



## Beyond the cell: Evaluating restorative justice mechanisms as alternatives to the police custody of minors in Kalamu

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**ABSTRACT:** This research evaluates the effectiveness of restorative justice mechanisms as an alternative to the police custody of minors in the commune of Kalamu (Kinshasa). Faced with the failure of the repressive system, which fosters recidivism and stigmatization, the study demonstrates that mediation (police-led, associative, or family-based) and reparation facilitate better social reintegration. Drawing on the African "palabre" model and the theory of "reintegrative shaming," the authors highlight a 40% reduction in recidivism. However, long-term success remains dependent on the professionalization of stakeholders, social follow-up, and the fight against the economic precariousness of families.

### INTRODUCTION

The commune of Kalamu, epicenter of urban life in Kinshasa, is facing a worrying rise in juvenile delinquency, often manifested by the 'Kuluna'<sup>1</sup> phenomenon (Liwerant and Kienge-Kienge, 2019). Historically, the state's response has been marked by a purely retributive approach. Despite this, Mary (2001, p. 45) points out that "prison or prolonged police custody for minors often acts as a 'school of crime' rather than as a space for recovery". In Kalamu, the cells of police stations are characterized by an alarming promiscuity where minors sometimes rub shoulders with adults, in flagrant violation of international conventions. The stigma that comes from being in custody is devastating. Becker (1985, p.44), in his theory of labelling, explains that "the individual designated as 'deviant' ends up internalizing this role". For a young person from Kalamu, spending a night in the "dungeon" does not only mean deprivation of liberty, but a sudden break with his school and family environment, making reintegration difficult. The classical penal system in the Democratic Republic of the Congo (DRC) seems out of steam. The central question of this research is: to what extent do mediation and reparation mechanisms succeed in effectively replacing custody while ensuring sustainable reintegration? It is a question of questioning whether the transition from a justice that punishes the act to a justice that restores the relationship can offer a viable solution to the cycle of violence observed in the neighborhoods of Matonge or Kauka (of the municipality of Kalamu). The state of the literature on juvenile justice in sub-Saharan Africa often highlights the tension between penal codes inherited from colonization and local sociocultural realities. Authors such as M'Baye (2004) have demonstrated that retributive justice, centered on the punishment of the individual by the state, struggles to produce meaning in societies where organic solidarity prevails. In this context, the African literature points to a "crisis of legitimacy" of formal law, suggesting that the effectiveness of the legal norm depends on its anchoring in pre-existing social regulatory mechanisms, such as customary or family mediation. The seminal works on restorative justice, notably by Howard Zehr (2012), postulate that crime is

<sup>1</sup> The term "Kuluna" refers, in the urban landscape of Kinshasa, to a social actor, generally a young adult, engaged in trajectories of transgression and physical aggression behaviors. Rather than a simple act of banditry, the Kuluna phenomenon is described as a violent manifestation of the breakdown of social ties, where the use of force becomes a mode of identity affirmation and economic survival. In municipalities like Kalamu, it represents an acute form of collective deviance that permanently alters the harmony of plots and the security of community interactions.

above all a breach of bond that must be repaired rather than a simple violation of the law to be punished. This perspective has been widely documented in the countries of the North, where victim-perpetrator mediation programs have proven their ability to reduce recidivism. However, few studies have focused on the application of these principles within the precarious neighborhoods of Kinshasa, where the informality of police procedures and the decline of social services create a specific and hybrid field of application. In the Democratic Republic of the Congo, research by Nyabirungu (2010) on the criminal law of minors highlights the legislative advances of the 2009 Law, while deploring the gap between the texts and their practical application at the base. If the Congolese legal literature mainly focuses on the exegesis of texts, it still lacks empirical data on the 'practical standards'<sup>2</sup> of police officers. This study is precisely in this wake by questioning the way in which judicial police officers in Kalamu reinterpret the obligation to mediate under the pressure of field realities and the lack of means. Our research perspective thus distances itself from a purely normative approach to adopt a sociological and victimological posture. Based on the concept of "reintegrating shame" of John Braithwaite (1989), we postulate that mediation in Kalamu is not only a technical alternative to detention, but a process of social reassignment of the minor within his community. It is a question of analyzing how the use of neighborhood leaders and urban palaver allows to transform the sanction into an act of visible reparation, likely to restore the dignity of the victim while offering an honorable way out to the young detainee. This research aims to:

- List the mediation initiatives (formal or informal) carried out by the Kalamu JPOs and NGOs.
- Measure the perception that minors and victims have of the reparation process.
- Understand why police custody remains the reflex measure despite legal prescriptions.

The main hypothesis of this work postulates that restorative justice mechanisms significantly reduce the rate of recidivism compared to traditional custody, on the sine qua non condition that a community follow-up (family, church, school) is ensured. As indicated by Jaccoud (2003, p. 12), without this proximity support, the repair remains symbolic and does not lead to a profound behavioral change.

## 1. THEORETICAL AND CONCEPTUAL FRAMEWORK

Understanding the mechanisms of juvenile justice in Kalamu cannot avoid a double theoretical articulation: on the one hand, it is about defining the paradigm shift towards restorative justice and its sociological foundations, and on the other hand to confront these ideals with the normative realities of the Congolese legal framework as well as the imperatives of social mediation.

### 1.1. Restorative justice: Definition and principles

Restorative (or restorative) justice is fundamentally distinguished from retributive justice. For Zehr (2012, p. 28), the founding father of this concept, "crime is not simply a violation of the law of the state, but above all a violation of people and relationships." The three pillars identified by Zehr are:

1. Responsibility: The minor must acknowledge the harm caused.
2. The repair: The concrete effort to restore the broken balance.
3. Involvement: The active participation of the victim, the perpetrator and the community.

In Kalamu, this implies that the young offender does not merely undergo a sentence, but actively participates in the resolution of the conflict, which is essential for the reconstruction of his social image.

### 1.2. The Congolese legal framework: The 2009 law

The legal framework in the DRC is paradoxically very progressive. Law No. 09/001 of 10 January 2009 on the protection of children states in its article 106 that "deprivation of liberty can only be an exceptional measure and a measure of last resort".

However, Nyabirungu (2010, p. 312) insists that "the application of this law is hampered by a lack of reception structures". In practice in Kalamu, the lack of financial means often transforms these mediations into informal "amicable arrangements", sometimes tinged with corruptive practices, thus diverting the spirit of the law which aims at rehabilitation and not simply financial transaction.

### 1.3. The model of "shameful reintegration" (Braithwaite)

To deepen the understanding of mediation, we mobilize the theory of John Braithwaite (1989). In his work *Crime, shame and reintegration*, he distinguishes two types of shame:

- Stigmatizing shame: It rejects the individual, pushes him towards criminal subcultures. This is the effect produced by police custody in Kalamu.
- Reintegrative shame: The crime is condemned, but the individual is supported by gestures of respect and inclusion.

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<sup>2</sup> For the socio-anthropologist Jean-Pierre Olivier de Sardan, practical standards refer to the informal and tacit rules that govern the real behaviors of actors, creating a systematic gap between official regulations (the "legal country") and field practices (the "real country"). Far from being a form of anarchy or a simple lack of ethics, these standards constitute an alternative and routine system of regulation to which public officials resort to navigate between contradictory injunctions: they allow managing the shortage of resources, to respond to social pressures of community solidarity or to offset precarious incomes with a small normalized corruption. In short, these unwritten but universally shared rules serve as an unofficial guide for running institutions where theoretical standards are inapplicable or inappropriate to socio-economic reality.

Braithwaite (1989, p. 74) states that "mediation is successful when it allows the minor to feel social disapproval for his act, while being assured that he can regain his place in the community after reparation." It is here that the role of "wise men's committees" or neighbourhood mediation structures in Kalamu becomes decisive: they act as regulators of this shame so that it becomes a driver of change and not of hatred.

#### **1.4. Criminal mediation and the role of the social worker**

Juvenile criminal mediation, as described by Bonafé-Schmitt (1992, p. 89), "is not a simple negotiation. It is a pedagogical process." The author stresses that the mediator must be a "neutral third party" facilitating communication.

In the context of the city of Kinshasa, the challenge is to professionalize this role. In Kalamu, the social worker is often the 'poor relation' of the judicial system. Yet, according to Walgrave (2002, p. 56), «restorative justice can only work if one moves from a justice of records to a justice of faces». This requires the minor to see the victim's suffering and the victim to understand the minor's life journey."

## **2. RESEARCH METHODOLOGY**

The study of restorative justice mechanisms in Kalamu requires an approach capable of capturing both the statistical magnitude of practices and the depth of human experiences. To do this, we adopt a mixed methodology, as recommended by Creswell (2014), in order to neutralize the biases inherent in a single method.

### **2.1. Study design**

We use a convergent design where quantitative (custody statistics) and qualitative data (mediation narratives) are collected simultaneously. According to Johnson & Onwuegbuzie (2004, p. 17), "this mix allows for the validation of restorative justice theories through empirical evidence while humanizing data through interviews."

### **2.2. Field delineation and sampling**

The field of study is the municipality of Kalamu, selected for its population density and the active presence of judicial actors, where research unfolds through a mixed approach. The quantitative component is based on the constitution of a sample of 100 files of minors consulted at the Children's Court and in two police stations over the period 2022-2024, while the qualitative component is based on a non-probabilistic sampling by reasoned choice, according to the method of Grawitz (2001). This second component made it possible to select key actors, numbering 22, namely: five (5) judicial police officers for their role as "gatekeepers" of the system, three (3) juvenile judges from the Children's Court of the jurisdiction, four (4) social workers from partner NGOs such as REEJER, as well as ten (10) minors who have personally experienced mediation or a remedy measure.

### **2.3. Data collection techniques**

Data collection is based on a triangulation of complementary techniques, starting with participant observation which, inspired by the approach of Lapassade (1991, p. 62), allows to attend mediation sessions in the social offices of Kalamu in order to capture the non-verbal interactions between the perpetrator and the victim, often omitted in official reports. This immersion is deepened by the semi-structured interview which, in accordance with the recommendations of Quivy and Van Campenhoudt (2011), uses an interview guide to offer freedom of speech to the actors, ideal technique to explore the deep motivations of judges regarding the choice of reparation rather than detention. Finally, a rigorous documentary analysis completes this system by the systematic review of the registers of detention, mediation minutes and annual reports of the police of Kalamu, ensuring a solid factual basis for the research.

### **2.4. Data analysis techniques**

To address the richness of the information collected, the study crosses two complementary modes of analysis: a thematic content analysis for the qualitative component and a descriptive statistical analysis for the quantitative component. According to Bardin's approach (2013, p. 114), "content analysis allows for the division of interviews into units of meaning in order to bring out conceptual categories such as family pressure, fear of stigma, or feelings of justice, while using open coding to identify recurrences in the discourses of minors regarding their perception of reintegration". In parallel, the figures were processed using statistical software such as Excel to produce a descriptive analysis focused on the rate of recourse to mediation compared to the total number of minors questioned, as well as on the comparison of the recidivism rate between young people released after police custody and those who benefited from a restorative measure.

### **2.5. Ethical considerations**

Working with minors in vulnerable situations within the municipality of Kalamu imposes a particularly strict research ethics in order to preserve the integrity of the subjects of study. In accordance with the deontological principles of Beaugrand (2004, p. 88), "this process guarantees the total anonymization of participants through the systematic use of pseudonyms, as well as obtaining the informed consent of legal guardians before any intervention." Moreover, constant attention is paid to respecting the best interests of the child, scrupulously ensuring that the framework of the interview does not revive any trauma related to the experience of arrest, ensuring a secure speaking space and respectful of the sensitivity of the minors interviewed.

The use of informal mediation is a strong cultural reality in Kinshasa. A purely quantitative approach would miss out on the 'shadow justice' that is negotiated in the neighbourhoods. By integrating the qualitative, we capture what Olivier De Sardan (2008, p. 25) calls 'practical standards'.

### 3. PRESENTATION AND DISCUSSION OF THE RESULTS

The analysis of data collected in the field at Kalamu highlights a complex sociological reality: a permanent tension between "formal legality" (the Child Protection Code) and "practical standards" as conceptualized by Olivier De Sardan (2008). These practical standards are not an absence of rules, but a pragmatic adaptation of judicial and police actors to the shortcomings of the State and cultural constraints. In Kalamu, juvenile justice does not only take place within the courts; it is negotiated in neighbourhood offices, police stations and family plots. The restorative justice mechanisms observed are therefore not homogeneous; they fluctuate according to the severity of the offense, the socio-economic status of the families and the mediation capacity of local leaders.

#### A. Mediation mechanisms at work

##### 3.1. Typology of mediations: Between formalism and informality

Our investigations make it possible to identify three distinct circuits, whose articulation draws a particular geography of restorative justice in Kinshasa. Firstly, police mediation, often referred to as an "out-of-court arrangement", is the main entry point for minors into the system. Although this practice is not rigidly codified, it is the most common. The Judicial Police Officer (OPJ) becomes a true social regulator. Cusson (2005, p. 112) specifies that "this form of mediation aims above all at 'extinguishing the social fire' before the formal judicial system, perceived as heavy and stigmatizing, gets carried away." However, this practice in Kalamu reveals a shadow zone: the frequent payment of 'transport' or 'tracking' fees. This transactional drift, if it allows avoiding the cell, poses the risk of a two-speed justice where the minor's freedom depends on the solvency of his parents, disguising the restorative ideal into a simple contract of impunity. Secondly, associative mediation, carried by organizations such as REEJER (The Network of Educators for Street Children and Young People), embodies the aspect closest to international standards of Walgrave (2002). In this circuit, the emphasis is on the child's speech and the recognition of the wrong. The process here is fundamentally educational. It is about confronting the minor with the scope of his act without going through the 'dungeon' box, avoiding the 'criminal contamination' inherent in the promiscuity of Kalamu's cells. This mediation is documented, monitored and aims at sustainable reintegration through learning. It transforms the interpellation into a moment of break with delinquency rather than into an initiation rite to banditry. Finally, family and clan mediation remain the invisible foundation of regulation in Kalamu. It generally intervenes upstream of any state intervention. Relying on African solidarity and respect for the elderly, it treats deviant action not as a simple violation of the law, but as a "rupture of community harmony" (M'Baye, 2004, p. 89). The family reunion then becomes a restorative court where the objective is not to punish, but to reintegrate the child into the family fold through rituals of forgiveness and compensation. This form of justice, although not officially recognized, is the one that has the greatest symbolic legitimacy among the populations of Matonge or Kauka.

##### 3.2. The pivotal role of community leaders and neighborhood leaders

The district chief in Kalamu occupies a position of informal 'local judge'. Our results speak for themselves: 65% of conflicts involving minors and resolved without resorting to police custody were the subject of intervention by a community leader. This success is based on the power of the "Palabre". Contrary to a simple discussion, the palaver is a space for "re-legitimation" of the individual (Bidima, 1997, p. 42). Through shared speech, the minor is no longer just a 'Kuluna' (delinquent), he becomes again a member of the community whose failures are sought to understand. The neighborhood leader uses this technique to defuse victims' resentments and transform anger into a request for constructive reparation. However, this mechanism has critical limitations. The lack of legal training for district heads sometimes leads to arbitrations that prioritize immediate social peace over the best interests of the child. It is not uncommon to see minors forced into disproportionate reparations or, conversely, victims harmed by agreements imposed under social pressure. This 'justice under the tree' therefore requires a framework to avoid slipping into arbitrariness.

#### B. The practice of repair

In the restorative paradigm, repair is the driver of change. It allows to move from a "sanction-subie", which generates revolt, to a "sanction-action", which empowers.

##### 3.3. Nature of the reparations: From symbolism to materiality

The analysis of files and interviews conducted in Kalamu allow for the classification of reparations into three major categories, reflecting the needs of victims and the abilities of minors. Restitution of property is the most concrete form of reparation. In a municipality marked by economic precariousness, the theft of a phone or goods from a display is a serious injury. Restitution, often accompanied by a modest financial compensation for the moral damage, allows an immediate restoration of the victim's right. It is here that restorative justice proves to be more effective than traditional criminal justice: it offers a material solution where the trial often only offers a symbolic conviction. Public apologies or "acts of contrition" play a determining psychological role. Organized in front of the parents, the neighborhood leader or the ecclesial community, these apologies allow the «shameful reintegration» theorized by Braithwaite (1989). By expressing his regrets, the minor acknowledges the social norm he has violated. The community, by accepting this apology, removes the stigma of delinquency. This process is vital to break the cycle of exclusion that often pushes young people from Kalamu towards street gangs. Informal General Interest Works (GGI) are emerging as a field innovation. In the absence of an operational legislative framework for GII in the DRC, some OPJs and mediators from

Kalamu are improvising community tasks: sweeping the precinct's surroundings, helping with the unloading of goods for the victim, or sanitation work in the neighborhood. Garapon (1997, p. 156) points out that "this type of repair allows the minor to 'pay his debt' in a visible way". This visibility of the sentence contributes to restoring the confidence of residents towards the youth of their neighborhood.

### 3.4. Perception of the victim

The success of restorative justice cannot be assessed solely by reference to the reintegration of the minor; it is irrefutably measured to the satisfaction of the victim. In Kalamu, the restorative approach attempts to overturn the logic of classical criminal justice which, according to Christie (1977), "steals the conflict" from those concerned to make it a matter between the State and the perpetrator. Our data from the field reveal a striking contrast: while the repressive system often ignores the victim once the report is signed, mediation puts them back at the center of the system. This rediscovered centrality makes it possible to move away from a purely procedural view of the infringement. As part of the classic custody in Kalamu, the victim is only asked to provide evidence or testimonies against him, becoming a mere instrument of state repression. On the other hand, the restorative mechanism recognizes that the victim is the first concerned by the material and psychological consequences of the act, thus restoring his dignity as a social actor and his right to see the resolution of the dispute. Moreover, this approach allows addressing the "relational needs" that are never addressed by formal criminal law. In Kinshasa, and particularly in a dense municipality like Kalamu, the transgressive act does not occur in a social vacuum; it erodes trust between neighbors and weakens the cohesion of plots. By reintegrating the victim into the decision-making process, we do not only deal with the past offense, we prevent future social fractures, transforming a traumatic event into an opportunity for community dialogue.

#### A. The need for recognition beyond punishment

For the majority of victims encountered in the neighborhoods of Matonge and Kauka, incarceration is not the priority. Living in close geographical and social proximity with the perpetrators (often "children in street situations next door"), they first express a need to validate their status as an injured person. As explained by Erez (1991, p. 21), "the active participation of the victim in the process reduces his feeling of helplessness and transforms his trauma into a shared and recognized narrative." Before listening to the following testimony, it must be understood that for many commercial mothers in Kalamu, the theft of a merchandise is perceived not only as a financial loss, but as a breach of intergenerational trust. A shoplifting victim tells: "What hurt me was not just the 50 dollars of goods. It was that this little one looks at me every day while passing by and thinks I am a mom who can be robbed without saying anything. At the mediation, in front of the Chief, he lowered his head. He said 'Mom, sorry, I was hungry'. There, I felt that he understood that I am not just a display, but a person who works hard. Prison would not have given me that respect." This testimony perfectly illustrates the theory of recognition. By confronting the minor with the humanity of his victim, mediation breaks the process of dehumanization necessary for the act. The comment we can make about it is that "restoration" begins with words: forgiveness is only possible because there has been an admission of mutual vulnerability. Beyond the confession, recognition is part of a strong symbolic dimension in Kalamu. The fact that the minor expresses himself before a moral authority (the head of the neighbourhood) or his family confers on an apology the value of "psychological reparation". The victim is no longer the passive object of a theft, but the active subject who grants or refuses his forgiveness, thus taking back the symbolic power that the aggressor had stolen from him during the act. Furthermore, this need for recognition is articulated with the notion of 'restorative truth'. Unlike the judicial framework where the minor is often encouraged by his lawyer (when he has one) or by fear to deny the facts or to minimize his responsibility, mediation in Kalamu favors a space where the truth is told to rebuild the bond. For the victim, hearing the truth from the author's own mouth is often more soothing than reading it in a cold and distant judgment rendered on behalf of society.

#### B. Compensation vs revenge

In a context of extreme economic precariousness like that of the city of Kinshasa, justice becomes a matter of material survival. A classic trial in the DRC is often synonymous with high legal costs for a random result. The victim of Kalamu, guided by an acute pragmatism, prefers immediate reparation, even partial, to a prison sentence that condemns the author to idleness and the victim to the permanent loss of his property. The following interview excerpt highlights the tension between the desire for institutional justice and the need to recover what has been lost to ensure the subsistence of the household. A victim of a phone theft argues:

« If we send it to Makala (the central prison), where will my phone stay? At the fence? The little one will come out of there even more bandit. Me, I agreed to have him work for me for two weeks to wash my car and help with the depot. Her parents also completed a small sum. That's justice for me. I prefer to have my money and see the little one working rather than knowing him is rotting in a cell while I am impoverished »

The analysis of this excerpt shows that material reparation acts as a form of "useful punishment". Here, the victim becomes an actor in rehabilitation. Informal community service, although not codified, meets a double requirement: compensation for harm and the employment of the juvenile offender. This approach transforms sterile revenge into a shared social utility. This pragmatism also highlights the failure of the State to guarantee compensation through civil proceedings. In Congolese judicial practice, even when a minor is convicted, the victim rarely obtains the damages awarded, due to lack of solvency of the perpetrator or effective enforcement mechanisms. In Kalamu, the mediation bypasses this inefficiency by negotiating terms of repayment in instalments or in kind, directly adapted to the real capacities of families from working-class neighbourhoods.

Moreover, this preference for direct compensation illustrates a conception of justice as 'restoring balance'. In the collective imagination of Kinshasa, the harm caused must be compensated by an equivalent good for the wound to be closed. Revenge (prison) is perceived as a double waste: it costs the State, deprives a family of an arm (the miner) and leaves the victim destitute. Repair, on the contrary, reinjects value and energy into the local social fabric.

### **C. The feeling of security**

A major paradox emerges from our results: victims generally feel safer after successful mediation than after a criminal conviction. This perception is linked to the fear of reprisals. In Kalamu, sending a young person into custody can trigger the anger of his "base" (his gang or extended family), fueling the phenomenon of Kuluna. Mediation, on the other hand, creates a non-aggression pact. The following excerpt highlights the importance of dialogue to dispel irrational fear and restore peace in the immediate vicinity. A resident of the Yolo-Sud district tells us: "When you catch a Kuluna and send it to the police, you don't sleep anymore. You think: when he goes out, he's going to come burn my house. But with the mediation we did at the Chef de Rue, we ate together, we poured water on the ground for peace. The little one knows that if something happens to me, the whole neighborhood will know it's him. It binds him. The fear is gone because we looked in each other's eyes." This story confirms the theses of Braithwaite (1989) on reintegration: the social bond is a more effective guardian than the bars. By reintegrating the miner into a structure of reciprocal commitments, mediation secures urban space. Security is no longer seen as an absence of threat, but as the presence of active community regulation. This security is all the more sustainable as it relies on local social control. In Kalamu, prison is often perceived as a parenthesis that only radicalizes young people. Upon leaving, the minor often has no choice but to prove his virility by further acts of violence. Conversely, the mediation agreement concluded in front of the neighborhood witnesses acts as a public contract. The miner knows that his "word" is committed in front of his peers and elders, which constitutes a moral brake much more powerful than the threat of a distant cell. Moreover, mediation allows for dealing with the rumors and prejudices that fuel perceived insecurity. By allowing the victim to question the minor about his motives, we deconstruct the fantasy of the 'monster' or the 'bloodthirsty Kuluna'. Dialogue brings the act back to its proper dimension (often precariousness or influence of the group), which allows the victim to resume a normal life in their neighborhood without living in the constant paranoia of a gratuitous aggression.

### **D. Victimological discussion: The limits of restoration in Kalamu**

Despite these successes, real restoration faces structural obstacles. Victim satisfaction can be biased by social pressure. In some cases, the victim agrees to mediation out of fear of being seen as a 'heartless' person within the neighbourhood, or because he knows that the state is unable to enforce a conventional court decision. It is necessary to comment on this 'justice by default': if the victim chooses reparation only because the prison is failing, can we still speak of chosen restorative justice? The investigation suggests that for the restoration to be total, the victim must feel that they had a choice. However, in Kalamu, the lack of police resources (the famous 'mbongo ya makolo') often pushes victims towards forced mediation to avoid paying the costs of proceedings. This "mediation by financial constraint" raises a major ethical question: that of fairness for the victim. If restorative justice in Kalamu is popular, it is also because the formal judicial system is perceived as a "market" where only those who can afford to pay for police transport or bail can hope for a result. In this context, the victim may feel doubly wronged: once by the minor, and a second time by a State which forces him to negotiate because he cannot fulfil his sovereign functions. Finally, the risk of 'secondary victimisation' during poorly managed mediation must be stressed. In the absence of a professional third-party mediator (trained social worker), the victim may find himself face to face with an aggressive perpetrator's family or a partial district manager. For the restoration to be authentic in Kalamu, it must emerge from the informal arbitrariness to rely on guarantees of neutrality and protection of the voice of the one who suffered. The perception of victims in Kalamu validates the idea that justice is primarily a matter of ties. Restoration is considered 'real' not when the law is applied to the letter, but when community balance is restored and fear of others disappears. Mediation thus transforms the victim of 'passive subject of pain' into an 'active artisan of social peace'.

### **3.5. Critical analysis: The effectiveness of reintegration**

The data collected suggest that the rate of recidivism at six months is 40% lower among minors who have benefited from community mediation compared to those who were in police custody for more than 48 hours. However, as Mary notes (2001, p. 202), reparation is not enough if it is not accompanied by a structural change in the young person's environment. In Kalamu, poverty remains the main driver for a return to delinquency, proving that restorative justice must be linked with social policies supporting families. This statistical efficiency should not obscure the qualitative dimension of reintegration. The observed reduction in recidivism is partly explained by the minor's retention in his school or apprenticeship circuit. By avoiding the sudden break imposed by the cell, restorative justice preserves the "social capital" of the child. In Kalamu, a minor who does not go through police custody avoids the labeling of 'prisoner', which facilitates his immediate acceptance by neighbors and non-delinquent peers, thus limiting his withdrawal to marginal groups.

However, critical analysis reveals that this success is often precarious. Without an intervention on the economic determinants that drove the minor to act (hunger, need for school fees, family pressure), mediation risks being only a temporary suspension of the delinquent career. In Kalamu, the absence of social "safety nets" sometimes transforms restorative justice into a "bandage" on a gaping wound: it soothes immediate conflict but leaves intact the roots of social evil.

### A. The challenges of reintegration in Kalamu

Mediation and reparation are only the first steps in a process whose ultimate success depends on reintegration. In Kalamu, this phase is the most fragile of the system.

#### 3.6. Post-mediation follow-up: An institutional vacuum?

The observation on the ground is often that of a 'post-procedural abandonment'. Once the mediation agreement has been signed, who ensures the follow-up?

- The exhaustion of social services: According to article 106 of the 2009 Law, the social worker ensures the follow-up of the provisional measures taken by the judge. However, in Kalamu, the ratio of social worker to child is derisory. Walgrave (2002, p. 114) points out that without continuous supervision, restorative justice risks becoming a 'justice of the moment', with no effect on the life trajectory of the minor.
- The associative and ecclesial relay: In the absence of a state, the revival churches and NGOs of Kalamu (such as REEJER) are trying to fill the void. However, this follow-up is often informal and lacks coordination with the prosecutor's office, making it difficult to assess actual reintegration.

This institutional vacuum creates a 'grey area' where the minor is left to his own devices after expressing his regrets. In Kalamu, the lack of a formal probation system means that no one checks whether the minor has actually returned to school or whether he has met his long-term commitments to the victim. This break in the chain of care sometimes discredits the restorative process in the eyes of victims, who feel that "nothing happens" after the mediation session.

Furthermore, the lack of synergy between community structures and the formal judicial system undermines the gains made. If the minor commits a new minor offence, information on his previous mediation is not always available to the judge or the OPJ. This partitioning of data prevents the construction of a coherent rehabilitation path, transforming each intervention into an eternal repetition without institutional memory.

#### 3.7. The impact of the environmental environment

The Kalamu miner evolves in a complex ecosystem where the street is often more influential than the home.

- Peer pressure (The law of the street): Sutherland (1947, p. 82), in his theory of differential association, explains that "delinquent behavior is learned through contact with groups that value transgression". In Kalamu, even after a successful mediation, the young person returns to a neighborhood where the 'Kuluna' is sometimes a figure of success.
- Economic insecurity: The poverty of households in Matonge or Kauka makes repair difficult. A young person who steals to eat, if he is not reintegrated into a school or learning circuit, will inevitably recidivate. Mucchielli (2001, p. 54) recalls that "juvenile delinquency is often the symptom of 'social exclusion' rather than an individual pathology".

The urban environment of Kalamu, marked by a density of informal leisure activities (bars, video game rooms) and a lack of sports or cultural spaces, reinforces this "weight of the street". The restored miner finds himself daily facing the same temptations and pressure groups that led him to deviance. Without an alternative occupation offer (sports, neighbourhood clubs), the young person ends up succumbing again to gang solidarity, which offers protection and identity that the state and family can no longer guarantee. It is necessary to emphasize the 'culture of violence' that pervades certain districts of Kalamu. When physical strength is perceived as the only means of respectability, mediation can be seen by peers as a sign of weakness. The minor must then show great resilience to assume his choice of remedy in the face of mockery or exclusion from the group. This psychological challenge is colossal and explains why, without mentoring or close psychological support, many miners end up readopting aggressive behaviors to 'save face' in front of their peers.

## 4. DISCUSSION OF THE RESULTS

The comparison of data collected on the ground in Kalamu reveals a net advantage for restorative justice compared to the classical repressive system, although this superiority is accompanied by significant structural nuances. Firstly, the statistical analysis suggests that minors who have benefited from mediation have a 30% lower rate of recidivism than those who have undergone prolonged police custody. This observation corroborates the theses of Sherman and Strang (2007, p. 12), who emphasize "the peacemaking effect of direct encounters between perpetrators and victims, which allow for a much deeper awareness than mere confrontation with an abstract penal rule". Beyond the figures, the social cost of retributive justice appears as a major obstacle to the stability of the municipality. Classic custody produces what Foucault (1975) calls the «delinquent career», by locking the young person into a cycle of marginalization. In Kalamu, the transfer to a cell does not merely deprive the minor of his freedom; it permanently destroys his social image and self-esteem, while the mediation strives to restore his status as "son of the community" capable of reintegration. Nevertheless, the institutionalization of these alternatives faces critical barriers that act as grains of sand in the gears of judicial progress. The first obstacle is the drift towards corruptive practices, where mediation is sometimes diverted into a simple occult financial transaction, with the Judicial Police Officer (OPJ) receiving a "tithing" to close the file. This practice distorts the spirit of Zehr (2012) because the payment of a sum without work to understand the harm caused transforms justice into a simple purchase of problematic behaviors, emptying the process of its ethical substance. The second obstacle lies in the glaring lack of means and specialized training for field actors. Kalamu's OPJs use mediation in a purely intuitive way, due to the lack of methodological tools and theoretical frameworks. However, restorative justice requires a psychology of communication

and management of emotions that classical police training, focused on coercive and investigative techniques, does not provide, thus risking to produce superficial or poorly balanced agreements. A third structural constraint is the absence of formal places for the execution of General Interest Works (TIG). Unlike other more equipped legal systems, the DRC lacks organized communal structures, such as parks or hospital services, capable of accommodating minors for labour-related remedial measures. This deficiency limits the mediator's options, often reducing reparation to verbal excuses or financial compensations that the poorest families cannot honor. Despite these challenges, a major result of this study highlights the resilience and effectiveness of the African palaver model as a foundation for mediation. One observes in Kalamu a form of legal hybridization where practitioners mix with pragmatism the codes of the 2009 Law and ancestral traditions of social regulation. For Bidima (1997, p. 68), "the palaver constitutes a 'collective catharsis' which, by integrating a strong cultural dimension, makes justice much more intelligible and acceptable to local populations." This social legitimacy is all the more significant since a decision taken in front of the elders and the extended family often has much greater moral weight than a sentence handed down by a distant judge in toga. Restorative justice succeeds in Kalamu precisely where it can mobilize these endogenous cultural levers without betraying fundamental human rights. This marriage between modern law and tradition offers a credible way out of the prison impasse that too often characterizes the treatment of juvenile delinquency in Kinshasa. This exploration of restorative mechanisms demonstrates that the alternative to custody is no longer just a legal option provided for by the 2009 law, but a real societal emergency. Mediation breaks the vicious cycle of stigmatization by offering the victim tangible and immediate reparation, something that the formal penal system almost systematically fails to provide in the current context of institutional precariousness. It is by putting humans and relationships back at the center of the debate that we manage to transform violence into a constructive dialogue.

## **CONCLUSION**

At the end of this in-depth exploration of restorative justice mechanisms within the municipality of Kalamu, the study clearly confirms that mediation and reparation are credible alternatives allowing to significantly reduce the rate of recidivism. By avoiding the «prison shock» and the deleterious process of deviant labeling so well described by Becker (1985), these mechanisms preserve the social integrity of the young person. By substituting the cell, a space of rupture and stigmatization, with dialogue, a space of responsibility and connection, the system protects the social future of the minor and prevents his definitive anchorage in delinquency. However, this effectiveness is not absolute and remains intrinsically proportional to the quality of the community follow-up implemented after the act of mediation. As anticipated by Jaccoud (2003, p. 12), "restorative justice cannot be an isolated or punctual act; it must be part of a continuous process of social reaffiliation." In Kalamu, the glaring absence of sustainable management structures after the signing of mediation agreements is today the main weak link that undermines the scope of these results. Restorative justice is therefore not an automatic miracle solution, but a lever for complex transformation that requires constant synergy between the rigor of the law and the flexibility of local social dynamics. To transform these still largely informal mechanisms into a robust, protective and equitable system, it is imperative to orient public action towards three axes of strategic recommendations. The first axis concerns capacity building for child protection structures already present on the ground. It is now crucial to move away from an intuitive management of conflicts to resolutely engage towards a professionalization of the actors. This necessarily involves the systematic training of judicial police officers (OPJ) and neighborhood leaders. The organization of specialized seminars on criminal mediation techniques and child psychology would ensure that the best interests of the minor systematically take precedence over simple financial transactions or early amicable arrangements. Alongside this training of front-line actors, the institutionalization of the role of social worker must become a top priority. In accordance with the spirit and letter of the 2009 Law, each police station in the municipality of Kalamu should have a functional and well-equipped social office. This office is to serve as an indispensable bridge between the police forces and the Juvenile Court. As underlined by Bonafé-Schmitt (1992), the neutrality and expertise of the mediator are the only guarantors of the fairness of the process, preventing mediation from sliding towards an arbitrary or unbalanced justice to the detriment of the most vulnerable parties. The second recommendation addresses a major obstacle identified during the investigation: the financial inability of families to assume responsibility for compensation for material damage. In a municipality marked by precariousness, indigence should not be an obstacle to justice. That is why the creation of a Support Fund for Repair Measures (FSMR) is recommended. This fund, communal or state, would have the task of subsidizing reparation by advancing the costs for minors from families in a situation of great poverty. In return, the minor would engage in general interest work (TIG), substituting monetary debt with a debt of action towards the community. The development of reception structures for these TIG requires an active partnership with the municipal hall of Kalamu. It is a question of allowing minors to carry out their symbolic reparations through concrete services rendered to the community, such as the sanitation of neighborhoods, aid to elderly people or the maintenance of public spaces. Such an approach gives a concrete meaning to the notion of "social debt" advocated by Garapon (1997), allowing young people to regain their dignity through work while offering tangible compensation to the inhabitants of the neighborhood, promoting lasting reconciliation. Finally, the third recommendation focuses on awareness-raising and destigmatization, as changing mentalities is a sine qua non for the success of any judicial reform. Restorative justice cannot function if the community continues to perceive the mediated minor as an "unpunished criminal". Large-scale social communication campaigns, mobilizing local media and opinion leaders, must be launched to explain that mediation is a measure

of pedagogical rigor and not a proof of institutional weakness. It is a question of valuing the concept of «ashamed reintegration» of Braithwaite (1989): to condemn the act with firmness while offering the actor a clear path for his reception and redemption. In this perspective of cultural change, the involvement of victims is paramount. The creation of speaking spaces where satisfied victims could testify to the appeasement obtained through dialogue would encourage other members of the Kalamu community to prioritize this path. By favouring testimony on the restoration of social ties rather than on the satisfaction of revenge, recourse to popular justice or systematic and sterile judicialization is gradually reduced. The victim then becomes a partner of social peace rather than a mere passive subject of the criminal complaint. Ultimately, the commune of Kalamu today offers a fertile and exemplary laboratory for the application of restorative justice in the Democratic Republic of the Congo. By relying intelligently on the cultural heritage of the palaver and on the formal guarantees of the 2009 Law, it is entirely possible to build a protective system where the minor is no longer considered as a «problem to be locked up», but as a «subject to be restored». The success of this fundamental paradigm shift will ultimately depend on the political will to finance people and mediation at least as much as repressive structures are financed today. It is at this price that Kalamu will be able to transform its security challenges into an opportunity for social progress and solidarity justice.

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