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Gauging Recidivism among Youth with Restorative Justice

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ABSTRACT

The traditional system of criminal justice system mainly relies on conviction and punishment to deal with crime. But this method has been criticised often for not promoting justice, rehabilitation or community healing. It often leaves the victim out of the process. Recently, restorative justice has become a promising alternative. It focuses on fixing harm, encouraging accountability and bringing victims, offenders and communities together. These elements are often missing in the current system. This research looks at how restorative justice can be included in today's criminal justice system and its potential to change how we handle crime and punishment.

I. INTRODUCTION

Restorative justice is a theoretical and practical framework within criminal justice, wherein victim restitution is a focal point. Restorative Justice (RJ) conceptualizes crime as an anomalous action that inflicts harm upon an individual or community, thereby constituting a criminal act as a violation of both the individual and the interpersonal relationships; between the victim and the offender. This new way of looking at crime sees it as a personal wrongdoing. It aims to make people more responsible for their actions. It highlights that the person who did wrong should fix the harm they caused and try to mend the relationship they hurt (Nascimento et al., 2023). The fundamental principles underscore voluntariness, safety, inclusion, dignity, respect, responsibility, accountability, truthfulness and honesty. The primary aim is to address harm by providing individuals who have either committed or been affected by a crime the opportunity to engage in a secure dialogue regarding the nature and consequences of the offense. This process facilitates the posing and answering of questions and reaching an agreement on measures to make amends and prevent further harm (Kirkwood, 2022).

II. CONCEPT, ORIGIN AND GROWTH OF RESTORATIVE JUSTICE

In 1996, Marshall defines, “restorative justice is a process whereby all parties with a vested

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interest in a particular offense convene to collectively determine how to address the aftermath of the offense and its implications for the future” (Fulham et al., 2023). Restorative justice relies on ideas about freedom, fairness, and good relationships. For many years, Braithwaite has tried to explain restorative justice as a way to help people be free from control by others, like institutions or groups. Braithwaite's idea of freedom is different from the usual idea of individual rights (Rossner & Taylor, 2024). In the US, most restorative justice programs are for young or minor offenders. In New Zealand, cases are reviewed by the judges before sentencing to see if they need a restorative process. Restorative justice is applied for all serious youth crimes in New Zealand, except for murder and manslaughter. Between 2010 and 2015, fifteen U.S states enacted legislation in support of restorative justice initiatives (Lanni, 2021). Since 2020, a progressively organised and embedded advocacy movement has strengthened the implementation of restorative justice in Ireland. This movement has fostered connections with and among stakeholders, with the dual objectives of enhancing the accessibility of restorative justice and transforming institutional and occupational cultures to align with restorative principles (Marder, 2022).

III. RESTORATIVE JUSTICE PRACTICES

Restorative conferences and circles help build supportive relationships. They create real connections between adults and students and also among students themselves (Marcucci, 2021). Restorative justice (RJ) constitutes a philosophical framework designed to facilitate conflict resolution by allowing individuals to address the harm they have inflicted. It offers an opportunity for those who have been harmed to express their perspectives on the necessary measures to rectify the situation. RJ can be described as a burgeoning social movement that advocates for non-punitive approaches to preventing and addressing harm, as well as responding to violations of legal and human rights. The rise in popularity of restorative justice (RJ) can be attributed to the growing recognition of the negative consequences associated with zero-tolerance policies³ (Morgan, 2021). Restorative justice (RJ) operates in diverse forms, with programs incorporating core principles differently. Victim–offender mediation (VOM) is the most widespread RJ approach in the United States and globally. Other RJ programs include group meetings, like family group meetings and circles, such as sentencing circles and peace-making circles. These programs have similar goals to VOM but often involve more family

³ Zero-tolerance policies were implemented in the 1980s in the U.S to address drug trafficking and abuse. Growing concern about violent crimes in schools led to the 1994 Guns Free Schools Act, which mandated expelling students found with firearms on school premises for one year. Following this act, schools began suspending students for behaviours not inherently dangerous.

members. RJ for young people can be used at different stages in the juvenile justice system, from arrest to diversion to sentencing, and during probation or treatment. Police officers, prosecutors and judges can use it (Kimbrell et al., 2023).

IV. RESTORATIVE JUSTICE AND RECIDIVISM

RJ has achieved several outcomes across multiple evaluations⁴; it has decreased repeat offenses for certain offenders, though not universally; it has doubled or exceeded offenses resolved through diversion from CJ; further, it has reduced post-traumatic stress symptoms and costs for crime victims; it has provided greater satisfaction to victims and offenders compared to CJ; it has reduced crime victims' inclination for violent retribution; it has lowered criminal justice expenses when used as CJ alternative and it has reduced recidivism more effectively than prison for adults and as effectively for youths (Sherman et al., 2007). The Chinese method⁵ of applying restorative justice frees many offenders from more severe imprisonment (Zhang & Xia, 2021). A research evaluated⁶ suggests that the integration of restorative justice and restorative practices is a vital element of a comprehensive strategy aimed at reducing both the incidence of youth violence and the enduring consequences when such violence occurs (Hobson et al., 2022).

Restorative justice approaches may offer a viable solution for communities and police departments dealing with police brutality. By altering environments to enhance awareness of misconduct, reducing victim vulnerability, holding perpetrators accountable and enabling affected parties to engage in restitution, it is possible to foster behavioural changes and mitigate police misconduct (Pavlicic et al., 2022). The 2012 European Directive on Victims' Rights⁷ constitutes a pivotal element in advancing victim support and integrating restorative justice. The Council of Europe recently showed its support for restorative justice with Recommendation

⁴The conclusions presented here are mainly based on two forms of restorative justice (RJ): direct encounters involving all parties connected to a crime, such as victims, offenders, their families and friends, and court-ordered financial restitution. Most of the face-to-face evidence depends on the uniform implementation of RJ discussions facilitated by police officers trained in a standardized manner. These meetings have been compared to traditional criminal justice (CJ) procedures that exclude RJ, at different stages of CJ for crimes like violence and theft. This includes completely avoiding prosecution in Australia and the US. It can be added before sentencing, used with community sentences like probation, help people reintegrate after long prison terms, and serve as a final warning for young offenders. For violent crimes, six major tests showed that RJ helped reduce reoffending after violence by adults or youth. Three of these tests were randomised controlled trials. They involved youth under 30 in Canberra, females under 18 in Northumbria, and mostly males under 14 in Indianapolis. Reasonable comparisons also suggest positive outcomes for adult males in West Yorkshire and the West Midlands, as well as for violent families in Canada.

⁵ To assess RJ's impact on the duration of sentences and the likelihood of offenders receiving probation, 172,731 judicial judgments were analysed by the authors.

⁶ The research comes from a study done for the Metropolitan Police Service, the biggest police force in the UK. It has over 30,000 officers who serve about 8 million people in and around London. This study uses a Rapid Evidence Assessment. This method is like a smaller version of systematic reviews, designed for a specific audience and done quickly. The study's results are divided into three areas: benefits, challenges and deployment considerations.

⁷ (EU/2012/29).

8/2018, which focuses on using it in criminal cases (Romero-Seseña, 2025). In Canada and New Zealand⁸, efforts were initiated following government investigations that exposed racism, bias, or inequality within the health systems. In these contexts, policy creation is being carried out in collaboration with Indigenous communities. In New Zealand, the authority of the Māori over the rights and practices of hohou te rongo (peace-making), recognized as a unique Indigenous restorative method, is safeguarded by Te Tiriti o Waitangi (The Treaty of Waitangi)(Wailling et al., 2025). In India, organizations such as the National Legal Services Authority (NALSA) are vital in advancing mediation and reconciliation, ensuring that justice encompasses both retributive and restorative aspects(Parveen, 2025).

V. CONCLUSION

Restorative methods focus on building relationships and follow certain principles and practices. Policymakers, practitioners and advocates might want to support restorative programs, especially for youth in conflict with law. India has made progress with court actions and laws, but it still needs a full legal system for restorative justice. By learning from other countries and solving current problems; India can create a justice system that is kinder, more focused on victims and more effective.

⁸ The Children, Young Persons, and Their Families Act, 1989 institutionalized restorative justice for juvenile offenders.

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