

Restorative approaches versus punitive approaches in Peruvian juvenile criminal justice: a systematic review



Review Article

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ABSTRACT

The present study had as objective to evaluate the amendments to the Legislative Decree No. 1348 through the law No. 32330 and its adequation to the international standards in juvenile criminal justice, with special emphasis on the restorative approach. A qualitative methodology with descriptive design was employed, using documentary analysis and systematic review following PRISMA guidelines. The search was conducted in academic databases such as Scopus and Scielo, selecting articles published between 2021 and 2025 related to juvenile justice, resulting in twenty articles for the final analysis. The results evidenced a persistent tension between restorative and punitive approaches in juvenile criminal justice systems at international level. A significant gap was identified between normative frameworks that promote restorative principles and concrete judicial practice, where traditional punitive logics predominate. The findings revealed that courts in several countries operate prioritizing efficiency over restorative principles, while stereotypes and biases persist that compromise the uniform application of specialized justice, which could be the case in Peru with the new law mentioned.

Keywords: *juvenile justice; restorative justice; restorative approach; punitive approach; criminal law.*

Enfoques restaurativos versus punitivos en la justicia penal juvenil peruana: una revisión sistemática

RESUMEN

El presente estudio tuvo como objetivo evaluar las modificatorias introducidas al Decreto Legislativo N.º 1348 a través de la Ley N.º 32330 y su adecuación a los estándares internacionales en materia de justicia penal juvenil, con especial énfasis en el enfoque restaurativo. Se empleó una metodología cualitativa con diseño descriptivo, utilizando análisis documental y revisión sistemática siguiendo las directrices PRISMA. La búsqueda se realizó en bases de datos académicas como Scopus y Scielo, seleccionando artículos publicados entre 2021 y 2025 relacionados con justicia juvenil, lo que dio como resultado veinte artículos para el análisis final. Los resultados evidenciaron una tensión persistente entre los enfoques restaurativos y punitivos en los sistemas de justicia penal juvenil a nivel internacional. Se identificó una brecha significativa entre marcos normativos que promueven principios restaurativos y la práctica judicial concreta, donde predominan lógicas punitivas tradicionales. Los hallazgos revelaron que tribunales en diversos países funcionan priorizando eficiencia sobre principios restaurativos, mientras persisten estereotipos y sesgos que comprometen la aplicación uniforme de justicia especializada, que podría ser el caso del Perú con la nueva ley mencionada.

Palabras clave: *justicia juvenil; justicia restaurativa; enfoque restaurativo; enfoque punitivo; derecho penal.*

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INTRODUCTION

Juvenile criminal justice constitutes a legal and political field that has evolved significantly in recent decades at the international level, driven by the recognition of the special condition of adolescents as developing subjects. According to Cevallos Ortega et al. (2023), specific guidelines have been promoted, among them, the Beijing Rules (1985), the Tokyo Rules (1990), the Riyadh Guidelines (1990), and centrally, the Convention on the Rights of the Child (1989), which require different legal systems to design a specialized system oriented towards the reintegration of the juvenile offender and based on the principle of restorative justice. This paradigm focuses on repairing harm, involving the victim, the offender, and the community, as well as preventing recidivism.

However, in different legislations worldwide, the transition from a punitive approach to a restorative one has been uneven and, in many cases, superficial. The tendency to criminalize adolescents, particularly in contexts of citizen insecurity and media pressure, has led several countries to implement normative reforms without a structural transformation of the system. Thus, Latin America is not exempt from this problem: while some countries have incorporated restorative mechanisms into their legislation, the practical application of these models faces institutional resistance, budgetary deficiencies, and a weak human rights culture among justice operators (Molina Vergara, 2022).

In Peru, juvenile criminal justice is mainly regulated by Legislative Decree No. 1348 (2017), which governs the Code of Criminal Responsibility of Adolescents, whose preliminary title, specifically in its Article V, establishes a differentiated criminal procedure (specialized justice), with socio-educational measures that, in theory, prioritize rehabilitation, as well as the social reintegration of the adolescent, and give preference to a restorative approach. However, the enactment of Law No. 32330 (2025) has modified the regulatory framework concerning the criminal responsibility of juvenile offenders and has established that adolescents between sixteen and eighteen years of age will be subjected to ordinary criminal justice, thus expanding the age range for criminal liability. In this sense, questions remain regarding the actual implementation of these mechanisms, their effectiveness, and their coherence with international standards (Gómez Barrera, 2024). The analysis of this context allows us to observe an unresolved tension between the restorative paradigm and a judicial practice that frequently resorts to punitive responses (Julca-Guerrero & Rojas-Luján, 2024).

There is a significant problem regarding this new law, as there are courts such as the Second Court of Preliminary Investigation of Flagrancy – Barranca Branch (Case No. 02966-2025-7-1301-JR-PE-02) and the First Criminal Appeals Chamber of the Superior Court of Justice of North Lima (Case No. 01962-2025-1) that decided not to apply this law arguing that it violates the national and international legal framework for the protection of minors, reaffirming in their ruling the principle of the best interest of the child. However, there are also courts where the request for preventive detention for juvenile offenders was upheld, as occurred with the Second Court of Preliminary Investigation of El Porvenir, which ordered seven months of preventive detention for a sixteen-year-old minor (Medrano Marin, 2025). This conflicting situation generates some uncertainty regarding the application of Law No. 32330 and its feasibility within the Peruvian justice system.

From this, the following research question arises: which approach currently predominates in Peruvian juvenile criminal justice: restorative or punitive? This question not only allows delimiting the current model but also investigating the institutional, normative, and cultural conditions that determine its functioning. Furthermore, it helps identify possible inconsistencies between the legal framework and its application in reality, which is key to formulating proposals to improve the system.

Thus, the central objective of this research was proposed as evaluating the approach of the amendments introduced to Legislative Decree No. 1348 through Law No. 32330. To achieve this objective, it was considered to use the methodology of systematic review, selecting international studies that allow determining the degree of coherence of the Peruvian system with the principles of speciality, reintegration, and transformative justice.

As a main antecedent, the work of Ángeles-Quiroz and Rojas-Luján (2024) stands out, which highlights the growing interest in restorative justice and mediation as key tools for the social reintegration of juvenile offenders, emphasizing the need for solid legal frameworks and overcoming traditional punitive paradigms. For her part, Calle Tapia (2023) emphasizes the need for educational and restorative approaches in the juvenile criminal system, as well as impacting the empowerment of juvenile offenders, and notes that despite advances in human rights, violent and stigmatizing practices persist. Similarly, for Cabrera-Buestán et al. (2024), restorative justice is an effective approach for the social reintegration of adolescents in conflict with criminal law, promoting harm repair, responsibility, and the active participation of the parties involved.

The justification for this research is framed, first, on a theoretical level, since the study allows contrasting two opposing paradigms (restorative and punitive) from a critical perspective, examining the role of juvenile criminal law in a democratic society. At the methodological level, the systematic review of normative, doctrinal, and jurisprudential sources allows a comprehensive evaluation, combining dogmatic analysis with elements of criminal policy and human rights. Finally, from a social perspective, this research is relevant because it seeks to contribute to a more humanized juvenile justice system in accordance with the rights of adolescents, in a context where juvenile criminalization and repressive responses tend to reproduce cycles of exclusion and violence.

The Restorative Approach

According to authors such as Mendoza Tello et al. (2024), the restorative approach prioritizes repairing harm instead of punishing. It involves the adolescent, the victim, and the community in practical solutions (such as apologies, community work, or therapy), seeking responsibility without stigmatization and avoiding incarceration whenever possible. Therefore, its goal is to heal, educate, and reintegrate, not merely to penalize. In this same line, it is stated that this approach prioritizes reconciliation and the prevention of recidivism, integrating psychosocial support and development opportunities under the principle that juvenile offenders can change when provided with tools and second chances (Cortés Torres, 2022).

Thus, the restorative approach is characterized by prioritizing the repair of harm over punishment, promoting the participation of the adolescent, the victim, and additionally the community itself in processes of dialogue and reconciliation (Cortés-Torres, 2024). Consequently, this approach seeks to transform conflicts into opportunities for learning, empowerment, and the restoration of bonds, moving away from punitive approaches to focus on reparative justice and the prevention of recidivism.

Furthermore, according to Ángeles-Quiroz and Rojas-Luján (2024), this approach promotes the constant active participation of the parties in the search for the best solutions through mechanisms such as mediation, with the objective of preventing recidivism, reducing the saturation of the judicial system, and fostering a culture of peace. It is important to establish solid normative frameworks, train mediators, and adapt to specific cultural and legal contexts to ensure its effectiveness and coherence with human rights.

Therefore, according to this approach, it is fundamental not only because it is more oriented toward repairing the harm caused, as well as the social reintegration of the juvenile offender and reconciliation with the victim and the community; but also because it is aligned with human rights principles, seeks to prevent recidivism through educational processes, psychosocial therapies, and the active participation of the adolescent in their own rehabilitation, without social stigmas (Montalvo Velásquez et al., 2023). In addition, it fosters personal responsibility, strengthens family and community bonds, and reduces the saturation of the judicial system, thus contributing to a more just and peaceful society.

The Punitive Approach

Meanwhile, this approach focuses on imposing punishments and sanctions on juvenile offenders, prioritizing retribution for the committed crime instead of addressing the underlying causes of their behavior (Vargas Valez, 2024). This model, rooted in traditional systems, seeks to deter crime through measures such as deprivation of liberty or fines; however, it often fails to prevent recidivism and promote the comprehensive rehabilitation of the adolescent. Furthermore, it tends to marginalize youth, limiting their social reintegration and perpetuating cycles of exclusion and violence.

According to Falcones Ferrín (2025), this approach is characterized by prolonged custodial sentences, especially for serious crimes, and there is social and political pressure to toughen penalties, which contradicts the principle of the best interest of the minor. Despite advances in socio-educational and reparative measures in some countries, it is observed that there is a prioritization of punishment over reintegration, which can perpetuate stigmatization and recidivism instead of addressing the structural causes of juvenile delinquency in the countries that have adopted this approach.

An example of this approach occurred in Uruguay between 2005 and 2020, when laws increased penalties, extended precautionary custodial measures, and created judicial records for adolescents, despite evidence showing that they were not the main contributors to national crime (Tenenbaum Ewig, 2021). These measures reflected social and political pressure for a hard line, but generated criticism for violating principles of exceptionality and human rights, as well as deepening the stigmatization and exclusion of youth in conflict with the law.

Consequently, this model focuses on punishment and social control, which can generate stigmatization and segregation of juvenile offenders. Canales Yactayo et al. (2024) point out that, although some regulations promote socio-educational measures, in practice contradictions persist between correction and comprehensive socialization. Furthermore, the lowering of the penal age is criticized as a solution based on punitive logics that reinforce social violence and do not address the deep causes of juvenile delinquency, such as psychosocial vulnerability.

Law No. 32330, Incorporating Sixteen- and Seventeen-Year-Old Adolescents as Imputable Subjects within the Peruvian Criminal Justice System

This regulation breaks with the traditional principle of absolute criminal non-imputability for minors under eighteen years old, by establishing that adolescents within this age range may be prosecuted under the rules of the Penal Code applicable to adults for certain serious crimes. The central argument supporting this modification is the need to respond more firmly to the increase in the participation of minors in criminal organizations for the commission of serious crimes with higher incidence, such as contract killing, extortion, among others, under the premise that these adolescents already possess a sufficient degree of maturity to understand the unlawfulness of their actions (Huamani Huaman and Coila Aguirre, 2025).

However, it is important to highlight psychological studies indicating that the adolescent's personality is in a formative process, as it remains susceptible to biological, social, and cultural factors from their environment, which implies a difference between the way they think, feel, and act compared to an adult (Bustamante Espinoza et al., 2022). Thus, for a large sector, the genesis of this law is a populist measure aimed at reinforcing the idea that punishment is the main means of prevention and social control.

As a consequence, this law has generated intense debates regarding its compatibility with the principles of juvenile criminal law and international treaties ratified by the Peruvian State, such as the Convention on the Rights of the Child, which states in Article 3.1 that States Parties shall ensure the best interests of the child in situations before courts of law. The incorporation of sixteen- and seventeen-year-old adolescents into the ordinary criminal justice system could be interpreted as a regression in human rights and a departure from the restorative and pedagogical approach that should prevail in juvenile criminal justice.

In this sense, it can be observed that this law has brought contradictory effects: while it seeks to deter the participation of adolescents in serious crimes, it could also facilitate their deeper submission to organized crime by stigmatizing them and depriving them of reintegration opportunities (Manrique-Nugent, 2025). Therefore, justice operators must exercise a rigorous analysis of the specific case, weighing the principles of proportionality, culpability, and reintegration, in order to avoid excessive punitive responses that perpetuate the cycle of social exclusion. Furthermore, the essential contradiction becomes evident, since the incorporation of sixteen- and seventeen-year-old adolescents as subjects subject to ordinary criminal proceedings contravenes the principles of the restorative approach and differentiated treatment provided in the Code of Criminal Responsibility of Adolescents. This demonstrates that, in material practice, the juvenile criminal justice system has tended to adopt harsher measures typical of a punitive model, to the detriment of its pedagogical and resocializing nature.

Undoubtedly, the adversities surrounding this law are primarily of a legal and social nature. In the first case, there is a risk of considering it unconstitutional, since it is well known that the Constitution recognizes special protection for children and adolescents (Article 4), as well as generating legal uncertainty, as evidenced in the judicial resolutions mentioned in the preceding paragraphs, where criminal courts at different levels have resolved cases involving sixteen- and seventeen-year-old minors differently, exercising their power to apply diffuse control, which does not allow for the establishment of a uniform criterion in judicial practice. In the second case, there is a risk of producing an effect contrary to that expected for juvenile offenders by exposing them to an environment of violence and constant stigmatization, which would imply an increase in the probability of recidivism rather than a reduction. Therefore, there is a risk of reproducing an endless cycle of structural criminality, which would mainly affect vulnerable youth, who would end up being absorbed into increasingly serious criminal dynamics (Villalobos, 2024).

METHODS

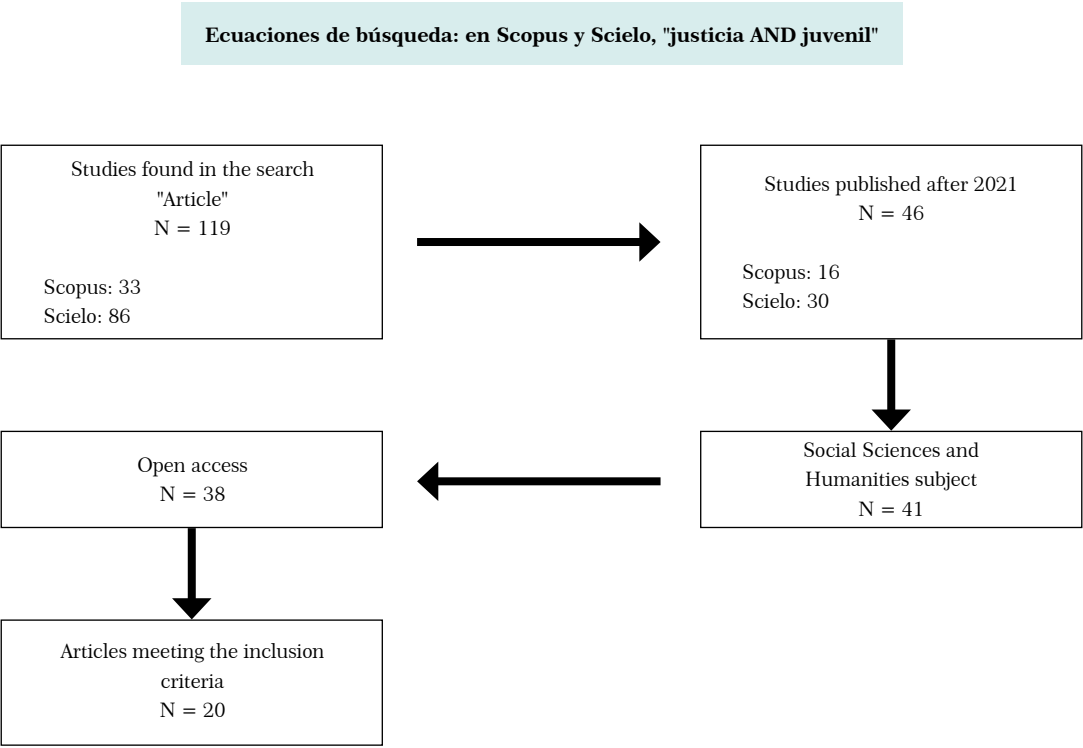
The present article corresponds to a qualitative research study, since it seeks to understand the meanings, actions, and behaviors of individuals within their context, interpreting specific social phenomena (Piña-Ferrer, 2023). The method employed throughout this work is documentary analysis, as it allows examining, organizing, and synthesizing information contained in documents to extract relevant knowledge about the variable under investigation (Peña Vera, 2022). Additionally, a descriptive research design was employed, since it seeks to detail characteristics, behaviors, or phenomena in a specific context, without manipulating variables (Prieto Mérida and Yam Cervantes, 2021).

Furthermore, the systematic review method was employed, following the guidelines of the PRISMA model (Preferred Reporting Items for Systematic Reviews and Meta-Analyses), with the objective of ensuring transparency, reproducibility, and methodological rigor through a guide that directs the preparation of systematic reviews through a transparent and structured process (Alcoba Meriles, 2024).

The information search was conducted in recognized academic databases such as Scopus and Scielo, using combinations of the keywords “justice AND juvenile” related to the study topic. As selection criteria for this systematic review, academic articles published in the last five years, specifically between 2021 and 2025, addressing the theme of law in relation to juvenile justice, were included. Only studies with full-text open access and a direct correspondence with the research objective were selected. Exclusion criteria included duplicated articles, studies without full-text availability, research older than five years, and those that did not specifically and directly address the relationship between law and juvenile justice.

Below, through Figure 1, the process by which the articles used in the present study were selected is detailed, resulting in twenty articles that will serve to achieve the objective set in this systematic review.

Figure 1
Article selection process using the PRISMA strategy



DEVELOPMENT AND DISCUSSION

Below, Table 1 details the articles selected in the present systematic review.

Table 1
List of articles selected using the PRISMA strategy

Author and Year	Database	Conclusion
Alvarado Mendoza (2021)	Scielo	Punishment continues to be the basis for resolving conflicts and problems produced by adolescents. Control institutions focus on and criminalize youth based on sociodemographic and socio-spatial profiles.
Aedo Poblete & Cárcamo Landero (2022)	Scielo	The Chilean juvenile justice approach reduces youth to categories such as “offending adolescents,” ignoring their sociocultural diversity, and promoting more inclusive and transformative practices in social work.
Cabrera Izquierdo et al. (2023)	Scielo	Advocates for a comprehensive treatment of criminally responsible adolescents focused on prevention, resocialization, and restitution of rights. Sanctions should be educational, protective, and restorative, considering the adolescent as a victim of structural exclusion rather than merely as an offender.
Cortés Torres (2023)	Scielo	The juvenile justice system must prioritize a socio-educational and restorative approach over the punitive, promoting the social reintegration of offending adolescents.
Da Costa et al. (2022)	Scielo	Narratives from professionals in the Brazilian judicial system reveal contradictions between theoretical discourse and practice, influenced by social stereotypes, gender roles, and the criminalization of poverty.
De Bella (2022)	Scopus	Highlights the need to address juvenile justice from a socio-legal and interdisciplinary perspective, overcoming punitive and adult-centered approaches prevalent in Latin America.
Georgini et al. (2024)	Scielo	Evidence of racial bias in the Brazilian juvenile justice system, where Black individuals are twice as likely to be prosecuted compared to White individuals, reflecting structural racism.
Gómez Barrera & Contreras Bustamante (2023)	Scielo	The adolescent penal system should prioritize a restorative and therapeutic approach over a punitive one. Emphasizes the importance of applying non-judicial solutions that promote social reintegration and address the causes of delinquent behavior. This approach humanizes justice and prevents recidivism.
Gonçalves et al. (2023)	Scielo	Although juvenile justice in Brazil theoretically promotes a restorative and educational approach, in practice a punitive approach predominates. Courts operate as “assembly lines,” prioritizing efficiency and speed, frequently applying custodial sanctions.
Graybeal et al. (2021)	Scopus	Instead of focusing solely on punishment, U.S. juvenile courts are adopting an individualized approach based on risk assessment of recidivism and implementing programs that promote holistic development of youth.
Medan & Graziano (2022)	Scielo	Restorative justice in Argentine juvenile justice has transformative potential, but its development is limited, uneven, and risks being subsumed under traditional punitive logics if the approach is not expanded to include communities and address social inequalities.
Miranda Sánchez et al. (2022)	Scielo	Juvenile justice in Chile should focus on a restorative approach, where juvenile mediation promotes repair of harm, adolescent accountability, and social reintegration, surpassing the traditional punitive view.
Páez-Mérida & Montero Molera (2023)	Scopus	Spain prioritizes a restorative and educational approach, applying measures such as supervised release and socio-educational tasks. Differences in sanctions between boys and girls are explained by the lower severity of crimes committed by girls and their low recidivism, not discrimination.
Pozo Gordaliza (2021)	Scopus	Juvenile justice, although aiming to be restorative, remains biased by gender roles and stereotypes. This means that despite efforts for fair treatment, female offenders may receive differentiated treatment that is, in practice, more punitive or discriminatory.
Saldaña et al. (2025)	Scielo	Restorative justice operates on three key pillars: interdisciplinary intervention, socio-educational support, and family assistance programs.
Torres-Vásquez & Tirado-Acero (2023)	Scielo	Examine Colombia’s Adolescent Penal Responsibility System (SRPA), highlighting its theoretically restorative approach, although still influenced by traditional criminal law.
Trull Oliva (2023)	Scopus	Study promotes empowerment of offending youth, positively impacting their decision-making and responsibility. Aligns with a restorative juvenile justice model.
Venceslao Pueyo & Marí Ytarte (2021)	Scopus	Juvenile justice centers in Spain seek an educational intervention. Their current model tends to be more punitive than restorative. The concept of “offending minor” is based on unfavorable attributes and stereotypes.
Villalta & Graziano (2023)	Scopus	Despite interest in restorative justice for adolescents in Argentina, judicial practices tend to individualize cases and intertwine punitive approaches with new restorative logics.
Zambrano et al. (2024)	Scielo	Transition to a restorative justice system favors the development of prosocial and adaptive life projects. Highlights the need to integrate an ecosystemic resilience approach in public policies, addressing not only the individual but also the family, community, and cultural context.

First, the studies show a significant gap between the normative frameworks that promote restorative approaches and the actual judicial practice. Medan and Graziano (2022) highlight that restorative justice in Argentina has transformative potential, but its development is limited and uneven, and it risks being subsumed under traditional punitive logics. This observation resonates with the findings of Gonçalves et al. (2023) and da Costa et al. (2022) regarding Brazil, where, although juvenile justice theoretically promotes a restorative and educational approach, in practice a punitive approach predominates, and the courts operate as “assembly lines” that prioritize efficiency over restorative principles. This reality directly contradicts the theoretical postulates of the restorative approach developed by Mendoza Tello et al. (2024), who emphasize that this paradigm must prioritize repairing harm over punishment, actively involving the adolescent, the victim, and the community in practical solutions.

The tension between both approaches is particularly evident in the analysis of judicial practices. Villalta and Graziano (2023) indicate that, despite the interest in restorative justice for adolescents in Argentina, judicial practices tend to individualize cases and intertwine punitive approaches with new restorative logics. This problematic hybridization suggests that the mere incorporation of restorative mechanisms into normative frameworks does not guarantee their effective implementation, but rather requires a deeper cultural and structural transformation of the judicial system. This situation aligns with the warnings of Gómez Barrera and Contreras Bustamante (2023) and Saldaña et al. (2025) regarding the need for the restorative approach to be effective for social reintegration, promoting harm repair, responsibility, and active participation of the involved parties.

The studies also reveal how structural and cultural factors influence the prevalence of punitive approaches. Venceslao Pueyo and Mari Ytarte (2021) observe that juvenile justice centers in Spain, although seeking an educational intervention, tend toward a more punitive than restorative approach, based on a conceptualization of the “offending minor” founded on unfavorable attributes and stereotypes. This perspective markedly contrasts with the principles of the restorative approach defended by Miranda Sánchez et al. (2022), who argue that this approach should be characterized by prioritizing harm repair over punishment, promoting active participation of the adolescent, the victim, and the community in dialogue and reconciliation processes.

The influence of stereotypes and biases in the application of juvenile justice constitutes another relevant finding. Alvarado Mendoza (2021), Pozo Gordaliza (2021), and Georgini et al. (2024) identify that juvenile justice, although seeking to be restorative, is still biased by gender roles and stereotypes, which can result in a more punitive or discriminatory treatment for female offenders. This observation is complemented by Páez-Mérida and Montero Molera (2023), who, although noting that Spain prioritizes a restorative and educational approach, recognize the existence of differences in sanctions which, although justified by objective factors, reveal the persistence of elements that may compromise the uniform application of restorative principles. Meanwhile, in Chile, a juvenile justice system is sought that overcomes labeling and adopts a restorative and ecosystemic approach, recognizing the sociocultural diversity of youth and promoting their resilience (Aedo Poblete & Cárcamo Landero, 2022; Zambrano et al., 2024).

Comparative analysis also reveals significant innovations in some contexts. Graybeal et al. (2021) document how U.S. juvenile courts are adopting an individualized approach based on risk assessment of recidivism and implementing programs that promote the holistic development of youth, moving away from the traditional punitive approach. This evolution suggests that it is possible to transform judicial systems toward more restorative paradigms when there is institutional will and adequate resources.

Likewise, research by Trull Oliva (2023) and Cortés Torres (2023) shows that socio-educational interventions are key to empowering youth, that is, to strengthening their capacity to make decisions and actively participate in society. However, they also emphasize the need for these practices to not only focus on individual development but also promote collective integration and community participation. Nevertheless, despite advances in human rights, harmful practices persist due to the stigmatization faced by offending adolescents. In response, the authors propose a justice approach that does not seek to punish, but to repair the harm caused through the active participation of the adolescent, their family, the community, and the State.

In the specific context of the Peruvian reality and Law No. 32330, international findings provide critical elements for evaluation. The trend documented by Torres-Vásquez and Tirado-Acero (2023) toward prolonged custodial sentences, especially for serious crimes, and the existence of social and political pressure to toughen penalties contradict the principle of the best interest of the minor and align with the characteristics of the punitive approach, which, according to the authors, operates under a logic that prioritizes punishment over reintegration.

Undoubtedly, Law No. 32330 appears to seek to respond to a social demand for greater security against crimes committed by minors; however, it does so from a punitive rather than preventive approach. Different legislations that penalize adolescent offenders share this characteristic, so the real challenge would lie in designing a holistic system that adequately integrates differentiated criminal responsibility with educational and social reintegration mechanisms, in such a way as to avoid falling into simple punitive reductionism. Otherwise, this and other laws, far from becoming a solution to juvenile crime, would only trigger constant rejection toward this population and constitute a setback in terms of human rights.

Finally, the importance of solid normative frameworks constitutes a fundamental pillar to ensure the effectiveness of the restorative approach in any society that safeguards the fundamental rights of minors and seeks their resocialization through the active role of education (De Bella, 2022; Cabrera Izquierdo et al., 2023). This is particularly relevant in the analysis of Law No. 32330, by establishing the possibility of prosecuting adolescents aged sixteen and seventeen under the Penal Code rules applicable to adults for certain serious crimes, which breaks with the traditional principle of absolute criminal non-liability of minors under eighteen years, which could be interpreted as a regression toward more punitive approaches.

The results presented in the previous section show a significant contrast between the Peruvian normative framework, which theoretically advances toward a restorative and socio-educational approach, and the judicial practice observed in reality. While Law No. 32330 seeks to align the system with international standards, the reviewed studies suggest that real implementation is still biased by a punitive logic. However, this phenomenon is not exclusive to Peru, but is observed in other Latin American jurisdictions, where, despite normative advances, punishment and deprivation of liberty continue to be the predominant response to juvenile conflicts.

Thus, this discrepancy between theory and practice in juvenile justice is not a mere procedural failure, but is rooted in structural factors and prejudices. Various studies indicate how justice operators criminalize youth based on sociodemographic and socio-spatial profiles, reproducing gender stereotypes, criminalizing poverty, and showing racial biases. This reality directly contradicts the principles of humanized juvenile justice, which must recognize the sociocultural diversity of adolescents and treat them as rights-holders. Consequently,

the mere adoption of a law does not guarantee its success if it is not accompanied by a cultural and structural transformation in the justice system. Therefore, for Law No. 32330 to achieve its objective, it is imperative to overcome the traditional vision of the adolescent as an “offender” and recognize them as a victim of conditions of exclusion, thus fostering their empowerment and capacity for responsible decision-making.

On the other hand, methodologically, the study is based on the PRISMA strategy for the systematic review of recent literature (2021-2025), including experiences from countries such as Argentina, Brazil, Chile, Spain, and the United States. This allows for an enriching comparative analysis. In addition, it clearly differentiates between restorative and punitive approaches, relying on contemporary authors to theoretically support both positions.

However, the work presents several important limitations. First, it lacks direct empirical analysis on the application of Law No. 32330 in Peru, which prevents evaluating its real impact on recidivism or social reintegration. Second, although the objective is to analyze the adequacy of the Peruvian system to the restorative approach, the methodology does not fully allow this, as it does not include primary data collection or evaluation of the concrete functioning of the Peruvian judicial system. Finally, the review is based mostly on qualitative studies, without incorporating sufficient quantitative data that could strengthen the analysis (for example, recidivism rates or system costs).

CONCLUSIONS

The research highlights a constant tension between restorative and punitive approaches in juvenile criminal justice at the international level. Although many legal frameworks formally adopt restorative principles, punitive logics that prioritize punishment over rehabilitation continue to predominate in practice. This gap between theory and reality is observed in various countries, where juvenile justice operates with dynamics that reinforce control and exclusion, demonstrating that the transition toward a truly restorative approach requires structural reforms and deep cultural changes, beyond mere legal modifications.

In the Peruvian case, Law No. 32330 raises serious doubts regarding its compatibility with international standards such as the Convention on the Rights of the Child, especially by allowing adolescents aged sixteen and seventeen to be tried as adults in serious cases. This provision reinforces a punitive model that, according to comparative evidence, does not contribute to social reintegration nor to reducing recidivism. To achieve real implementation of the restorative approach in Peru, more than a law is needed: specialized training, resources for mediation and repair, and a transformation in judicial culture are required, which currently severely limits the objectives of juvenile justice oriented toward change and inclusion.

Authorship contribution

JECR: conception and design of the article, data collection, writing.

LNGM: statistical advice and data analysis and interpretation, writing

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Conflict of interest statement

The authors declare no conflicts of interest.

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