



Assessment Techniques and Relation Culture: As a Basis for Restorative Justice Decision Making for Elderly Criminals

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Abstract

Elderly as a vulnerable group require a special approach in the legal process that considers humanitarian, health, and social aspects. Restorative justice offers an alternative solution outside the conventional justice system with a focus on restoring social relationships and rehabilitation. This study aims to analyze the use of assessment techniques and relational culture as a basis for decision-making in the application of restorative justice for elderly criminals. This study uses a qualitative approach with a descriptive method. The results of the study indicate that the application of criminal law to the elderly requires special attention to their vulnerable physical and psychological conditions, considering that prisons are often ineffective and can even worsen their condition. The restorative justice approach is considered a more humane solution, focusing on recovery and rehabilitation rather than retributive punishment. This approach takes into account the age, health, and financial capabilities of the elderly and offers alternatives such as mediation and compensation, with the aim of ensuring a fair and proportional settlement. Relational culture-based assessment techniques play an important role in restorative justice decisions, by providing an in-depth understanding of the cultural norms and social relationships of the elderly. This technique helps adapt the restorative justice process to local customs, pay attention to the impact of decisions on the elderly's social networks, and ensure that decisions support the rehabilitation and social integration of the elderly.

Keywords: Assessment Technique, Relational Culture, Restorative Justice, Elderly Criminal Law, Legal Decisions

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A. Introduction

Assessment is an important process in social work practice, because it is the basis for decision-making regarding interventions for clients. Through assessment, social workers can understand the client's condition, needs, and problems as a whole (Husmiati, 2012). Accurate assessment results allow for the determination of relevant goals and interventions, according to the situation faced by the client. Conversely, an inappropriate or incomplete assessment risks causing inappropriate goals, so that the designed intervention can be ineffective and even worsen the client's condition. Good assessment also plays a role in monitoring progress and evaluating the effectiveness of interventions carried out (Yusuf, 2012). With a comprehensive assessment, social workers can more easily identify positive changes that occur in clients and make adjustments if necessary. Without proper assessment, the expected changes may not be achieved, because the interventions implemented are not in line with actual needs (Iskandar, 2017).

According to Hepworth & Larsen (1986), assessment is a process that involves collecting, analyzing, and synthesizing data to produce a comprehensive understanding of the problems faced by clients. This process highlights several important dimensions, namely: first, the characteristics of the problems faced

by clients, including obstacles in social roles that are difficult to carry out; second, the level of client functioning including strengths, weaknesses, personal assets, and limitations possessed; third, the client's motivation in solving existing problems; fourth, environmental factors that may play a role in triggering or exacerbating problems; and finally, the resources available or needed to help clients overcome or reduce these problems. Thus, assessment serves as an initial step to thoroughly understand the client's condition and design appropriate interventions to resolve the problems faced (Blom & Moren, 2019).

Assessment tasks in social work vary greatly depending on the type of environment or setting in which the practice takes place. Although practice settings differ, the assessment processes applied tend to be similar (Robert & Gilbert, 2009). In some settings, such as social protection agencies, social workers often conduct assessments independently, where they take full responsibility for the process (Setiawan, 2018). In these situations, social workers may consult with colleagues or professionals from other disciplines to gain additional insight into the case being handled. With the independence in conducting assessments, they have the flexibility to determine the most appropriate method to understand the client's problems holistically (Hakim, 2020).

In other settings, such as mental health clinics, schools, or hospitals, social workers often serve as part of a clinical team. On these teams, social workers work with other professionals, such as psychologists, psychiatrists, and experts from other fields, to conduct assessments collaboratively (Sakroni, 2019). Each team member brings a unique set of skills that complement each other in understanding the client's problems from multiple perspectives. Through this multidisciplinary approach, the assessment process becomes more holistic, allowing for multiple dimensions of the client's problems to be identified and analyzed more comprehensively, so that interventions can be more appropriate and effective (Milner et al., 2020).

Social workers also need to be aware that culture plays a large role in shaping clients' views of the problems they face and how they resolve them (Mattaini & Kirk, 1991). Therefore, in the assessment process, it is important to explore how these cultural aspects influence clients' perceptions of health, well-being, and social relationships. Understanding the cultural context allows social workers to provide more personalized and meaningful services, and creates a sense of trust between social workers and clients, which can ultimately increase the effectiveness of interventions (Barry, 2007).

One important aspect of assessment techniques is understanding and assessing the client's culture. Social workers must have the ability to recognize and appreciate the cultural differences of each individual or group they help (Andari, 2020). This includes understanding the customs, beliefs, ideologies, and values held by the client. By understanding the client's culture, social workers can avoid biased or insensitive approaches to their cultural background, and design interventions that are more relevant and in accordance with the client's norms and beliefs (Fahrudin, 2018). Social workers also need to be aware that culture plays a major role in shaping clients' views on the problems they face and how they solve them. Therefore, in the assessment process, it is important to explore how these cultural aspects affect the client's perception of health, well-being, and social relationships (Prasetyo & Wulandari, 2023). Understanding the cultural context allows social workers to provide more personalized and meaningful services, and creates a sense of trust between social workers and clients, which can ultimately increase the effectiveness of interventions (Napsiyah & Zaky, 2020).

The elderly are a vulnerable group that requires special attention in the application of criminal law, especially in the revision of the Criminal Procedure Code and the Criminal Code (Lidya & Subroto, 2021). Unfortunately, cases in court often show a lack of consideration for the physical and economic conditions of the elderly when making decisions (Hikmawati, 2020). Judges tend to give sentences without taking into account the limitations experienced by the elderly, such as in the case of Asyani, a grandmother who was accused of stealing wood and was sentenced to 1 year in prison with 18 months probation and a fine of IDR 500 million, subsidiary to 1 day in prison. This verdict raises questions about justice for the elderly, because their physical and economic abilities often do not allow them to fulfill the sentence, such as paying unrealistic fines for individuals who are elderly and do not have adequate resources (Hoesin,

20023). Therefore, a more humane legal policy is needed that pays attention to the special conditions of the elderly, so that the application of the law can be more fair and proportional.

The application of *restorative justice* as an alternative to criminal liability for the elderly aims to provide legal certainty that is fairer and more humane. *Restorative justice* focuses on efforts to restore the losses experienced by victims, rather than simply punishing the perpetrators (Nandita & Lewoleba, 2024). In the context of the elderly, who often have physical, psychological, and economic limitations, this approach allows for the resolution of cases through mediation or peace, so that they do not have to serve prison sentences that can worsen their conditions (Cintya & Fiormansyah, 2023). This approach ensures that the elderly remain responsible for their actions, but in a more proportionate way and taking into account their circumstances, and seeks to provide justice for all parties involved.

B. Method

This study uses a descriptive method with a qualitative approach, which provides an in-depth description of assessment techniques and relation culture in the context of restorative justice decision-making for elderly criminals. Qualitative research methods, as explained by Sugiyono (2020), are suitable for examining natural object conditions where researchers act as key instruments. In this study, data collection techniques were carried out through triangulation, combining various sources and methods to ensure the accuracy and reliability of the findings. Data analysis is inductive, focusing on understanding the meaning and context of the phenomenon being studied, rather than producing generalizations. According to Bogdan and Biklen in Sugiyono (2020), descriptive qualitative research methods rely on collecting data in the form of words or pictures, not numbers, to provide a deeper understanding. In the context of this study, a qualitative descriptive approach is used to describe and explain how relation culture-based assessment techniques can be used as a basis for restorative justice decision-making for the elderly. Data collected through interviews, observations, and document analysis will be analyzed and described to facilitate understanding of how this assessment technique influences decisions made in elderly criminal cases. This approach helps ensure that decisions made are not only fair but also sensitive to the cultural and social context of the elderly (Yulianah, 2022).

C. Result And Discussion

Implementation of Criminal Law on the Elderly

Elderly, or often called senior citizens, according to Article 1 paragraph 2 of Law Number 13 of 1998, are those who have reached the age of 60 years and above. Meanwhile, in the general sense, a person is considered elderly if his/her age reaches 65 years and above. Elderly is a phase of life characterized by a decline in an individual's ability to maintain balance with health and deal with physiological stress conditions (Pramusti et al., 2023). This aging process is also associated with a general decline in life capacity, including increased physical and emotional sensitivity, and decreased endurance. The elderly tend to experience decreased organ function that makes them more susceptible to disease and other health conditions.

Furthermore, according to the Decree of the Minister of Social Affairs of the Republic of Indonesia Number: HUK.3-1-50/107 of 1971, a person is declared an elderly person if they have reached the age of 55 years and are no longer able to support themselves. This means that they do not have the power to meet their daily needs and are very dependent on others, both financially and physically. This condition of dependence further strengthens the importance of the role of families and communities in supporting the welfare of the elderly, both in terms of social, health, and economic (Prakoso & Subroto, 2021). The elderly not only experience physical decline, but also often face emotional and psychological challenges, such as loneliness and helplessness, which require special attention from various parties, including the government through adequate social protection policies.

Based on the explanation above, it can be concluded that the elderly are individuals who have reached the age of over 60 years, where at that age they need special attention, both in terms of health, social, and economic aspects. At this stage, many elderly people experience a decline in physical and psychological

abilities, which affects their independence in living their daily lives. Therefore, social protection and social assistance are very important for this group. Social protection, as regulated in Law No. 13 of 1998, Article 1 paragraph 7, is defined as an effort made by the government and/or the community to provide convenience in services for elderly people who are no longer potential, so that they can realize and enjoy a decent standard of living. This includes access to health services, social welfare, and economic security guarantees for elderly people who are no longer able to work or do not have adequate sources of income (Habibullah, 2017).

In addition, in Article 1 paragraph 8, social assistance is defined as an effort to provide assistance that is not permanent, with the aim that potential elderly people can improve their social welfare. This assistance focuses on elderly people who still have the ability to contribute socially and economically, but still need support to ensure that they can live decently. Social assistance can be in the form of financial support, health assistance, or empowerment programs specifically designed to ensure that potential elderly people can still participate in society and live a dignified life (Pramono et al., 2015). Thus, both social protection and social assistance play an important role in ensuring that elderly people, both potential and non-potential, can enjoy a quality and prosperous life in accordance with their rights as regulated by law.

Nowadays, many elderly people who come into conflict with the law are still prosecuted and even have to serve prison sentences, even though their physical and mental conditions no longer support being behind bars. This is because law enforcers, both investigators, public prosecutors, and judges, still tend to be fixated on the applicable laws and regulations rigidly, without considering the principle of propriety and proportionality, or what is known as the *ex aequo et bono principle*. This principle emphasizes the importance of justice based on humanity and proportionality, especially in cases involving vulnerable groups such as the elderly. The imposition of prison sentences on the elderly is often no longer relevant, considering their advanced age which is already physically and psychologically vulnerable. Elderly people who are involved in criminal acts usually face various limitations, both in terms of health and the ability to understand complex legal processes (Ningrun, 2021). Therefore, in many cases, the application of prison sentences to them can actually have a greater negative impact, both for the individual and for their family. Rather than providing a deterrent or restorative effect, prison sentences can worsen the health conditions of the elderly and create a heavier social burden.

The normal application of the legal system is often irrelevant when applied to individuals who should receive legal protection, as referred to in Article 5 paragraph (3) of Law No. 39 of 1999 concerning Human Rights. This article emphasizes that everyone has the right to legal protection without discrimination, including vulnerable groups such as the elderly. However, in practice, there are no specific regulations that comprehensively regulate protection for the elderly who are in conflict with the law. The elderly have different physical and mental conditions compared to other age groups, so that the normal legal enforcement system can cause injustice if applied directly to them.

Therefore, more adaptive and responsive policies are needed to support the implementation of existing laws and regulations, especially in the context of providing adequate protection for the elderly. This policy must include adjustments in the legal process, from investigation, prosecution, to court decisions, by considering the conditions of the elderly as a whole. This is important to ensure that the rights of the elderly are protected and justice is upheld in a more humane and proportional manner (Adinata, 2022). Thus, further study of efforts to reform criminal law is urgently needed, especially in terms of providing specific and adequate legal protection for the elderly who are in conflict with the law. This reform will not only strengthen legal protection for the elderly, but can also encourage the creation of a more inclusive and just justice system for all levels of society.

Enforcement of justice for the elderly (lansia) who are in conflict with the law must be based on the understanding that criminal punishment is not only intended to provide a deterrent effect, but must also consider the specific conditions and needs of vulnerable groups such as the elderly. Elderly people involved in criminal acts often have physical and mental limitations that require special treatment in law

enforcement. Therefore, the approach used in imposing sanctions on the elderly should not only be oriented towards punishment, but must also take into account efforts to rehabilitate, restore and protect their basic rights.

According to Ancel's view (1957), policies in drafting good criminal regulations cannot be separated from the main objective of overcoming crime as a whole. This policy, known as criminal law policy, should be understood as an integral part of criminal policy, namely a systematic effort to create a legal system that focuses not only on prevention and punishment, but also on the renewal and development of more humane policies. In the context of the elderly, criminal policy must take into account the humanitarian aspects and special protection they need. Thus, criminal law policy must prioritize a wiser and more flexible approach, such as the application of restorative justice or alternative sanctions that are more appropriate to the conditions of the elderly, so that the desired justice can truly be achieved without ignoring the dignity and rights of the elderly.

. In the context of criminal law, *restorative justice policies* play an important role as a medium to bridge efforts to resolve criminal disputes, especially in cases of criminal acts committed by the elderly. *Restorative justice* focuses on restoring the losses experienced by the victim, restoring the relationship between the perpetrator, the victim, and the community, and taking responsibility by the perpetrator without having to involve retributive prison sentences. This approach is particularly relevant to apply to the elderly, given their physical and mental conditions which often make it impossible for them to serve a prison sentence effectively. Through *restorative justice policies*, elderly people who commit crimes can be given more humane sanctions that are appropriate to their conditions, such as rehabilitation, mediation, or social services. Thus, *restorative justice* not only provides a more inclusive and fair solution for the elderly, but also supports the achievement of more comprehensive legal goals, namely justice based on restoration and humanity (Destami & Nashriana, 2022).

In the Draft Criminal Code (RKUHP), the *restorative justice approach* is recognized as an alternative mechanism for resolving criminal acts, including those committed by the elderly. There are several specific provisions that form the basis for the application of *restorative justice* in cases of criminal acts by the elderly, which allow for resolution outside of traditional justice channels. One of these provisions is if the crime committed does not cause major losses. This is important because *restorative justice* focuses on restoring losses and restoring social relationships, and if the losses incurred are small or minimal, the recovery process can be done more easily through mediation or compensation without the need for imprisonment.

In addition, *restorative justice* can also be applied if the crime committed by the elderly is a first-time violation. Seniors who have no prior criminal history are considered more likely to be rehabilitated without having to serve a heavy sentence. In this case, this approach provides an opportunity for seniors to correct their mistakes and contribute back to society, without having to experience suffering that may be disproportionate to the offense they committed. The application of *restorative justice* can also be considered if the crime occurred due to accident or negligence, as well as in cases where the defendant was not aware that his actions could cause major losses. This kind of situation shows that the crime was not committed with malicious intent, but rather occurred due to a lack of awareness or ability to understand the consequences of their actions.

Furthermore, in the RKUHP, criminal acts that occur due to strong incitement from other parties can also be resolved through *restorative justice*. In cases like this, the elderly are often in a more vulnerable position to be influenced or exploited by others. When a crime occurs due to strong pressure or incitement, it is important to consider the role of external factors in the crime, and a *restorative justice approach* can provide a fairer solution for elderly perpetrators. In addition, this approach is very relevant if the imposition of imprisonment will cause great suffering for the elderly defendant or his family. Elderly people who have to serve prison sentences often face significant physical, mental, and social difficulties, so non-imprisonment alternatives such as *restorative justice* are more appropriate.

The last provision that supports the implementation of *restorative justice* for the elderly in the RKUHP is the age of the defendant who is over 75 years old. At that age, a person's physical and mental condition has usually declined greatly, so that the imposition of a prison sentence can be considered inhumane and disproportionate to the violation committed. Elderly people over 75 years old require a more sensitive and wise approach, which takes into account their health and well-being. The *restorative justice* approach in this case provides a more humane solution and supports recovery efforts rather than retaliation. All the provisions in the RKUHP show that the *restorative justice approach* is very relevant to be applied to elderly people involved in criminal acts, especially when the actions were not carried out with malicious intent, and when the impact of imprisonment on the perpetrator and his family far outweighs the benefits.

In implementing *restorative justice* for the elderly involved in criminal acts, there are a number of important requirements that must be met so that the process can run effectively and fairly. The first requirement is the creation of peace and recovery for the victim. *Restorative justice* aims to repair the harm experienced by the victim by giving the perpetrator the opportunity to take responsibility for his actions. In the case of the elderly, this peace and recovery are very important because this approach focuses on non-punitive solutions that not only consider the interests of the victim, but also the physical and psychological condition of the elderly perpetrator. The process of dialogue and agreement between the two parties allows the victim to get compensation or an apology, and create a harmonious peace without having to go through a long and difficult legal process.

The second condition that must be met is that the threat of imprisonment imposed on elderly perpetrators must not exceed five years. This shows that *restorative justice* is only applied to minor to moderate crimes committed by the elderly. Given the vulnerable physical and psychological conditions of the elderly, imposing long prison sentences is no longer considered relevant or effective. In this situation, alternative dispute resolution that focuses more on the rehabilitation and recovery of victims can be more beneficial, both for the perpetrators and for society as a whole. Therefore, limiting the threat of punishment ensures that seniors who commit minor crimes can still improve themselves without having to face the negative impacts of prison.

Furthermore, the loss caused by the crime must not exceed Rp2,500,000.00. This limitation reflects that *restorative justice* is more suitable for cases that cause small or moderate losses, so that the compensation and recovery process can be carried out more easily and realistically. In the context of the elderly, their ability to pay compensation must also be considered, considering that most elderly people may have financial limitations. By setting limits on harm, a *restorative justice approach* can ensure that the resulting solution is fair and appropriate to the perpetrator's circumstances, without placing undue burden on them.

The next requirement is a voluntary agreement between the elderly perpetrator and the victim to undergo *the restorative justice process*. This agreement is very important because without the consent of both parties, this approach cannot be implemented. The elderly involved in the crime and the victim must be willing to voluntarily resolve the conflict outside the court through dialogue and mediation. This agreement reflects the commitment of both parties to reach a peaceful solution that restores their relationship without having to rely on imprisonment, which may be counterproductive for the elderly.

The last requirement is that the elderly perpetrator is not a recidivist, or a perpetrator who repeatedly commits a crime. Elderly people who are involved in a crime for the first time have a greater chance of being corrected through the *restorative justice process*, because there is still hope that they can regret their actions and not repeat them again. However, if the perpetrator is a recidivist, or has repeatedly committed a crime, then the application of *restorative justice* may no longer be effective. In the case of recidivism, a more stringent approach may be necessary to ensure that the offender is truly held accountable for his actions.

With the explanation above, the application of a *restorative justice approach* to elderly criminal offenders is very important to implement, considering that the elderly are a vulnerable group that requires different

treatment. The elderly have various limitations, such as declining physical conditions, fragile psychological conditions, social limitations, and economic unsupportiveness. These limitations should be a primary consideration in enforcing the law for them, as excessive or inappropriate prison sentences can actually worsen the condition of the elderly without providing significant benefits. Therefore, *restorative justice* provides a more humane and just solution, where this approach prioritizes recovery rather than punishment, and provides an opportunity for the elderly to atone for their mistakes without having to go through more severe physical and psychological suffering in prison. This approach is also able to accommodate justice for victims and create better peace in society.

Assessment Techniques and Relation Culture in Determining Restorative Justice Decisions for the Elderly .

In social work, assessment is a crucial process that involves a thorough evaluation of the conditions, needs, and performance of an individual, family, group, or community requiring social assistance. The primary purpose of assessment is to identify the client's problems, formulate appropriate interventions, and evaluate the effectiveness of the interventions. This process allows social workers to gain a deeper understanding of the context and factors affecting the client's well-being and to design more effective support strategies. Assessment can be conducted through a variety of methods, each providing different insights. Interviews are one of the main techniques used, where social workers have in-depth conversations with clients to gain information about their background, experiences, and feelings. These interviews are often conducted with an empathetic and non-judgmental approach to ensure that the client feels comfortable sharing sensitive information. In addition to interviews, observation is also an important method, where social workers monitor clients' behavior and interactions in a variety of settings to gain a first-hand understanding of the dynamics and challenges they face.

Psychological tests can also be used to assess specific aspects of a client's mental or emotional state, providing useful quantitative data to complement the qualitative information obtained through interviews and observations. In the assessment process, social workers often collaborate with other professionals such as sociologists and psychologists. Sociologists can provide insight into the social factors and societal structures that affect clients, while psychologists can offer in-depth evaluations of psychological and behavioral aspects. In addition, effective assessment requires a deep contextual and cultural understanding. Social workers must consider the cultural background, values, and norms that influence clients to ensure that interventions designed are not only clinically appropriate but also sensitive to the client's cultural needs. This process involves the use of relational culture -based assessment techniques , which take into account the social and cultural context in formulating support strategies.

. In assessment techniques, the principle of validity is one of the main pillars that must be maintained. Validity refers to the extent to which the assessment tool or method used actually measures what it is intended to measure. To ensure validity, social workers must use instruments that are relevant and appropriate to the purpose of the assessment. For example, if the purpose of the assessment is to assess the client's emotional well-being, the tool used should be specifically designed to measure emotional aspects and not be influenced by other irrelevant factors. Validity also involves the application of assessment tools that have been tested and approved through research or recognized professional standards.

Reliability is also very important in assessment techniques, because it relates to the consistency and reliability of the results obtained. Reliability measures the extent to which the results of an assessment would be consistent if conducted under the same conditions or by different assessors. To achieve reliability, social workers must ensure that the assessment tools used have consistent standards and procedures. The principle of objectivity refers to assessments that are free from personal bias or subjectivity of the assessor. This means that decisions and judgments should be based on objective data and not influenced by personal views or preferences. Relevance requires that assessments be appropriate to the client's specific context and needs, ensuring that all information gathered is directly related to the

assessment goals and planned interventions. By adhering to these principles, social workers can ensure that the assessment process is accurate, consistent, and useful in designing effective interventions.

Assessment techniques using relational culture focus on a deep understanding of the cultural context and social relationships of individuals involved in the decision-making process. In the context of restorative justice or social services, this technique helps social workers assess how cultural values and dynamics of social relationships influence the way individuals experience and respond to conflict or problems. By taking into account the cultural background of clients, social workers can design interventions that are more relevant and sensitive to the norms and beliefs that underlie their behavior. For example, in communities with strong collectivist values, approaches that actively engage families and communities may be more effective than approaches that focus solely on the individual. In addition, understanding relational culture allows social workers to adapt strategies that take into account the role and influence of social relationships in resolving conflicts or in planning social support. This technique helps ensure that interventions are not only fair but also accepted and valued by all parties involved, increasing the likelihood of positive outcomes.

In the context of determining the basis for restorative justice decisions for older adults, social workers begin the process by conducting an in-depth cultural assessment to understand the older adult's cultural context. This process involves becoming familiar with the traditions, values, and beliefs that influence older adults' behaviors and decisions. Social workers need to gather information about older adults' cultural backgrounds, including customs that may influence how they interact with their families, communities, and social systems. For example, some cultures may have specific values related to respect for elders or ways of resolving conflicts that must be understood and taken into account in the restorative justice process. Social workers must be sensitive to cultural differences and strive to respect older adults' cultural beliefs and practices. This means that they need to avoid approaches that are homogenous or that do not take into account specific cultural backgrounds. This sensitivity involves using assessment methods that capture cultural nuances and avoid biases or assumptions that are not appropriate to the older person's cultural context. For example, in some cultures, older people may have unique ways of expressing their feelings or hopes that social workers must understand and respect.

In general, assessment techniques through relation culture can be an important basis in restorative justice decisions for elderly criminals in the following ways:

1. Understanding Social and Cultural Context

Assessment techniques that integrate relation culture involve a deep understanding of the older person's cultural background to provide more contextual and effective restorative justice decisions. By analyzing culture, assessors can identify social norms and values that influence older people's behavior. This is important for understanding their motivations and actions within a specific cultural context, which in turn can influence decisions made in the restorative justice process. For example, some cultures may emphasize the importance of social harmony and reconciliation in resolving conflicts, which can influence how older people view their responsibilities and recovery. By understanding these aspects, the restorative justice process can be more sensitive to the needs and wishes of older people, creating solutions that are fairer and more meaningful for all parties involved.

Adapting the restorative justice process is also important to ensure that the procedures and decisions made are relevant to local customs and traditions that may affect older people. The process should integrate important cultural elements, such as culturally accepted conflict resolution methods, respected healing rituals or practices, and the role of family and community in the healing process. By adapting the restorative justice process to reflect and respect local traditions, the decisions made are not only more acceptable but also more effective in facilitating reconciliation and healing. This helps to create an environment that supports and respects older people's cultural values, while strengthening justice and social integration within the community.

2. Social Relationship Evaluation

Assessment techniques through relation culture play an important role in assessing the relationship of the elderly with their families and communities. Understanding the dynamics of these relationships allows the evaluator to make decisions that consider not only the individual aspects of the case, but also the impact on the older person's interactions with those closest to them. Social support from family and community is often a crucial factor in an older person's recovery process, and decisions made should reflect how they will impact these social networks. By taking these relationships into account, restorative justice decisions can be made that take into account the balance between the interests of the individual and the broader impact on the older person's social environment.

In addition, evaluation of the social and rehabilitation support available to the elderly is an important aspect of relation culture-based assessment techniques. Assessing whether older adults have access to adequate social support networks, such as family, friends, or community organizations, can help in designing decisions that facilitate effective assistance and rehabilitation. Decisions that take social support into account allow older adults to obtain the assistance needed to adapt and recover, thereby increasing their chances for successful reintegration into society. Thus, this assessment technique not only assesses the current condition but also ensures that the decisions taken support the rehabilitation and recovery needs of the elderly in a comprehensive manner.

3. Rehabilitative Approach

Assessment techniques through relation culture play an important role in assessing the relationship of the elderly with their families and communities. Understanding the dynamics of these relationships allows the assessor to make decisions that consider not only the individual aspects of the case, but also the impact on the older person's interactions with those closest to them. Social support from family and community is often a crucial factor in an older person's recovery process, and decisions made should reflect how they will impact these social networks. By taking these relationships into account, restorative justice decisions can be made that take into account the balance between the interests of the individual and the broader impact on the older person's social environment.

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4. Welfare and Health Considerations

Assessment techniques through *relation culture* include an in-depth assessment of the health and well-being of the elderly, which is an important aspect of restorative justice decisions. This evaluation is important to understand how the physical and mental health challenges that the elderly may face can affect their quality of life and the rehabilitation process. By taking the health conditions of the elderly into account, restorative justice decisions can be adjusted to ensure that they are not only fair but also realistic and supportive of the elderly's well-being. For example, decisions that take into account the specific medical or physical needs of older people can help avoid solutions that may worsen their condition or increase their burden. Thus, health and well-being assessments help ensure that decisions made contribute to effective recovery and address the overall well-being aspect, thereby supporting older people's quality of life in a more holistic way .

5. Increasing Social Integration

Culturally sensitive rehabilitation programs play a crucial role in ensuring that older adults' reintegration into society is smooth and respectful of their cultural identity. By designing programs that are in line with older adults' cultural norms and values, we can ensure that rehabilitation approaches are not only effective but also relevant and acceptable to older adults. This means that every step of the rehabilitation process—from initial intervention to ongoing support—must take into account the cultural practices, customs, and beliefs that influence older adults' lives. By integrating important cultural elements into rehabilitation programs, older adults can feel valued and supported in ways that are appropriate to their cultural background, which in turn can strengthen their sense of identity and connectedness to the community. This approach also helps reduce the risk of rejection or discomfort that may arise from rehabilitation methods that are not in line with older adults' cultural values, thereby supporting a more harmonious and successful reintegration process .

By using assessment techniques that take into account *relational culture* , restorative justice decisions for elderly criminals can be more holistic and inclusive, ensuring that all aspects of the elderly's lives are considered comprehensively. This approach allows for a more in-depth evaluation of the cultural context, social values, and interpersonal relationships that affect older people, so that decisions are not only fair but also in line with their needs and expectations. Integrating cultural elements into the recovery process helps create more relevant and effective solutions, facilitate harmonious reconciliation, and support meaningful recovery for older people, while strengthening social justice in the community. Thus, *relation culture -based assessment techniques* enrich the restorative justice process by paying closer attention to the cultural background of older people, making it more responsive and humane.

D. Conclusion

The application of criminal law to the elderly must take into account their vulnerable physical and psychological conditions, considering that prison is often ineffective and can even worsen their condition. The restorative justice approach has emerged as a more humane solution, focusing on restoration and rehabilitation rather than retributive punishment. Restorative justice takes into account factors such as the age , health and financial capacity of the elderly, and provides alternatives such as mediation and compensation to address the violations committed. By prioritizing fair and proportionate solutions, this approach supports the protection of the rights of the elderly and ensures that justice is served in a more inclusive and restorative manner , rather than simply punishment. Relation culture-based assessment techniques play a crucial role in determining restorative justice decisions for the elderly, by offering a comprehensive and sensitive approach to the cultural context and social relationships of the individual. This technique allows for a deeper understanding of the cultural norms and values that influence the behavior of the elderly, as well as the adjustment of the restorative justice process to suit local customs and traditions. This is important to ensure that decisions taken reflect and respect the cultural values of the elderly, resulting in a just and meaningful conflict resolution. In addition, this assessment technique also assesses the social relationships of older people with their families and communities, ensuring that decisions taken take into account the impact on older people's social networks and support effective rehabilitation and reintegration. Evaluation of the health and well-being of the elderly is also an important aspect, to ensure that restorative justice decisions are realistic and support the quality of life of the elderly without worsening their health conditions. Culturally sensitive rehabilitation programs play an important role in ensuring that the reintegration process of the elderly into society runs smoothly and is in accordance with their cultural identity. By integrating cultural elements into rehabilitation programs, the elderly feel valued and supported in a way that is relevant to their cultural background, strengthening social integration and reducing the risk of rejection.

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