Exploring Cybercrime Victimisation from the Restorative Justice Paradigm

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Abstract
The increasing complexity and global reach of cybercrime have exposed the inadequacies of traditional punitive justice systems. Hence, this study aimed to examine the applicability of restorative justice as an alternative approach to cybercrime. A systematic review of 127 peer-reviewed articles published after 2020 reveals four central themes including: the impact of restorative justice on recidivism, challenges of implementation, its relationship to punishment, and victim-centred practices. Evidence suggests that restorative justice can foster empathy, accountability, and behavioural change, particularly when interventions are trauma-informed and culturally appropriate. Nevertheless, effective implementation requires institutional support, legal clarity, and stakeholder readiness. The study highlights future research priorities, including examining readiness among justice professionals, enhancing victim participation, and developing localised restorative justice models tailored to cybercrime. These findings contribute to ongoing discussions on justice reform in digital contexts.
Keywords: Cybercrime, Victimisation, Restorative Justice, Victim-Centred

Introduction
Cybercrimes defines as criminal activities conducted via the internet that involve the use of computers either as instruments to commit the crime or as the primary targets of the crime (Adewopo, 2025). Cybercrime has been used interchangeably with related terms such as computer crime, digital crime, technological crime, and electronic crime in criminological research (Onwuadiamu, 2025). Currently, about 80% of countries have enacted cybercrime legislation. European nations lead in legislative adoption at 91%, whereas Africa has the lowest rate at 72% (UNCTAD, 2021). In the United States, the Computer Fraud and Abuse Act (CFAA) imposes criminal penalties for unauthorised access to computers and related fraudulent conduct, and its broad provisions continue to be a subject of contemporary legal and scholarly analysis regarding their scope and impact on both prosecution and research practices (Xiao et al., 2025). Nevertheless, incarceration has proven largely ineffective in

deterring cybercrime, with limited impact on recidivism (Loeffler & Nagin, 2022). As an alternative, restorative justice has been identified as a more promising mechanism for addressing this form of crime (Buil-Gil et al. 2021).

Restorative justice may not significantly reduce incarceration rates in cybercrime cases, but it remains applicable to serious offences (Borwell et al. 2021); Rossner & Taylor (2024) argue that restorative justice has broad transformative potential within contemporary criminal justice systems highlighting how its principles can work to transform relationships and prevent future injustices, even as the movement faces challenges in mainstream institutional adoption. Recent research notes restorative justice's potential to address social injustices and work towards equity in diverse socio-political settings, emphasising relational repair and inclusive participation rather than punitive sanctions (Procter-Legg et al., 2024). Biffi (2021) asserted that restorative justice not only enhances the prevention of cybercrime but also facilitates inclusive responses to harm and provides a flexible and adaptive framework that fosters stakeholder engagement, reduces reoffending, and mitigates losses.

The retributive - restorative dichotomy builds on the debate in criminal justice theory outlined that retributive justice prioritises punishment for wrongdoing and restorative justice centres on reforming the offender, restorative justice seeks to address both the offence and the offender by encouraging responsibility, behavioural change, and meaningful forms of redress that aim to repair harm and reintegrate those involved into the community. Contemporary analyses suggest this shift represents a broader, relationally oriented approach to justice that moves beyond mere punishment toward repairing harm and facilitating accountability and healing for all parties affected (Ligi, 2024). A punitive system that sidelines victims fails to meet their emotional or relational needs. In contrast, restorative justice seeks to repair harm, foster positive relationships, and mitigate the broader impact of crime, ultimately contributing to societal well-being (De la Miyar et al., 2021). Malaysia has imposed some of the harshest penalties for cybercrime offenders (Department of Statistics Malaysia, 2021; Mohammad et al., 2019; Hussin, 2011). For instance, credit card data theft could result in an 11-year prison sentence (Graves, 2023). Besides, under the Computer Crime Act 1997, cybercrime offenders may face fines between RM25,000 and RM150,000 and/or imprisonment for three to ten years (Malaysia Federal Court of Justice, 2022; MyCert, 2021).

Globally, restorative justice has been formally incorporated into both juvenile and adult criminal justice systems through relevant legislation and statutory frameworks in multiple countries, enabling the use of practices such as victim-offender mediation and conferencing as part of legal procedures, and demonstrating the institutionalisation of restorative approaches alongside conventional punitive measures (Rossner & Taylor, 2024). In the Asia-Pacific region, jurisdictions such as China, New Zealand, Singapore, and Taiwan have integrated restorative justice into their legal frameworks, with Hong Kong demonstrating notable advancements (Kirkwood, 2022). Although restorative justice is widely recognised as a viable alternative to incarceration (Mohammad & Gearhart, 2021), limited research exists concerning its application.

Cybercrime differs fundamentally from conventional offences in that it frequently produces non-physical harms, including financial loss, emotional distress, reputational damage, and long-term erosion of trust in digital and financial systems (De la Miyar et al., 2021). These

harms often persist beyond the conclusion of formal legal proceedings and are not adequately remedied through punitive sanctions alone. Consequently, the study of restorative justice in cybercrime contexts is important because it directly addresses the limitations of existing justice responses in capturing and responding to the full spectrum of victim harm. Therefore, this study explored the feasibility of implementing restorative justice within the criminal justice system by using a systematic literature review (SLR) approach.

The significance of this study further lies in its focus on victim-centred justice, which remains underdeveloped within predominantly retributive criminal justice frameworks. While punitive and rehabilitative approaches prioritise offender accountability and deterrence, they frequently marginalise victims' voices, needs, and expectations (Biffi, 2021). In cybercrime cases, victims often seek acknowledgment of harm, opportunities to explain the personal consequences of the offence, and meaningful forms of redress beyond imprisonment or fines imposed on offenders. Hence, in this study, restorative justice is examined as a framework that foregrounds victims' experiences and needs by facilitating participation, recognition of harm, and avenues for meaningful redress. By situating cybercrime victimisation within a restorative justice paradigm, the study highlights how alternative justice mechanisms may better respond to the complex emotional, psychological, and financial impacts of cybercrime.

This study is particularly important for criminal justice practitioners, including law enforcement officers, prosecutors, and judges, who are increasingly required to manage complex cybercrime cases involving cross-border dimensions, digital evidence, and vulnerable victims. By clarifying how restorative justice principles may complement existing legal processes, this study is hoped to provide practical insights into alternative responses that may be more proportionate and responsive to cybercrime-related harm. In doing so, it highlights the potential for restorative justice to enhance professional practice by promoting greater sensitivity toward victims' experiences while maintaining offender accountability.

Furthermore, this study also contributes to broader policy and legal development by offering conceptual guidance in jurisdictions where restorative justice has yet to be fully institutionalised or systematically applied to cybercrime. By identifying key restorative elements relevant to cybercrime contexts, this study supports informed decision-making among policymakers and legal practitioners seeking to strengthen victim protection and improve justice delivery. Importantly, this study does not advocate for the replacement of existing punitive or rehabilitative justice frameworks. Rather, it positions restorative justice as a complementary and alternative mechanism that may improve the overall effectiveness of cybercrime responses by addressing harms that conventional sanctions alone are unable to resolve.

Methodology

SLR serves as a rigorous method for identifying existing research gaps within a specific area and assessing the extent of scholarly attention devoted to the topic (Caputo & Kargina, 2022). Recent methodological literature continues to affirm the use of a structured three-phase systematic literature review (SLR) process, comprising planning, screening (or conducting), and reporting, as a rigorous and widely accepted framework for ensuring transparency, replicability, and methodological consistency in contemporary review studies (Mohd Amin et al., 2024). In the planning phase, the researcher extensively searched relevant literature using

five prominent academic databases namely: Springer, Emerald, Wiley Online Library, EBSCOhost, and ScienceDirect. The keyword "restorative justice" was used to retrieve scholarly articles published from 2020 onwards. The initial search, conducted on May 15, 2025, yielded a total of 5,393 records.

During the screening phase, approximately 39% of the documents (2,079 items), comprising conference papers were excluded. Subsequently, 45% (1,488 articles) were removed for being beyond the scope of the research area, leaving 1,826 papers. Language filtering reduced the number of papers to 1,824, as only English-language publications were retained. In the final refinement stage, 1,687 articles (approximately 93%) were excluded due to irrelevance to the research context, resulting in a final dataset of 127 journal articles. These articles meet the criteria of discipline relevance, language, document type, and title appropriateness (Refer to Figure 1).
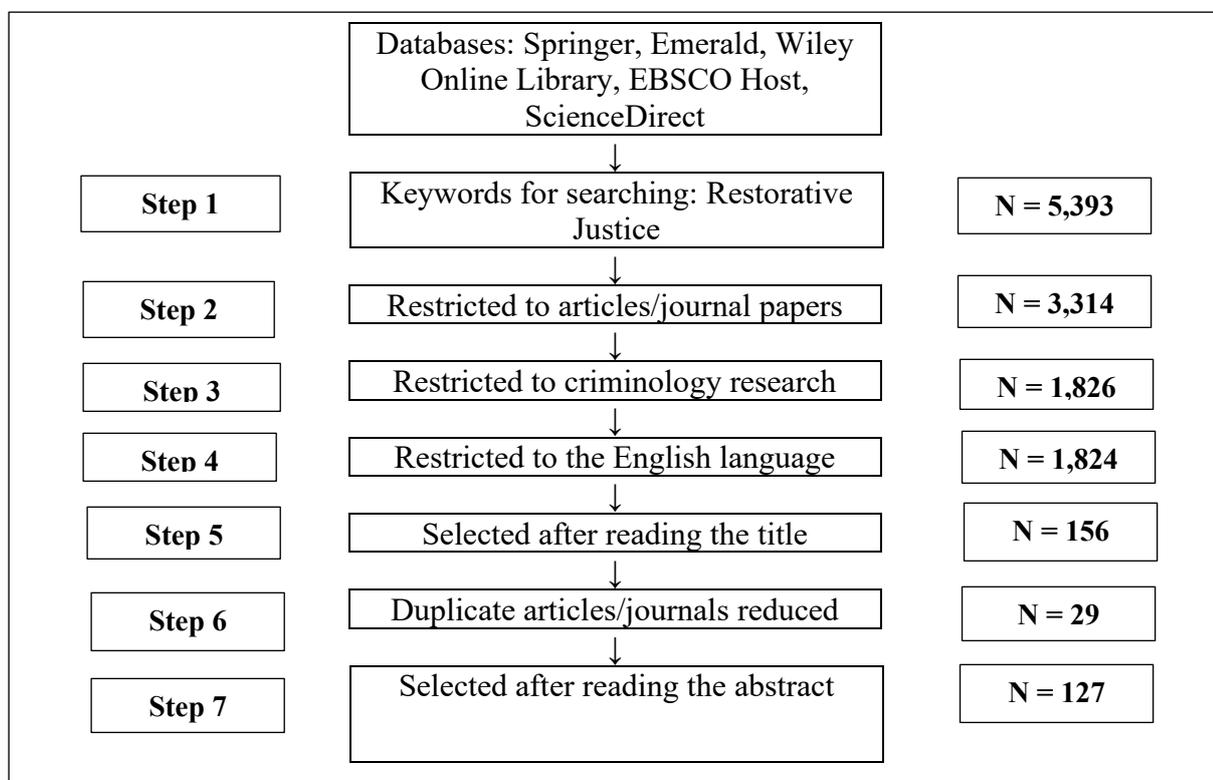

Figure 1: Steps involved in the SLR Process employed by this study

Findings

The most used words in relation to the subject matter of this study appear in the titles of those 127 research papers. Their frequency includes restorative justice (89), victims (26), needs (11), offender (9), program (7), and mediation (5). Subsequently, the most frequently used 89 words in the abstracts of the research papers. Similarly, the most frequent words in the abstracts are restorative justice (266), victims (89), needs (31), offender (60), program (59), and mediation (23).

Restorative Justice and Recidivism

Restorative justice has been linked to reductions in recidivism, particularly among young and first-time offenders. In serious juvenile cases, interventions such as restorative conferencing

appear to lower reoffending rates, indicating that restorative justice may serve as a viable alternative to conventional punitive responses (Shem-Tov et al., 2024). These outcomes are often complemented by additional benefits, including improved victim satisfaction and broader societal advantages (Grimsey Jones et al., 2023).

Evidence increasingly supports the notion that restorative justice contributes to long-term behavioural change by fostering empathy, accountability, and social connectedness (Scholl & Townsend, 2023). The findings suggest that youth who demonstrate higher levels of prosocial behaviour, which is measured through tools such as the Prosocial Status Inventory (PSI), are less likely to reoffend (Schmidt et al., 2023). Nevertheless, some inconsistencies remain. For example, one study reported no significant reduction in reoffending within one year of restorative justice participation, emphasising the importance of individual context and implementation quality (Vooren et al., 2023).

Trauma-sensitive restorative justice approaches have proven particularly important in working with youth. Programmes that consider participants' psychological and developmental needs, including trauma histories, tend to achieve more durable outcomes (Wood, 2024). Research also suggests that children's preference for restorative over punitive responses intensifies with age, pointing to the developmental suitability of restorative justice (Yang et al., 2021). Moreover, positive attitudes towards restorative values, such as empathy and engagement, correlate with greater acceptance of restorative justice and potentially lower recidivism (Taylor & Bailey, 2024). Overall, the capacity of restorative justice to reduce reoffending appears strongest when interventions are tailored to developmental needs, are trauma-informed, and foster internal change.

Restorative Justice Implementation
The success of the implementation of restorative justice varies according to institutional structures, cultural dynamics, and policy environments. Common barriers include limited public awareness, resource shortages, practitioner scepticism, unclear procedures, and weak institutional trust (Votruba et al., 2025). Law enforcement engagement remains uneven, shaped by cultural resistance and the availability of restorative justice training (Marder, 2022; Mohammad & Gearhart, 2021). Cultural adaptation also plays a pivotal role. In Taiwan, restorative justice has transitioned from a legal innovation to a grassroots movement, guided by local customs and Confucian values (Huang et al., 2022). Similarly, China's dual-track model combines people's mediation and victim-offender reconciliation within a politically controlled framework (Zhang & Zhang, 2025).

Successful institutionalisation of restorative justice requires consistent alignment between policy discourse and practical implementation. As seen in Colorado's youth diversion programmes, legislative frameworks can support widespread restorative justice adoption, though outcomes remain contingent on local leadership and fidelity to restorative principles (Kubrin & Tublitz, 2022). Professional capacity is also critical. For example, facilitators must be equipped with specialised training to manage complex cases, especially those involving trauma or power imbalances (McMahon et al., 2023).

Implementation strategies differ in their legitimacy and reach. Although bottom-up, community-led models often resonate with local populations, they frequently face resource

constraints. Conversely, top-down approaches may be better funded but struggle with public trust (Hobson & Payne, 2022). In both cases, balanced coordination is essential. Emerging reforms illustrate the adaptability of restorative justice. For example, Brazil's application of restorative justice in administrative settings displays promise in resolving workplace disputes (Battos & Traquetto, 2024). On the other hand, Jordan highlights the need for restorative justice-informed mental health responses within youth justice systems (Dardas et al., 2025). Nevertheless, long-term sustainability depends on reflective practice, institutional support, and safeguarding practitioners' well-being (Alexander et al., 2024; Larsen et al., 2021).

Restorative Justice and Punishment
Restorative justice redefines punishment by focusing on moral engagement, reparation, and relationship repair rather than retributive sanctions (Hay, 2025). While consequences are not absent, restorative justice frames them as pathways to healing rather than punitive ends in themselves. This conceptual shift invites debate about the relationship of restorative justice with punishment, especially within systems that remain predominantly retributive. In some settings, restorative justice has been co-opted to serve punitive or state-driven objectives. For example, restorative justice mechanisms in China are used to reinforce legal sanctions in environmental crime cases, compromising their restorative integrity (Zhang & Zhang, 2025). In Western contexts, restorative justice practices risk becoming forms of informal punishment if integrated without sufficient safeguards (McCold & Wachtel, 2023).

Scholars debate whether restorative justice should be viewed as an alternative or a supplement to traditional punishment. Some advocate for a hybrid model where restorative sanctions such as community service or apologies maintain accountability without exacerbating harm (Marder, 2022). The concept of reintegrative shaming supports this model by encouraging accountability without marginalisation. The non-punitive orientation of restorative justice is especially beneficial for children, trauma survivors, and marginalised communities, where conventional punishment may reinforce cycles of harm (Wood, 2024; Yang et al., 2021).

Applications in gender-based violence remain contested. While restorative justice may offer empowerment and relational repair for some survivors, its use demands robust protections against coercion and retraumatisation (McMahon et al., 2023). Survivor-centred models advocate for voluntary participation and informed consent. Some theorists suggest that the transformative potential of restorative justice lies in shifting justice away from the state and towards communities. In this view, punishment is replaced by negotiated moral accountability rooted in empathy (Hay, 2025; Habliston, 2024). However, critics warn that restorative justice may devolve into disguised punishment without clear procedural safeguards, especially when participation is pressured or outcomes are enforced without due process (Griveaud, 2024; Marder, 2022).

Restorative Justice and Victims
Restorative justice prioritises victims' needs by enabling them to communicate the impact of harm, which can promote emotional healing and elicit genuine remorse from offenders. This process aligns with reintegrative shaming theory and may also deter future offending (Robalo & Rahim, 2023). The centrality of victims' experiences has been instrumental in shaping restorative justice practices. Victim participation often depends more on their perceptions of

fairness, emotional readiness, and trust in facilitators than on their desire for punitive outcomes (Grillo, 2024). Many victims report higher satisfaction, greater feelings of empowerment and closure through restorative justice processes compared to traditional legal proceedings (Hay, 2025).

In cases of serious harm, such as sexual violence, some survivors express interest in restorative justice as long as their safety, autonomy, and emotional needs are respected. Trauma-informed restorative justice models have demonstrated value in providing structured spaces for validation and healing (McMahon et al., 2023). Nonetheless, scholars caution against replicating systemic harms if restorative justice is applied without appropriate safeguards (Borwell et al. 2022). Not all victims desire direct encounters with offenders. Some prefer symbolic or community-based forms of restoration. Thus, flexible, victim-centred designs are essential to ethical restorative justice practice (Borwell et al. 2022; Mohammad & Gearhart, 2021).

Conclusion

This systematic literature review reveals a growing scholarly interest in restorative justice, with increasing diversification in its theoretical applications and practical implementation across jurisdictions. The evidence suggests that restorative justice contributes meaningfully to reducing recidivism, especially among youth and first-time offenders. At the same time, restorative justice offers victims a more participatory and healing-centred alternative to adversarial justice. However, implementation outcomes are highly contingent on institutional readiness, cultural alignment, and the availability of trained facilitators. The reviewed literature also highlights ongoing debates regarding the relationship between restorative justice and punishment, underscoring the need for clear procedural safeguards to prevent co-optation or unintended harm, particularly in sensitive cases such as sexual violence.

Despite this expanding body of research, the application of restorative justice to cybercrime remains a nascent and under-theorised area. As digital offences proliferate in complexity and scope, particularly in the contexts of technologically adaptive, culturally responsive, and legally viable restorative models that are timely and necessary. Hence, future research must address these gaps by exploring stakeholder perspectives, designing cybercrime-specific restorative justice frameworks, and evaluating long-term outcomes rigorously. Resultantly, scholars and practitioners can contribute to the evolution of a more inclusive and humane justice system, particularly one that meets the moral and relational needs of both victims and offenders in the digital age.

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