

# A Legal Review of Juvenile Criminal Offenses within the Indonesian Juvenile Justice System

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**Abstract:** Children are an integral part of the nation's future and therefore require special legal protection, particularly when they come into conflict with the law. Juvenile involvement in criminal offenses presents complex legal and social challenges, as children have not yet reached full psychological and emotional maturity. This study aims to examine the legal concept of juvenile criminal responsibility in Indonesia, identify the factors influencing children to commit criminal acts, and analyze the legal framework governing juvenile offenders under the Indonesian Juvenile Justice System. This research employs a normative legal research method with a literature-based approach, utilizing secondary data derived from statutory regulations, legal doctrines, court decisions, and relevant scholarly literature. The data were analyzed qualitatively and descriptively to provide a comprehensive legal interpretation. The findings indicate that juvenile criminal behavior is influenced by multiple interrelated factors, including economic hardship, family dysfunction, social environment, educational deficiencies, weak law enforcement, psychological vulnerability, and individual characteristics. Furthermore, Indonesian law, particularly Law Number 11 of 2012 on the Juvenile Criminal Justice System, emphasizes restorative justice and diversion as the primary approaches in handling juvenile cases. These mechanisms prioritize rehabilitation, social reintegration, and the best interests of the child rather than punitive measures. The study concludes that effective juvenile crime prevention and control require an integrated approach involving law enforcement agencies, families, educational institutions, and the community. Strengthening the implementation of diversion and restorative justice is essential to ensure legal protection while fostering the moral and social development of children.

**Keywords :** Juvenile offender, criminal offense, juvenile justice system, diversion, restorative justice.

## 1. Introduction

Children represent a fundamental component of a nation's future, carrying strategic significance for sustainable social, economic, and legal development. As individuals who are still undergoing physical, psychological, and moral development, children require special protection to ensure their rights, dignity, and well-being are safeguarded. This protection becomes particularly crucial when children come into conflict with the law, whether as perpetrators, victims, or witnesses of criminal acts. Juvenile involvement in criminal offenses is a complex phenomenon that not only reflects individual behavior but also exposes deeper structural, social, and legal challenges within society.

Globally, juvenile delinquency has emerged as a persistent issue, driven by rapid social change, economic inequality, family disintegration, urbanization, and technological advancement. Various international legal instruments, such as the United Nations Convention on the Rights of the Child (CRC), emphasize that children who commit criminal offenses should be treated in a manner consistent with their age, dignity, and potential for reintegration into society. The CRC underscores the principle that deprivation of liberty must be used only as a measure of last resort and for the shortest appropriate period of time. Consequently, modern juvenile justice systems increasingly prioritize rehabilitative and restorative approaches over retributive punishment.

In the Indonesian context, juvenile criminal offenses present a significant legal and social concern. Indonesia, as a developing country with a large youth population, faces multifaceted challenges related to child welfare, education, economic disparity, and social control. Empirical data and media reports indicate that children are involved in various forms of criminal behavior, ranging from theft, violence, drug-related offenses, to cybercrime. These realities raise serious questions regarding the effectiveness of existing preventive mechanisms and the adequacy of legal responses to juvenile offending.

Historically, the Indonesian criminal justice system tended to apply a punitive approach that closely mirrored adult criminal proceedings. Children who committed criminal acts were often

subjected to formal judicial processes that failed to consider their developmental vulnerabilities. Such approaches frequently resulted in stigmatization, psychological harm, and increased risks of recidivism. Recognizing these shortcomings, Indonesia undertook a significant legal reform by enacting Law Number 11 of 2012 on the Juvenile Criminal Justice System (Sistem Peradilan Pidana Anak/SPPA). This law represents a paradigm shift in the treatment of juvenile offenders by emphasizing restorative justice and diversion mechanisms.

The SPPA Law affirms that children in conflict with the law must be treated differently from adult offenders. It introduces diversion as a mandatory process at every stage of the criminal justice system—investigation, prosecution, and trial—provided that certain legal requirements are met. Diversion aims to resolve juvenile cases outside formal court proceedings through mediation, reconciliation, and community-based solutions. The law also prioritizes the best interests of the child, proportionality, and the avoidance of deprivation of liberty. These principles reflect Indonesia's commitment to international child protection standards and human rights norms.

Despite the progressive nature of the SPPA Law, its implementation in practice remains problematic. Numerous studies and reports reveal inconsistencies in the application of diversion and restorative justice across regions. Law enforcement officers, prosecutors, and judges often encounter institutional constraints, limited resources, and varying levels of understanding regarding juvenile justice principles. In some cases, children are still subjected to detention and formal prosecution even when diversion is legally permissible. This gap between normative legal frameworks and empirical practice highlights the need for a comprehensive legal review of juvenile criminal offenses within the Indonesian juvenile justice system.

Moreover, juvenile criminal behavior cannot be understood solely through a legal lens. It is closely intertwined with socio-economic, familial, educational, and psychological factors. Family dysfunction, poverty, lack of parental supervision, peer influence, school dropout, and exposure to violence significantly increase children's vulnerability to criminal behavior. Psychological immaturity, emotional instability, and limited self-control further exacerbate this vulnerability. In addition, the rapid expansion of digital technology and social media has introduced new forms of juvenile delinquency, such as cyberbullying and online fraud, which pose novel challenges for law enforcement and legal regulation.

The persistence of juvenile crime also reflects deficiencies in preventive and rehabilitative systems. Weak coordination between families, schools, communities, and state institutions often results in inadequate supervision and guidance for children. Preventive programs, such as youth empowerment activities, community engagement, and character education, are unevenly implemented and lack sustainable support. Consequently, many children who have committed criminal offenses face a high risk of reoffending due to insufficient rehabilitation and social reintegration mechanisms.

From a legal perspective, there is an ongoing debate regarding the balance between accountability and protection in juvenile justice. While children must be held responsible for their actions to maintain social order and legal certainty, such responsibility must be exercised in a manner that acknowledges their developmental limitations. Theories of punishment, including retributive, deterrent, and rehabilitative approaches, must be carefully adapted when applied to children. Excessive reliance on punitive measures contradicts the fundamental objectives of juvenile justice and undermines efforts to reform and reintegrate young offenders.

Given these complexities, a normative legal analysis of juvenile criminal offenses is essential to evaluate the coherence, effectiveness, and consistency of Indonesia's juvenile justice framework. This study seeks to examine the legal definition of children and criminal offenses under Indonesian law, analyze the factors influencing juvenile delinquency, and assess the regulatory framework governing the handling of juvenile offenders. By focusing on statutory provisions, legal doctrines, and relevant

scholarly literature, this research aims to identify both the strengths and limitations of the current legal system.

This study is significant for several reasons. First, it contributes to the academic discourse on juvenile justice by providing a comprehensive legal review grounded in Indonesian law. Second, it highlights the importance of restorative justice and diversion as core principles in addressing juvenile crime. Third, it offers insights for policymakers, law enforcement agencies, and legal practitioners to improve the implementation of child-centered justice. Ultimately, this research underscores that an effective juvenile justice system must not only enforce the law but also protect children's rights, promote rehabilitation, and ensure their meaningful reintegration into society.

## **2. Research Methodology**

This study employs normative legal research (doctrinal legal research), focusing on the analysis of legal norms governing juvenile criminal offenses within the Indonesian Juvenile Justice System. Normative legal research is appropriate for this study as it examines law as a normative system consisting of rules, principles, doctrines, and legal concepts that regulate the treatment of children in conflict with the law. The research is primarily library-based and does not involve empirical fieldwork.

### **2.1 Research Approach**

The research adopts a statutory approach, a conceptual approach, and a comparative–doctrinal approach. The statutory approach is used to analyze relevant laws and regulations concerning juvenile justice, particularly Law Number 11 of 2012 on the Juvenile Criminal Justice System, Law Number 35 of 2014 on Child Protection, and provisions of the Indonesian Criminal Code. The conceptual approach is applied to examine legal doctrines, theories of punishment, restorative justice principles, and criminological perspectives related to juvenile delinquency. In addition, a comparative–doctrinal analysis is employed to assess the consistency and coherence between national legal norms and international standards on child protection, such as the Convention on the Rights of the Child.

### **2.2 Sources of Legal Materials**

The study utilizes secondary legal materials, which are classified into three categories. First, primary legal materials, consisting of statutory regulations related to juvenile justice, child protection, and criminal law. Second, secondary legal materials, including legal textbooks, peer-reviewed journal articles, scholarly opinions, court decisions, and research reports discussing juvenile crime, restorative justice, diversion mechanisms, and child protection. Third, tertiary legal materials, such as legal dictionaries, encyclopedias, and internet-based legal resources, which support the interpretation and clarification of legal terms and concepts.

### **2.3 Data Collection Technique**

Legal materials were collected through a systematic literature review, involving the identification, classification, and examination of relevant legal sources. The materials were selected based on their relevance to the research questions and their academic credibility. This process ensures that the analysis is grounded in authoritative and up-to-date legal scholarship.

### **2.4 Data Analysis**

The collected legal materials were analyzed using qualitative and descriptive-analytical methods. Legal interpretation techniques, including grammatical interpretation, systematic interpretation, and teleological interpretation, were applied to examine the substance and objectives of juvenile justice regulations. The analysis focuses on identifying the legal definition of children and

criminal offenses, exploring the factors influencing juvenile criminal behavior, and evaluating the legal framework governing juvenile offenders. The results are presented descriptively to provide a comprehensive legal understanding of juvenile criminal offenses within the Indonesian juvenile justice system.

### 3. Results and Discussion

#### 3.1. Legal Concept of Children and Criminal Offenses under Indonesian Law

The results of this normative legal study demonstrate that Indonesian law provides a clear and progressive definition of children and criminal responsibility within the juvenile justice framework. Article 1 point 3 of Law Number 11 of 2012 on the Juvenile Criminal Justice System (SPPA) defines a child as an individual under the age of eighteen, including those still in the womb. This definition aligns with international legal standards, particularly the Convention on the Rights of the Child (CRC), which Indonesia has ratified. The legal recognition of children as individuals with evolving capacities underscores the need for differentiated legal treatment when they are involved in criminal conduct. Criminal offenses committed by children are legally categorized as acts that violate statutory provisions and are subject to sanctions. However, unlike adult offenders, children who commit criminal offenses are classified as *Children in Conflict with the Law* (Anak yang Berhadapan dengan Hukum/ABH). This classification reflects a fundamental legal distinction: while children remain accountable for their actions, their responsibility is mitigated by developmental, psychological, and social considerations. The juvenile justice system thus prioritizes protection, education, and rehabilitation over retribution.

The findings indicate that Indonesian juvenile criminal law has shifted from a punitive paradigm toward a welfare-oriented approach. This shift is evident in the emphasis on restorative justice and diversion mechanisms, which aim to resolve juvenile cases outside the formal criminal justice process whenever possible. Such an approach recognizes that children's involvement in crime often stems from structural and situational factors rather than inherent criminal intent. Consequently, the legal framework seeks to balance accountability with the best interests of the child.

#### 2.2. Factors Influencing Juvenile Criminal Offenses

The analysis reveals that juvenile criminal behavior in Indonesia is influenced by a complex interaction of internal and external factors. These factors cannot be viewed in isolation, as they collectively shape a child's vulnerability to engaging in unlawful conduct.

##### a. Family Factors

Family conditions emerge as one of the most significant determinants of juvenile delinquency. The study finds that children raised in dysfunctional families—characterized by domestic conflict, lack of parental supervision, authoritarian or permissive parenting styles, and emotional neglect—are more susceptible to criminal behavior. Economic hardship within the family further exacerbates this vulnerability, often forcing children into premature independence or exposure to harmful environments. Family instability undermines the formation of moral values and emotional resilience in children. Without positive role models or adequate guidance, children may seek validation and belonging outside the home, frequently in peer groups that promote deviant behavior. This finding supports criminological theories that emphasize the role of primary socialization in shaping lawful conduct.

##### b. Social and Environmental Factors

The social environment plays a crucial role in influencing juvenile behavior. Children who grow up in neighborhoods with high crime rates, weak social control, and limited community engagement are

more likely to internalize deviant norms. Peer influence is particularly strong during adolescence, a developmental stage marked by identity exploration and susceptibility to external validation. The study highlights that the absence of constructive social activities, such as youth organizations, sports programs, or religious institutions, increases the likelihood of children engaging in criminal acts. Conversely, communities that actively involve children in positive social interactions can function as protective factors against delinquency. These findings reinforce the importance of community-based prevention strategies in addressing juvenile crime.

### ***c. Educational Factors***

Education is identified as a critical protective mechanism against juvenile delinquency. The findings indicate that low educational attainment, school dropout, and inadequate character education contribute significantly to children's involvement in criminal activities. Schools that fail to provide supportive learning environments or effective supervision may inadvertently allow behavioral problems to escalate. Education not only equips children with cognitive skills but also instills social values, discipline, and conflict-resolution abilities. When educational institutions neglect these broader developmental functions, children are more likely to seek alternative pathways for self-expression, some of which may involve unlawful behavior. This underscores the need for integrating legal awareness and moral education into school curricula.

### ***d. Economic Factors***

Economic pressure is another major contributor to juvenile criminal offenses. Poverty, unemployment of parents, and unmet basic needs often push children toward criminal activities such as theft, drug distribution, or other survival-driven offenses. Additionally, exposure to consumerist culture through media can create unrealistic aspirations that conflict with economic realities, further motivating criminal behavior. The findings suggest that economic deprivation should not be viewed merely as an individual failure but as a structural issue requiring comprehensive policy intervention. Addressing juvenile crime thus necessitates broader socio-economic reforms aimed at reducing inequality and improving family welfare.

### ***e. Psychological and Individual Factors***

Psychological vulnerability is a key internal factor influencing juvenile delinquency. Children's emotional immaturity, impulsivity, low self-control, and susceptibility to stress increase their likelihood of engaging in risky or unlawful behavior. Experiences of trauma, abuse, or neglect further compound these vulnerabilities, often manifesting in aggressive or antisocial conduct. From a psychological perspective, children lack the full capacity to assess long-term consequences, making them more prone to short-term decision-making without regard for legal implications. This finding reinforces the legal rationale for treating juvenile offenders differently from adults and prioritizing rehabilitative interventions.

### ***f. Media and Technological Factors***

The rapid expansion of digital media and technology has introduced new dimensions to juvenile delinquency. The study finds that unrestricted access to violent or inappropriate content, excessive gaming, and misuse of social media can normalize aggressive behavior and reduce empathy among children. Furthermore, technological advancements have facilitated new forms of crime, including cyberbullying and cybercrime involving minors. Without adequate parental and institutional supervision, media exposure can significantly influence children's behavior and value systems. This



highlights the need for regulatory frameworks and digital literacy programs to mitigate the negative impacts of technology on children.

### 3.3. Legal Regulation and Protection of Juvenile Offenders

The Indonesian legal framework governing juvenile offenders reflects a strong commitment to child protection and restorative justice. Law Number 11 of 2012 on the Juvenile Criminal Justice System serves as the cornerstone of this framework, mandating the use of diversion and restorative justice at every stage of the criminal process. The findings indicate that diversion is designed to prevent the stigmatization of children and minimize their exposure to formal judicial proceedings. By resolving cases through mediation, counseling, or community-based programs, diversion seeks to restore relationships between the child, the victim, and society. This approach aligns with international best practices and emphasizes accountability without resorting to incarceration. Legal protection for juvenile offenders is further reinforced by provisions prohibiting capital punishment and life imprisonment for children. Detention is strictly regulated and may only be applied as a last resort for the shortest possible duration. Children are entitled to legal assistance, parental accompaniment, and access to education and rehabilitation throughout the legal process.

However, the study also identifies challenges in the practical implementation of these legal protections. Inconsistent application of diversion, limited resources for rehabilitation programs, and varying levels of awareness among law enforcement officials hinder the effectiveness of the juvenile justice system. These challenges suggest a gap between normative legal ideals and empirical realities.

### 3.4. Preventive and Repressive Measures in Juvenile Crime Control

The findings reveal that effective juvenile crime control requires a balanced combination of preventive and repressive measures. Preventive efforts focus on addressing the root causes of delinquency through family support, education, community engagement, and economic empowerment. Programs such as youth organizations, religious activities, and sports initiatives play a vital role in channeling children's energy into positive pursuits. Repressive measures, while necessary in certain cases, should emphasize rehabilitation rather than punishment. Guidance, counseling, and skill-development programs are essential for reintegrating children into society and preventing recidivism. The study underscores that punitive approaches alone are insufficient and may exacerbate criminal behavior by reinforcing stigma and social exclusion.

### 3.5. Implications for Juvenile Justice Reform

The discussion highlights that juvenile criminal offenses are not merely legal issues but multidimensional social problems. The Indonesian juvenile justice system has made significant progress in adopting restorative principles, yet further reforms are needed to ensure consistent implementation and sustainability. Strengthening coordination among law enforcement agencies, social institutions, schools, and families is essential for creating an integrated response to juvenile delinquency. Ultimately, the effectiveness of juvenile justice depends on society's willingness to view children not as criminals but as individuals in need of guidance, protection, and opportunity. By prioritizing restorative justice and addressing underlying social factors, the legal system can fulfill its dual mandate of maintaining public order and safeguarding the future of the nation's children.

## 4. Conclusion

### 4.1 Summary of Findings

This study concludes that juvenile criminal offenses in Indonesia are the result of complex and interrelated legal, social, economic, educational, and psychological factors. Children who come into

conflict with the law cannot be viewed solely as perpetrators of crime but must be understood as individuals in a vulnerable stage of development. Indonesian law, particularly Law Number 11 of 2012 on the Juvenile Criminal Justice System, provides a progressive legal framework by emphasizing restorative justice and diversion as the primary mechanisms for resolving juvenile cases. These approaches reflect a shift from a punitive paradigm toward a child-centered justice system that prioritizes rehabilitation, social reintegration, and the best interests of the child.

#### 4.2 Legal and Practical Implications

From a legal perspective, the juvenile justice framework in Indonesia demonstrates normative alignment with international child protection standards, especially the Convention on the Rights of the Child. However, this study finds that practical implementation remains inconsistent due to institutional limitations, lack of legal awareness among law enforcement officers, and insufficient rehabilitation facilities. Strengthening the capacity of legal institutions, improving inter-agency coordination, and ensuring consistent application of diversion mechanisms are essential to bridging the gap between normative regulation and empirical practice.

#### 4.3 Policy Recommendations

This study recommends a more integrated approach to juvenile crime prevention and control by involving families, educational institutions, communities, and the state. Preventive strategies should focus on strengthening family resilience, improving access to quality education, and expanding community-based youth programs. In addition, policymakers should prioritize capacity-building for law enforcement officials and allocate sufficient resources for rehabilitation and restorative justice programs. Such measures are crucial to ensuring that juvenile justice policies effectively protect children's rights while maintaining legal certainty and public order.

#### 4.4 Limitations and Future Research

This research is limited to a normative legal analysis based on secondary data and statutory interpretation. Future studies are encouraged to incorporate empirical approaches, such as case studies, interviews, or quantitative analysis, to examine the practical effectiveness of diversion and restorative justice in juvenile cases. Comparative research involving other jurisdictions may also provide valuable insights for further reform of the Indonesian juvenile justice system.

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