INTRODUCTION

*Every time a child is born it brings with it the hope
That God is not yet disappointed with man.*

*Rabindranath Tagore*

Restorative justice is a victim-sensitive response to criminal offending, which, through engagement with those affected by crime, aims to make amends for the harm that has been caused to victims and communities and which facilitates juvenile offender rehabilitation and integration into society.

Restorative justice enables victims to meet or communicate with their offender to explain the real impact of the crime. This is part of a wider field called restorative practice.

Restorative practice can be used anywhere to prevent conflict, build relationships and repair harm by enabling people to communicate effectively and positively. Restorative practice is increasingly being used in schools, children’s services, workplaces, hospitals, communities and the criminal justice system.

Restorative practice can involve both a proactive approach to preventing harm and conflict and activities that repair harm where conflicts have already arisen.

Where the latter is required, a facilitated restorative meeting can be held. This enables individuals and groups to work together to improve their mutual understanding of an issue and jointly reach the best available solution. But in many cases a less formal approach, based on restorative principles, may be more appropriate.

Restorative practice supports people to recognise that all of their activities affect others and that people are responsible for their choices and actions and can be held accountable for them. It
enables people to reflect on how they interact with each other and consider how best to prevent harm and conflict.

Find out more about how restorative practice is used in different areas, including in the criminal justice system – where it is normally known as restorative justice – by using the menu to the left.

According to Tony Marshall, an UK criminologist, “Restorative justice is a process whereby all parties with a stake in specific offense come together to resolve collectively how to deal with the aftermath of the offense and its implications for the future.

Restorative justice is a way of responding to criminal behaviour by balancing the needs of the community, the victims and the offenders. It is an evolving concept that has given rise to different interpretation in different countries, one around which there is not always a perfect consensus.

Also, because of the difficulties in precisely translating the concept into different languages, a variety of terminologies are often used. There are many terms that are used to describe the restorative justice movement.

These include “communitarian justice”, “making amends”“positive justice”, “relational justice”, “reparative justice”, “community justice” and “restorative justice”, among others. While attempting to compensate victims for their monetary losses is a commendable goal, victim suffers in other ways.

Victims of crime may experience a losses is confidences in themselves and their ability to protect themselves and their loved ones, or they may become apprehensive and fear that they will be victimized again in the future.

Fear can lead victim to alter their normal routines. Victim will stay home due to fear of future attack, they may lock themselves in their homes to protect themselves, they may shy away
meeting with people due to their belief that they will be victimized or they will needlessly spend money on security devices or weapons for protection.

When we have been harmed by another, we typically seek justice. According to restorative justice perspective, justice repair of harms, with the offender as the main agent of repair.

The harms requiring repair are considered both concretely and broadly restorative justice requires attention to the medical bills that an assault victim might have accumulated. But the victim’s fears and self-doubt must also be addressed.

Harm to relationships is taken especially seriously. Restorative justice system stresses the victims and offenders relationships with each other and with other member of their communities.

And so, in the restorative justice perspective, repair is seen as best facilitated by dialogue key tool of human relationship that it is. Restorative justice handles crimes through negotiations, respects the right of victims, and makes up for the deficiency of retributive justice that overlooks the right of victims, but is also prone to create problems such as victim-oriented thinking and unfairness. Thus, restorative justice needs to address these new problems through continuous development.

The new law radically changes the concept of the child, who is now considered a subject with rights and obligations instead of simply an object to be protected.

The best interest of the child is the fundamental principle of the law, and full protection of children its main goal. However, these changes, designed for juveniles who contravene criminal law, have not modified their legal and social status.

Application of the new principles has not improved their situation, in part because of ambiguities in definitions. The concept of integral protection, for example, is diffuse; there is no clear definition in the law.
This system tries to respond to juvenile delinquency problems in a social scenario where there is a demand for solutions; through this system, the government addresses the issue of adolescents who contravene criminal law although apparently, only in a conceptual or theoretical way.