47652/metahukum.v3i3.738>
- Affandy, M. I., Danialsyah, D., & Marlina, M. (2024). IMPLEMENTATION OF REMISSIONS FOR DRUGS INMATES (Study at Class II B Tebing Tinggi Correctional Institution). Jurnal Meta Hukum, 3(3), 159-169. <https://doi.org/10.47652/metahukum.v3i3.693>
- Margaretha, Y., & Sintara, D. . (2024). A LEGAL ANALYSIS OF THE PRINCIPAL CRIMINAL ACTION OF MONEY IN THE FORM OF SUBSTITUTE CRIMINAL (Study of Supreme Court Decision of the Republic of Indonesia Number 110 K/Pid.Sus/2024). Jurnal Meta Hukum, 3(3), 170-179. <https://doi.org/10.47652/metahukum.v3i3.692>
- Dalimunthe, F. A., & Novita, T. R. . (2024). CIVIL LIABILITY OF OFFICIALS MAKING COMMITMENTS IN THE PROCUREMENT OF GOODS AND SERVICES WHO COMMIT BREACH OF ACTS. Jurnal Meta Hukum, 3(3), 180-189. <https://doi.org/10.47652/metahukum.v3i3.716>
- Ananda, D. T., & Lubis, M. R. (2025). LAW ENFORCEMENT AGAINST CHILD PERPETRATORS AND VICTIMS OF SEXUAL HARASSMENT (Study of Medan District Court Decision No. 2068/Pid.Sus/2020/PN.Mdn). Jurnal Meta Hukum, 3(3), 190-198. <https://doi.org/10.47652/metahukum.v3i3.897>