

## Sentencing Based on the Principle of Justice for Victims of Serious Crimes Committed By Minors

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### Abstract

#### Keywords

juvenile criminal justice system, child offenders, serious crimes, criminal reform, criminal law comparison

This study examines sentencing based on the principle of justice for victims of serious crimes committed by children in the juvenile criminal justice system in Indonesia. Through Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Indonesia places child protection, rehabilitation, and restorative justice as the main orientation, with prison sentences for children being limited to at most half of the criminal threat for adults. However, in cases of serious crimes such as murder, rape, and other violent crimes, these arrangements often create gaps in realizing substantive justice for victims and their families. This study used normative legal methods with legislative, conceptual, and comparative legal approaches, especially by comparing the Indonesian and United States systems that recognize certain case transfer mechanisms so that child offenders can be tried as adults based on certain criteria. The results of the study show that the Indonesian legal system does not have legal flexibility in responding to serious crimes committed by children, thus causing public dissatisfaction and the perception of injustice. Therefore, this study offers a dual-track criminal model that balances child protection with victim rights through a case-by-case assessment. The proposed criteria include the severity of the crime, previous criminal history, mental maturity, and public safety considerations. Reformulation of penal policies against child perpetrators of serious crimes is needed to realize proportionate sanctions without ignoring the principles of child protection and rehabilitation.

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### INTRODUCTION

In the juvenile criminal justice system in Indonesia, there is a principle of child protection which is the main foundation. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law) specifically regulates the handling of criminal cases involving children as perpetrators (Ariani, 2014; Ginting et al., 2024; Kurniawatie, 2025). However, questions arise about the possibility of applying the maximum penalty for child offenders who commit serious crimes, in order to realize justice for victims (Bachmid, 2025; Lubis & Putra, 2021; Witasari & Arif, 2019).

Article 79 paragraph (2) of the SPPA Law states that the penalty of restriction of liberty imposed on children is a maximum of 1/2 (half) of the maximum prison sentence threatened against adults. The main consideration in juvenile punishment is the best *interest of the child* (Agcaoili, 2024; Anwar & Wijaya, 2020).

Nonetheless, in cases of serious crimes such as murder, considerations of justice for the victim are of paramount importance. Some parties argue that under certain conditions, the application of penalties that are more severe than the general provisions can be considered, while still taking into account the principles of child protection. The judge is also obliged to pay attention to the good and evil nature of the child (Nurhalija et al., 2025; wirantami, 2021).

The increase in children's involvement in criminal acts, especially serious crimes such as murder which is often accompanied by other criminal acts such as rape and so on. This

phenomenon raises juridical and sociological issues related to child protection in the criminal justice system, as well as how law enforcement balances the interests of justice for victims and the purpose of criminalizing children of criminal offenders as mandated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA).

A child who commits a crime cannot be subject to adult punishment, but is subject to criminal sanctions or actions in accordance with the SPPA Law, where the criminal threat is at most half of the criminal threat to an adult and must be separated from the adult in the penitentiary, except for his or her interests. In recent years, in some areas, many criminal acts committed by children under 18 years old have been carried out sadis, such as committing murder accompanied by other criminal acts. According to the Indonesian Child Protection Commission (KPAI), juvenile crime continues to increase, with 1,800 cases in 2023, including 33 cases of Children Facing the Law (ABH) (KPAI, 2023). During the 2020–2022 period, there were 2,302 cases, which were dominated by theft (838), drug offenses (341), and persecution (232). Other serious offenses included murder (48 cases) and sexual assault (199).

Among these cases, murders committed by children receive special attention because of their serious impact on victims, perpetrators, and society. Indonesia's juvenile justice system is often considered inadequate in meeting demands for justice for victims, especially in cases involving severe violence. The increasing incidence of serious crimes committed by minors, especially murder, in addition to provoking strong reactions from the public, especially the victims' families and the community around the scene, also raises concerns about the adequacy of the juvenile justice system in Indonesia, which prioritizes the concept of rehabilitation over retribution. So that with these conditions, it seems as if SPPA is used as a protective shield for child perpetrators who act heinous and beyond humanity, especially those who are victims as well as children (Nurhalija et al., 2025).

The escalation of violence involving children has also generated serious concerns regarding victim protection and substantive justice. UNICEF in 2024 reported that more than 370 million girls and women worldwide had experienced rape or sexual assault before reaching the age of 18, while many cases involved juvenile perpetrators and occurred within vulnerable social environments. This phenomenon demonstrates that crimes committed by minors may produce severe physical, psychological, and social consequences for victims and society. Consequently, many countries have begun reevaluating juvenile criminal policies, especially concerning serious crimes such as murder, rape, and violent assault. The increasing global debate regarding the balance between rehabilitation and retributive justice has encouraged legal scholars and policymakers to reconsider whether restorative justice alone is sufficient to address severe juvenile crimes.

In Indonesia, the issue of serious crimes committed by children has attracted substantial public attention over the last decade. The Indonesian juvenile criminal justice system is regulated under Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which emphasizes restorative justice, rehabilitation, and child protection principles. However, the implementation of these principles often generates controversy when applied to serious criminal cases involving minors. According to data from the Indonesian Child Protection Commission (KPAI), juvenile crime cases continued to increase, reaching approximately 1,800 cases in 2023, including cases of murder, sexual violence, aggravated assault, and narcotics offenses. Furthermore, between 2020 and 2022, Indonesia recorded more than 2,300 cases of children in conflict with the law, including 48 murder cases and 199 cases of sexual violence

committed by minors. These statistics indicate that serious juvenile crimes in Indonesia have become increasingly alarming and require more comprehensive legal responses.

The application of restorative justice within the Indonesian juvenile justice framework has been considered progressive in protecting children's rights; nevertheless, it also creates concerns regarding justice for victims. In many cases involving homicide or severe violence, public dissatisfaction arises because child offenders receive significantly lighter sentences compared to adult offenders. The existing legal framework limits imprisonment for children to a maximum of half the sentence imposed on adults, regardless of the severity of the crime committed. This condition often creates a perception that the legal system prioritizes offender rehabilitation while neglecting the suffering experienced by victims and their families. Consequently, debates surrounding proportional punishment, legal flexibility, and victim-oriented justice continue to emerge in Indonesian legal discourse.

Several previous studies from Google Scholar and Scopus databases have examined juvenile justice and restorative justice systems in Indonesia and other countries. Kurniawan (2025) analyzed the implementation of restorative justice in Indonesia and Belgium and found that diversion mechanisms remain ineffective in addressing serious juvenile crimes due to institutional and regulatory limitations. Nathania (2024) compared juvenile punishment systems in Indonesia and the United States and concluded that the United States provides more flexible legal mechanisms through transfer or waiver systems for serious juvenile offenders. Muchtar (2024) further highlighted differences in judicial interpretation regarding juvenile criminal responsibility between Indonesia and Australia, emphasizing the importance of contextual judicial discretion in severe criminal cases. Meanwhile, Aprilianda et al. (2025) discussed the importance of strengthening victims' rights within juvenile justice systems through victim impact statements and restorative approaches.

Although numerous studies have discussed restorative justice and juvenile criminal responsibility, most previous research has primarily focused on child protection, diversion effectiveness, and rehabilitation perspectives. Existing studies rarely examine the imbalance between child offender protection and substantive justice for victims of serious crimes. Furthermore, limited research specifically analyzes the possibility of integrating proportional punishment mechanisms for juvenile offenders based on crime severity, mental maturity, criminal history, and public safety considerations. Previous comparative studies also tend to focus solely on procedural differences between countries without proposing a balanced sentencing model suitable for Indonesia's legal and sociological context. Therefore, there remains a significant research gap concerning the formulation of a proportional and victim-oriented juvenile sentencing model within the Indonesian juvenile criminal justice system.

This research becomes increasingly urgent because serious crimes committed by children continue to generate public distrust toward the justice system. Cases involving brutal murders, rape, and violent crimes committed by minors often provoke strong emotional reactions from society and victims' families who perceive existing punishments as insufficient and unfair. If the legal system fails to provide balanced justice between offender rehabilitation and victim protection, public confidence in the juvenile justice system may decline significantly. In addition, Indonesia currently lacks clear legal flexibility to distinguish between ordinary juvenile delinquency and extraordinary violent crimes committed by minors. Consequently, legal reform is urgently needed to establish sentencing mechanisms that remain consistent with child protection principles while also recognizing victims' rights and community safety.

The novelty of this research lies in the development of a dual-track sentencing perspective that integrates restorative justice principles with proportional punishment approaches for serious juvenile crimes. Unlike previous studies that predominantly emphasize rehabilitation, this study proposes a more balanced legal framework by considering multiple criteria such as the severity of the offense, mental maturity, criminal history, psychological condition, and public safety concerns. The research also introduces comparative legal insights from the United States waiver system and evaluates their relevance within the Indonesian juvenile justice context. Through this approach, the study seeks to contribute a new conceptual model capable of harmonizing child protection with substantive justice for victims.

The purpose of this research is to analyze the limitations of the Indonesian juvenile criminal justice system in handling serious crimes committed by minors and to examine the possibility of reformulating sentencing policies that better accommodate justice for victims. The study also aims to identify comparative legal practices from other jurisdictions, particularly the United States, regarding transfer mechanisms for juvenile offenders charged with serious crimes. Through comparative legal analysis, this research intends to formulate a proportional sentencing model that remains aligned with international child protection standards while strengthening legal responsiveness toward serious juvenile offenses.

This research is expected to contribute theoretically and practically to the development of juvenile criminal law and criminal justice reform in Indonesia. Theoretically, the study enriches legal discourse regarding the relationship between restorative justice, proportional punishment, victim protection, and juvenile criminal responsibility. Practically, the findings may serve as references for legislators, judges, prosecutors, and policymakers in improving juvenile sentencing regulations and establishing more balanced legal mechanisms for serious crimes committed by minors. In addition, this research is expected to provide benefits for society by encouraging a more responsive and equitable juvenile justice system that protects children's rights without neglecting justice, recovery, and legal certainty for victims and the broader community.

## **METHOD**

This study employed a normative legal research design with a comparative law approach to examine sentencing principles for juvenile offenders who commit serious crimes within the Indonesian juvenile criminal justice system. The research focused on analyzing statutory regulations, legal doctrines, court decisions, and comparative legal practices between Indonesia and the United States regarding the transfer of juvenile offenders to adult courts. The population of the study consisted of legal materials related to juvenile criminal law, including primary legal sources such as Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, relevant provisions of the Indonesian Criminal Code, and juvenile justice regulations in several states in the United States. Secondary legal materials included journal articles, books, legal commentaries, and previous studies discussing child protection, restorative justice, criminal responsibility, and comparative juvenile justice systems. The sample of the study was selected purposively based on the relevance of legal materials to the research objectives, particularly legal provisions and cases concerning serious crimes committed by minors.

The sampling technique used in this research was purposive sampling, where legal materials were selected according to their significance and relevance to the issue of proportional sentencing and justice for victims. The research instruments consisted of documentation sheets, legal review matrices, and comparative analysis tables used to classify

statutory provisions, judicial doctrines, and scholarly opinions. To ensure validity, the study applied source triangulation by comparing multiple legal sources, court decisions, and scholarly interpretations from both Indonesian and international legal systems. Reliability was strengthened through consistent interpretation of legal norms and systematic cross-checking of references from accredited journals and official legal documents. Data collection techniques were conducted through library research by gathering legal documents, statutes, court decisions, journal publications, and official reports related to juvenile criminal justice and serious crimes committed by children. The research procedure involved identifying relevant legal issues, collecting and classifying legal materials, conducting comparative legal analysis, interpreting legal norms, and formulating recommendations for criminal law reform.

The collected data were analyzed qualitatively using descriptive and comparative legal analysis techniques. The analysis process involved interpreting statutory provisions, evaluating the implementation of restorative justice principles, and comparing Indonesian juvenile justice regulations with the jurisdictional waiver mechanisms applied in the United States. The study also applied conceptual and doctrinal approaches to assess the balance between child protection and justice for victims in cases of serious crimes committed by minors. Data processing and organization were supported using Microsoft Word and Mendeley Reference Manager to facilitate citation management, document classification, and systematic legal analysis. The findings were then interpreted comprehensively to formulate a proportional sentencing model that integrates rehabilitation principles, victim protection, mental maturity considerations, and public safety concerns within the Indonesian juvenile criminal justice framework.

## **RESULT AND DISCUSSION**

The view of Progressive Legal Theory that prioritizes substantive justice that is oriented to results and goals that are good and have good results, not only on formal procedures or rules, emphasizes the adaptability of law to social change and the participation of society in the process of law formation in order to keep up with dynamic developments. According to this theory, law enforcement officials are expected to dare to break rules or break the law with spiritual intelligence and feelings to achieve better legal goals (Hakim, 2016; Handayani & Alfarado, 2025; Hidayat et al., 2024; Scott, 2025). When associated with substantive justice for victims, especially children in certain crimes, is not obtained because the punishment in the SPPA is more oriented to the perpetrator's child, the authorities also do not dare and find it difficult to make a legal breakthrough because the Indonesian state has ratified the convention on the rights of the child and the principle of the child's rights is strong as the basis for the formation of the SPPA Law and the Child Protection Law, in addition to that the legal system in Indonesia is based on the system Civil law (Hakim, 2016).

In considering the penalty for the child of a serious crime perpetrator, the judge will pay attention to several factors, namely, the severity of the act committed. The child's personal circumstances, including family and social background, circumstances at the time of the act or that occurred later, and also the good and evil nature of the child. In addition, the judge will also consider recommendations from the Correctional Center (Bapas) and community research reports. This consideration aims to provide a comprehensive picture of the child's condition and its potential rehabilitation.

In addition to considering criminals for perpetrators, the juvenile criminal justice system must also pay sufficient attention to the protection and recovery of victims. Victims of crimes, including those committed by children, are entitled to restitution or compensation for

the losses suffered. The government is also obliged to provide psychological and social support services for victims to help them cope with trauma and recover. Integrated Service Centers (PPT) or Safe Houses can be a safe and friendly place for victims of violence, including children. PPT provides assistance from various elements, such as educators, doctors, psychologists, and lawyers, to ensure that victims get the protection and assistance they need. So far, in practice, the SPPA Law is more oriented to the interests of the perpetrator so that the maximum criminal limit is always used as a shield in the imposition of sentences for children.

Comparing criminal prosecution practices in the United States in some specific cases minors can be charged as adults for crimes committed while minors occur when the crime is considered serious enough, such as a serious crime such as murder, or when the individual has a significant prior criminal record and other reasons. In the United States this process, which is often a "transfer to adult court," leads to harsher sentences and long-term consequences, including a permanent criminal record as an adult, loss of civil rights, and significant challenges in employment and education for the person concerned.

There are several regulations in several states in the United States that give Judges and Prosecutors the authority to determine the pattern of punishment imposed on perpetrators of child crimes, namely: (Christiansen & Bakhtiar, 2025; Jesslyn Nathania, 2024)

1. *Judicial Waiver* is basically *Florida Statutes §985.556*, which is titled *Judicial waiver of juvenile court jurisdiction*. This article explains that judges can transfer the case of a child at least 14 years old to an adult court after going through a special assessment hearing. Similar provisions are also set forth in *California Welfare and Institutions Code §707*, which regulates *transfer hearings* for children 16 years of age or older who are charged with serious crimes such as murder, rape, or armed robbery.
2. *The Prosecutorial Waiver* is based on *Florida Statutes §985.557*, which is entitled *Direct filing of an information; discretionary and mandatory criteria*. This article distinguishes between *discretionary direct files*, where the prosecutor considers the age and severity of the crime, and *mandatory direct files* that apply automatically for certain serious cases. Similar provisions can also be found in Georgia Code §15-11-560, which grants *concurrent jurisdiction* between juvenile court and adult court for serious criminal offenses committed by children 13 years of age and older.
3. *The statutory waiver or Automatic Transfer* is the legal basis of *Illinois Compiled Statutes 705 ILCS 405/5-130*, part of the *Illinois Juvenile Court Act of 1987*, which specifies that a youth 15 years of age or older charged with a felony—such as murder, rape, or armed robbery—is automatically processed in adult court. A similar provision is contained in *Texas Family Code §54.02(a)*, which allows a judge to transfer the case of a 14–17-year-old child to adult criminal court if it is proven that the child understands the consequences of his or her actions and that the crime committed falls into the serious category.

For example, if a minor commits murder and robbery in the U.S. state of Texas, the juvenile justice system allows them to be tried as an adult through a "court as an adult" mechanism under Texas Family Code § 54.02. If the judge approves the transfer, the child will be fully processed in the adult criminal justice system, including being charged with a felony such as premeditated murder under Texas Penal Code § 19.01. Thus, they could face severe penalties, including life imprisonment without parole. However, according to the U.S. Supreme Court's decision in *Roper v. Simmons* (2005), a child under the age of 18 cannot be sentenced to death even if tried as an adult.

Looking at this comparison, the proposal that can be given for child offenders in Indonesia to be charged as adults is mandatory to meet the criteria specifically made by policymakers in order to continue to protect children's rights while also prioritizing the rights of the victims themselves. This is important because dealing with children's problems should not solely focus on the fatal consequences of the criminal acts they commit, but also consider the child's age, level of involvement, family background, children's regrets, and the potential for children's social rehabilitation. This approach is in line with the principle of Gusliana Ramadhan, (2014); Ramadhani, (2025) best interest of the child and the principle of *ultimum remedium* in juvenile punishment, where imprisonment is used as a last resort after deep and thorough consideration.

Based on this description, there are several things that can be used as criteria described below, namely:

**The type of criminal act and the severity of the act committed.**

Some criminal acts such as murder, rape, and other criminal acts can be categorized as serious crimes because the consequences of their actions have great consequences for the victim and his family. This can be one of the criteria for transferring lawsuits to child offenders. In addition to the severity and type of criminal acts, it is also necessary to consider the way the child perpetrator commits the crime in a sadistic and inhumane manner, whether by planning in advance, also looking at the number of child perpetrators, and most importantly seeing that the victims are also children will be more likely to trigger the transfer of legal claims given against adults.

**Criminal record/delinquency of previous child offenders.**

Previous records of juvenile delinquency or delinquency provide important information to the judge regarding the child's behavior pattern. This information helps the judge to understand the level of risk of recidivism and the potential harm that the child may pose to society. By taking into account the child's history of behavior, the judge can make more informed decisions about the appropriate type of crime, including the possibility of transfer to adult crime if necessary.

A criminal record is a collection of factual data about an individual's criminal history collected by the instruments of the justice system such as police, prosecutors, judges, and correctional officers. The official document that contains this information in Indonesia is the Police Record Certificate (SKCK), issued by the National Police to state whether or not a person's criminal record exists. In Indonesia, a person's criminal record is only regulated in the Regulation of the Chief of the National Police of the Republic of Indonesia No. 18 of 2014 concerning Procedures for the Issuance of Police Record Certificates and is not specifically regulated, based on these records, it can be traced and used as one of the criteria in determining the punishment for child offenders which can lead to sanctions and adult court proceedings.

Transfer to adult punishment is a serious step and should only be done in certain cases. Judges must carefully consider whether the juvenile justice system is able to provide effective rehabilitation for children. If a child's criminal record shows a pattern of serious and harmful behavior, and previous rehabilitation efforts have been unsuccessful, diversion to adult criminal justice may be the last resort to protect the community.

Judges must ensure that the transfer to adult punishment is in accordance with the principles of restorative justice and provides the best for the child's future. This consideration

should be based on a comprehensive evaluation of the child's condition, his or her behavioral history, and the potential harm that may be posed to the community.

### **Children's maturity is seen from mental age**

In the juvenile criminal justice system, understanding the maturity of a child who commits a criminal act is very important. This maturity is not only measured from chronological age, but also from the mental age of the child. Mental age reflects a child's cognitive, emotional, and social abilities, which affect his or her ability to understand the consequences of their actions and take responsibility for their actions. Therefore, consideration of mental age is crucial in determining how a child is treated in the criminal justice system.

Mental age is a measure of a person's level of cognitive and emotional development compared to the average individual of his or her age. Determination of mental age involves a comprehensive psychological evaluation, including an assessment of intellectual ability, moral understanding, and the capacity to control impulses. This process is usually carried out by a psychologist or child psychiatrist who has expertise in assessing child development. The results of this evaluation provide important information for judges and related parties in the juvenile criminal justice process.

Maturity and intention are not only seen from chronological age but also from mental age, law enforcement officials in this case Prosecutors and Judges can argue on the basis of considerations given by a psychiatrist that the nature of the crime reflects sophistication or depravity/sadism that justifies adult lawsuits; in determining this criterion it is indeed necessary to distinguish between chronological age and mental age. So that the Judge can see that the good and evil nature of the child has arisen at the age of under 18 years old. The judge has the authority to consider psychological reports and recommendations from experts in making a decision that is fair and in accordance with the needs of the child. In addition, the juvenile criminal justice system must ensure that children with mental health issues have access to the right services to help them overcome their problems and prevent future criminal behavior.

Alfred Binet, a French psychologist, founder of experimental psychology as well as the founder of the Societe Libre pour l'Etude Psychologique de l'Enfant introduced the concept of mental age to measure intelligence by comparing the test results of children with the average abilities of children of different ages. For example, if a 15-year-old completes tasks that are commonly performed by an 18-year-old, he is said to have a mental age of 18 years and so on, regardless of their actual (chronological) age. This concept was part of the 1905 Binet-Simon Intelligence Test, which aimed to identify children who needed additional educational support (Damayanti & Rachmawati, 2019; Daulay, 2014; Suarca et al., 2016).

The advantage of this Binet test is that it objectively measures a child's ability to comprehend and reason. The Stanford-Binet test is still one of the most widely used tests to assess a child's intelligence and is very broad. Binet's intelligence test is carried out on an individual basis, the researcher can observe how the child's interests and attentions are. To determine how mental age works, according to Binet, there are several ways, namely: (Daulay, 2014; Prinanda, 2024)

- 1) Standardized Tasks, Binet develops tasks ranging from simple commands to more complex reasoning and memory tests.
- 2) Comparison By Age, A child's score determines the "mental age" of the most difficult tasks they can complete successfully.

- 3) Identifying Differences, A child whose mental age is lower than his chronological age is considered below average for his or her age group, while a child whose mental age is higher than his chronological age is considered above average.

Thus, in this case, law enforcement officials need a report from a registered and sworn Psychologist/Psychiatrist to determine the level of maturity through mental age as one of the important criteria in the transfer of juvenile punishment so that with this view the level of maturity is not only determined through chronological age.

Consideration of mental age is an important element in the juvenile criminal justice system that seeks to strike a balance between accountability and rehabilitation. By understanding children's cognitive and emotional abilities, the justice system can make more informed and effective decisions in handling cases involving children who commit crimes. This not only protects children's rights, but also contributes to the safety and well-being of society as a whole.

#### **Public Safety Concerns.**

The Juvenile Criminal Justice System (SPPA) is basically a court that is intended to provide protection and conformity between the interests of children and public order in a fair manner. Prevention and protection from events that may endanger public safety and security from significant harm, injury, or property damage are among the things that need to be considered in juvenile criminal diversion.

This is often done by the country's government to ensure the protection of citizens, individuals in its territory, organizations, and institutions from threats to their well-being, survival, and prosperity. Moving certain cases of child offenders to the adult court model is sometimes seen as a way to address public concerns about public safety. In some cases, houses belonging to the families of child perpetrators were burned and vandalized by the mob due to criminal sentences that were considered too low and did not accommodate justice for victims who were sadly killed by the perpetrators.

#### **CONCLUSION**

In conclusion, the juvenile criminal justice system in Indonesia does not recognize the concept of procedural law and the imposition of adult sanctions for child offenders, as applied in the United States. Through Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law), Indonesia emphasizes restorative justice and child protection, which leads more to coaching and rehabilitation than criminalization. Although this system is in line with international instruments such as the Convention on the Rights of the Child, it faces normative and sociological dilemmas when dealing with serious crimes such as murder committed by children. In such a situation, the maximum sentencing limit of half of adults and the absence of a specific mechanism based on specific criteria for dealing with children who commit serious crimes creates an imbalance in achieving substantive justice for victims. Comparisons between the Indonesian and U.S. legal systems show significant differences in dealing with serious underage crimes such as murder. While Indonesia applies a restorative and protective approach through the juvenile justice system, the U.S. through mechanisms such as jurisdictional waiver allows for a more flexible and retributive response, with priority for justice for victims. This gap highlights the limitations of Indonesia's current legal system in dealing with the severity of child crimes. As a balanced solution, criminalization in serious crimes based on certain criteria that have been outlined previously is expected to provide protection for children's rights as well as proportional justice for victims. With this system it

shows that the state does not ignore the effects of serious crimes, even those committed by children, while still ensuring rehabilitation for victims and their families, and the criteria send a clear message that perpetrators will face consequences commensurate with the gravity of the crime they committed. This kind of arrangement will allow for case-by-case assessment and adjustment of sentences without disregarding international child protection standards. The implementation of this system will increase the responsiveness and fairness of the Indonesian legal framework in dealing with serious crimes committed by children. A breakthrough to the maximum penalty for children requires an in-depth study and careful changes in legislation. This is to avoid violations of children's rights and ensure that the juvenile criminal justice system remains oriented towards the rehabilitation and social reintegration of children

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