



Legal Protection of Children's Rights in Conflict With The Law From Power Intervention

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Article Process

Submitted:
16-12-2024

Reviewed:
01-01-2025

Accepted:
29-01-2025

Published:
31-01-2025

Abstract

This study aims to examine the legal protection of the rights of children in conflict with the law, particularly in preventing power intervention within the juvenile criminal justice system in Indonesia. The background of this research is based on the prevalence of injustices faced by children due to weak oversight in the implementation of regulations, such as Law Number 11 of 2012 on the Juvenile Criminal Justice System and Law Number 35 of 2014 on Child Protection. The main issue raised is the gap between legal norms and their practical application in the field. The research methodology employs a normative and empirical juridical approach. Data were collected through document studies, in-depth interviews with law enforcement officers, children's families, and legal experts, as well as case study analyses, such as the case of Vina Dewi Arsita in Cirebon. The findings reveal instances of power abuse that harm children and highlight the weak implementation of restorative justice and rehabilitation principles within the juvenile criminal justice system. This study recommends a more effective legal protection model based on restorative justice, involving collaboration between law enforcement, government, families, and communities. It is hoped that this model will enhance transparency, justice, and the protection of children's rights.

Keywords: children in conflict with law, power intervention, human rights

I. Introduction

Legal protection of the rights of children in conflict with the law is a crucial aspect of the criminal justice system in Indonesia. Children in conflict with the law are in a highly vulnerable position, facing discrimination, stigmatization, and human rights violations. Recent conditions indicate that, despite the availability of regulations, their implementation is often inconsistent, particularly in addressing power interventions that unfairly influence judicial processes. Children entangled in the criminal justice system are frequently subjected to inhumane treatment. In contrast, Article 2 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) states that every child in conflict with the law is entitled to treatment that adheres to the

principle of the best interests of the child.¹ Unfortunately, this principle is often neglected in practice, particularly when power interventions influence the decision-making process of law enforcement officers. Furthermore, Article 3 of the Juvenile Criminal Justice System Law (SPPA) emphasizes that juvenile criminal justice processes must be free from interference by any party that could compromise legal objectivity. However, several cases in Indonesia reveal abuses of power, including pressure on law enforcement officers and manipulation of legal processes by parties with political or economic influence.

A prominent example is the murder case of Vina Dewi Arsita in Cirebon, where severe violations occurred, such as the absence of legal assistance, torture during detention, and breaches of legal procedures. Law Number 23 of 2002 on Child Protection, updated as Law Number 35 of 2014, also underscores the importance of maximum protection for children in all situations, including when they are in conflict with the law. Article 21 of this law states that the government and relevant institutions are obligated to provide full protection to ensure that children's rights are not violated. However, weak oversight of the implementation of these regulations creates gaps that allow systemic violations of children's rights to persist.

Philosophically, the values of Pancasila, particularly the second principle, "Just and Civilized Humanity," demand that every child, regardless of social, economic, or political background, be treated fairly and humanely. This value should serve as the foundation for every legal decision involving children.² However, reality shows that children from low-income families are more likely to experience injustice compared to those from influential families, who tend to receive preferential treatment within the legal system. This phenomenon of injustice leads to various negative impacts. Children who do not receive adequate legal protection are more likely to suffer psychological trauma, social stigmatization, and a loss of opportunities for effective rehabilitation. Furthermore, power interventions within juvenile judicial processes undermine public trust in Indonesia's legal system. Such injustices contradict the primary objectives of the Juvenile Criminal Justice System Law (SPPA), which aims to create a fair, restorative, and rehabilitation-oriented juvenile justice system.³

The urgency of this research is increasingly evident, given the numerous cases that demonstrate the failure of the juvenile criminal justice system to protect children's rights. This study aims to identify the root causes of the weak implementation of the Juvenile Criminal Justice System Law (SPPA) and the Child Protection Law. Furthermore, it seeks to formulate a more effective legal protection model that not only prevents power interventions but also ensures that children's rights are fully respected and protected. The findings of this research are expected to make a tangible contribution to improving Indonesia's legal system. By promoting reforms focused on strengthening oversight and regulatory implementation, this study aims to establish a juvenile criminal justice system that is fairer, more transparent, and oriented toward the best interests of the child.⁴ In addition, this research emphasizes the importance of collaboration between families, communities, and the government in supporting the protection of children's rights at all stages of the legal process.

II. Research Problems

Based on the background discussed above, this study aims to address three key issues. First, it examines the legal process for children in conflict with the law. Second, it explores the

¹ Adelia Nindya Kirana and R. Rahaditya, 'Optimalisasi Sistem Pemidanaan Anak Berkeadilan: Analisis Pendekatan Restoratif Dan Diversi Di Indonesia', *Ranah Research: Journal of Multidisciplinary Research and Development*, 7.1 (2024), pp. 111–17, doi:10.38035/rrj.v7i1.1233.

² Arla Aglia, Moch Panji Agung Saputra, and Setyo Luthfi Okta Yohandoko, 'The Role of Pancasila as a Political Ethical System: Understanding Indonesia's Ideological Foundation and Moral Guidance', *International Journal of Humanities, Law, and Politics*, 2.3 (2024), pp. 95–98, doi:10.46336/ijhlp.v2i3.137.

³ Emily Keddell, 'Mechanisms of Inequity: The Impact of Instrumental Biases in the Child Protection System', *Societies*, 12.3 (2022), p. 83, doi:10.3390/soc12030083.

⁴ Siti Khodijah, Ainul Azizah, and Aan Efendi, 'Perlindungan Hukum Terhadap Anak Sebagai Korban Tindak Pidana Persektubuhan', *Eksekusi: Jurnal Ilmu Hukum Dan Administrasi Negara*, 1.4 (2023), pp. 110–20, doi:10.55606/eksekusi.v1i4.680.

impact of various interventions on these children. Lastly, it seeks to identify an effective model for providing legal protection to children involved in legal conflicts.

III. Research Methods

This research employs a normative juridical approach to analyze relevant legislation, such as Law Number 11 of 2012 on the Juvenile Criminal Justice System and Law Number 35 of 2014 on Child Protection, as well as the principles embodied in Pancasila.⁵ The data collected consists of both primary and secondary data. Primary data is obtained through in-depth interviews with law enforcement officers, families of children in conflict with the law, and legal experts with experience in the juvenile criminal justice system. Secondary data includes legal documents, previous research reports, and case studies, such as the murder case of Vina Dewi Arsita in Cirebon.

The data analysis is conducted descriptively and analytically. Primary data from interviews is analyzed to identify patterns and root causes related to power interventions in the juvenile criminal justice system. Secondary data is used to support the analysis and provide a comprehensive overview of the gaps between regulations and their implementation in practice.⁶ The expected outcome of this research is the formulation of a more effective legal protection model that can prevent power interventions and ensure adherence to child protection principles. This model is anticipated to be applicable within Indonesia's juvenile criminal justice system, accompanied by concrete recommendations to strengthen oversight and provide education for law enforcement officers. Through this approach, the research not only contributes to a deeper understanding of the challenges faced by children in the justice system but also serves as a foundation for better legal reforms in the future.

IV. Result And Discussion

1. Legal Process for Children in Conflict with the Law *Legal Problems Experienced by Children*

The legal issues faced by children in the criminal justice system often reflect a misalignment between the legal norms established in legislation and their implementation in practice. Law Number 11 of 2012 on the Juvenile Criminal Justice System (SPPA) outlines various principles to protect children's rights, but its implementation frequently encounters significant challenges.⁷ Several challenges faced by children in conflict with the law can influence the legal process and create opportunities for power intervention, including the following:

First, Lack of Legal Assistance: Article 23 paragraph (2) of Law Number 11 of 2012 on the Juvenile Criminal Justice System (SPPA) emphasizes that every child in conflict with the law has an absolute right to legal assistance from the investigation stage to the court's decision. This provision aims to protect children's rights and ensure that the legal process they undergo is fair and aligned with the principle of the best interests of the child. However, in practice, the implementation of this provision often falls short of what is mandated by Law Number 11 of 2012.⁸ This issue is related to the fact that not all children have easy access to legal assistance. This is especially true for children from low-income families who cannot afford to hire a lawyer. Although the state has provided legal aid through Legal Aid Institutions (LBH) or pro bono advocates, its implementation remains inadequate in many regions. As a result, these children are often forced to undergo legal proceedings without proper assistance. Additionally, law

⁵ Kirana and Rahaditya, 'Optimalisasi Sistem Pemidanaan Anak Berkeadilan: Analisis Pendekatan Restoratif Dan Diversi Di Indonesia'.

⁶ Ayoub F.R. Alqaisi, 'Assessing the Gap between Environmental Legislation and Effective Implementation: A Study and Guidelines for Enhancing the Implementation Performance of Environmental Laws', *Journal of Electrical Systems*, 20.7s (2024), pp. 937-47, <https://dx.doi.org/10.52783/jes.3469>

⁷ Arya Zahroul Mufida and Pujiyono Pujiyono, 'Legal Protection Through Diversion in Child Crimes Based on the Juvenile Justice System Law (SPPA Law)', *International Journal of Social Science Research and Review*, 7.9 (2024), pp. 308-17, doi: <https://dx.doi.org/10.47814/ijssrr.v7i9.2361>

⁸ Widowati Widowati, 'Justice for Children: Exploring Juvenile Criminal Law in Indonesia', *West Science Law and Human Rights*, 2.04 (2024), pp. 367-78, <https://dx.doi.org/10.58812/wslhr.v2i04.1307>

enforcement officers, such as police and prosecutors, frequently neglect children's rights to legal representation.⁹ This situation may be attributed to a lack of understanding of the provisions of the SPPA or pressure to resolve cases quickly without considering the rights of the child. It is also closely linked to the lack of knowledge among children and their families regarding their right to legal assistance. This ignorance prevents them from demanding their rights, leaving children vulnerable to undergoing investigations and trials without proper legal representation. Without legal assistance, children are more susceptible to facing unfair legal processes.¹⁰ They may not understand the charges, procedures, or their rights during the legal process. This lack of understanding increases the risk of children receiving disproportionate punishments or even being criminalized in cases that could have been resolved through restorative justice approaches.

This situation contradicts the objectives of the SPPA, which aims to protect children from inhumane treatment and ensure a fair legal process. To address these issues, concrete measures are needed, such as strengthening access to legal aid through legal aid institutions, enhancing the capacity of law enforcement officials regarding child rights protection, and educating the public to raise awareness of legal rights for children and their families.¹¹ Thus, fulfilling children's rights to legal assistance can ensure a fairer and more humane juvenile criminal justice system.

Second, The Right to Humane Treatment: This right is stipulated in Article 3 of Law Number 11 of 2012 on the Juvenile Criminal Justice System (SPPA), which asserts that every child in conflict with the law has the right to be treated humanely, without discrimination, and free from any form of torture. This provision is designed to protect children's human rights at every stage of the legal process, from investigation, inquiry, and trial to detention.¹² However, in practice, violations of these rights still frequently occur. One common violation is harsh treatment during the investigation or detention process, where law enforcement officers often use intimidation or even physical violence to obtain confessions from children. Such actions not only violate children's rights to be free from torture but also contradict the principles of restorative justice mandated by the SPPA. Additionally, discrimination in treatment remains a serious issue. Children from low-income families or marginalized groups often face harsher treatment compared to children from influential families. This reflects an injustice in the application of the law, which goes against the principle of non-discrimination outlined in the SPPA.¹³ Furthermore, many legal decisions made by law enforcement officers fail to consider the principle of the best interests of the child, as stipulated in Article 2 of the SPPA. The emphasis on punishment, rather than rehabilitation, often disregards the long-term impact on the child's development.¹⁴

Violations of Article 3 of the SPPA have serious consequences for children. Violence or torture experienced by children can lead to profound psychological trauma, such as fear of authority and distrust in the legal system. Additionally, social stigma against children subjected to inhumane treatment can hinder their social reintegration. Children who are not treated humanely also tend to lose the opportunity for proper rehabilitation, which should be the primary focus of the juvenile criminal justice system. To ensure the effective implementation of Article 3 of the SPPA, concrete measures are necessary. Oversight of law enforcement officers

⁹ Tri Laksono Kurniawan And Others, 'Kedudukan Bantuan Hukum Dalam Sistem Peradilan Pidana Di Indonesia', *Ganec Swara*, 18.3 (2024), p. 1776, <https://dx.doi.org/10.35327/gara.v18i3.1056>

¹⁰ Muh Endriyo Susila and Bagaskara Yonar, 'Protecting Children Rights through the Juvenile Criminal Justice System in Indonesia: Issues and Challenges', *JURNAL MERCATORIA*, 17.1 (2024), pp. 76-84, <https://dx.doi.org/10.31289/mercatoria.v17i1.11122>

¹¹ Nur Amalia Zahra, 'Perlindungan Hukum Dan Upaya Pencegahan Pencabulan Anak Di Indonesia', *Konstitusi : Jurnal Hukum, Administrasi Publik, Dan Ilmu Komunikasi*, 2.1 (2024), pp. 12-20, <https://dx.doi.org/10.62383/konstitusi.v2i1.287>

¹² Akhmad Munawar, Sudiyono Sudiyono, and Muhammad Deny Sugiyanto, 'Penyelesaian Tindak Pidana Yang Dilakukan Anak Melalui Diversi Dalam Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak', *Al-Adl : Jurnal Hukum*, 15.2 (2023), p. 447, <https://dx.doi.org/10.31602/al-adl.v15i2.8066>

¹³ Tara Nadya Andiani, FX Hastowo Broto Laksito, and Jose Gama Santos, 'Evidence from Indonesia on the Legal Policy Confronting Discrimination of Minority Groups Based on Race and Ethnicity', *Wacana Hukum*, 29.2 (2023), pp. 146-62, <https://dx.doi.org/10.33061/wh.v29i2.9808>

¹⁴ Nunsuhaini and others, 'Ratio Decidendi to Impose Sanctions in the Best Interests of The Child', *International Journal of Religion*, 5.11 (2024), pp. 3912-18, <https://dx.doi.org/10.61707/6gss5n95>

must be strengthened to ensure that the treatment of children complies with the provisions of the law.¹⁵ In addition, specialized training for law enforcement officers on the importance of restorative justice approaches and humane treatment of children is essential. Public education is also crucial to raise awareness about children's rights and prevent future violations. Through these measures, the juvenile criminal justice system can better support the principle of the best interests of the child, as mandated by the SPPA.

Third, Stigmatization of Children: Article 6 of Law Number 11 of 2012 on the Juvenile Criminal Justice System (SPPA) emphasizes that children in conflict with the law have the right to be protected from negative stigma, both during and after legal proceedings. This protection aims to ensure that children can undergo rehabilitation and social reintegration without obstacles from social pressure or negative judgments from society. However, in reality, social stigma against children involved in criminal offenses remains a significant challenge. This stigma often manifests as negative labeling of children as "criminals" or "troublemakers," which isolates them from their social environment.¹⁶ This stigma not only impacts the psychological condition of the child but also affects their chances of receiving proper rehabilitation. Children who are stigmatized often lose access to rehabilitation services that should help them recover from the consequences of the offenses they have committed or experienced. Furthermore, social stigma makes it difficult for these children to be accepted back into society after undergoing legal processes. This hinders the primary objective of the SPPA, which is to ensure the social reintegration of children so that they can lead productive lives and avoid recidivism.

The problem is exacerbated by sensational media coverage or the disclosure of the child's identity in legal case reporting. The SPPA explicitly prohibits revealing the identity of children to protect their privacy and prevent greater negative impacts. The lack of public education about the importance of a humane approach toward children in conflict with the law further aggravates this stigma. To address this issue, strategic measures are needed, such as public awareness campaigns aimed at reducing stigma against children in conflict with the law. The government and society must be encouraged to understand that these children are individuals undergoing rehabilitation, not individuals who should be punished for life by social stigma. Additionally, the media must act more responsibly when reporting cases involving children, adhering to the principles that protect children's rights as outlined in the SPPA. By adopting this approach, children can be protected from negative stigma, giving them a greater opportunity to access proper rehabilitation and social reintegration.

Fourth, Weak Implementation of Restorative Justice: Article 5 of Law Number 11 of 2012 on the Juvenile Criminal Justice System (SPPA) stipulates that resolving cases involving children must prioritize restorative justice and diversion approaches. This principle aims to ensure that the handling of children's cases does not solely focus on punishment but also provides opportunities for children to rectify their mistakes, restore social relationships, and reintegrate into society productively. The restorative justice approach emphasizes restoring the harm experienced by the victim, holding the child accountable as the offender, and rebuilding relationships between the offender, the victim, and the community. Diversion, on the other hand, refers to efforts to shift the resolution of children's cases from formal judicial processes to alternative mechanisms that are more educational and humane.¹⁷

However, in practice, the implementation of restorative justice and diversion approaches remains far from optimal. Many cases involving children proceed directly to formal judicial processes without considering diversion options. This is often due to a lack of understanding among law enforcement officers regarding the principles of restorative justice as outlined in the SPPA. Additionally, public pressure to impose severe punishment on children involved in

¹⁵ Yusnita Eva, Firdaus, and Witia Oktaviani, 'OPTIMALISASI PERAN PENEGAK HUKUM DALAM PERLINDUNGAN TERHADAP ANAK-ANAK KORBAN KEKERASAN KOTA PADANG', *Mimbar Hukum*, 33.1 (2021), pp. 90-113, <https://dx.doi.org/10.22146/mh.v33i1.1951>

¹⁶ Christiana Venita Deepa. D, Dr. M.S. Joseph Antony Jacob SJ, and Thamarai Manalan S, 'Exploring the Juvenile Justice Act: Legal Framework and Psychosocial Interventions for Children in Conflict with the Law', *South Eastern European Journal of Public Health*, 2024, pp. 861-69, <https://dx.doi.org/10.70135/seejph.vi.2153>

¹⁷ Widowati, 'Justice for Children: Exploring Juvenile Criminal Law in Indonesia'.

criminal cases is another inhibiting factor. Law enforcement officials frequently choose formal judicial processes to meet public expectations, even though such an approach is not always in the best interest of the child. The lack of supporting infrastructure and clear mechanisms for implementing diversion also poses significant challenges. In many areas, facilities for mediation between child offenders and victims are inadequate, making the execution of diversion difficult. Furthermore, the lack of training for law enforcement officers on restorative justice practices often leads to the neglect of this approach. As a result, children who should receive more humane treatment through diversion mechanisms are instead subjected to formal judicial processes, which can have negative impacts on their development. These formal processes often cause trauma, stigmatization, and worsen the child's relationship with the community. This is contrary to the primary goal of restorative justice, which is to restore the child's social relationships with the community and prevent reoffending in the future.¹⁸ To enhance the implementation of Article 5 of the SPPA, strategic measures are needed, such as intensive training for law enforcement officers on restorative justice and diversion, the development of adequate mediation infrastructure, and public awareness campaigns about the importance of a humane approach in handling children's cases. By prioritizing restorative justice and diversion, the juvenile criminal justice system can better support the rehabilitation and social reintegration of children, aligning with the principle of the best interests of the child as stipulated in the SPPA.

Fifth, Lack of Rehabilitation and Protection Post-Legal Process: Article 57 of Law Number 11 of 2012 on the Juvenile Criminal Justice System (SPPA) emphasizes that children who have completed the legal process have the right to receive social rehabilitation. This rehabilitation aims to restore their mental, physical, and social conditions so they can reintegrate into society as productive individuals and avoid reoffending. The rehabilitation process should be a critical step in ensuring that children not only serve their sentences but also receive guidance that supports their future development.¹⁹ However, in practice, the implementation of Article 57 faces various challenges. One of the main obstacles is the lack of adequate rehabilitation facilities and programs in many regions across Indonesia. Juvenile Correctional Institutions (Lembaga Pemasyarakatan Khusus Anak or LPKA), which are intended to serve as rehabilitation centers, are often under-resourced, both in terms of professional staff, such as psychologists and counselors, and skill training programs. As a result, children do not receive the services they need to recover mentally and socially.²⁰

Moreover, the lack of understanding and coordination among relevant institutions, such as local governments, educational institutions, and communities, exacerbates this issue. Social rehabilitation is often not integrated into the community, leaving children who have undergone legal processes feeling alienated and struggling to be accepted back into society. This worsens the stigma they face, ultimately hindering the social reintegration process, which should be the primary goal of the juvenile criminal justice system. Another factor hindering the implementation of Article 57 is the insufficient budget allocation to support quality rehabilitation programs. Many regions lack dedicated funding to provide rehabilitation facilities for children in conflict with the law. As a result, rehabilitation services are often inadequate or, in some cases, entirely unavailable. Failure to provide adequate social rehabilitation has serious consequences for children. They become vulnerable to long-term trauma, loss of self-confidence, and even the risk of reoffending. Without proper guidance, these children lose the opportunity to develop their potential and contribute positively to society. To address these challenges, concrete steps are required, such as strengthening rehabilitation infrastructure across Indonesia, increasing the number of trained professionals specializing in child protection, and expanding skill training programs relevant to children's needs. Additionally, the government must promote collaboration between correctional institutions, local governments, communities, and the private sector to

¹⁸ Egi Kurniawan, 'Restorative Justice and Protection of Children's Rights in the Criminal Legal Process', *Journal of Strafvordering Indonesian*, 1.3 (2024), pp. 1–9, <https://dx.doi.org/10.62872/x4pq2h38>

¹⁹ Ica Karina, 'The Effectiveness of Restorative Justice in Resolving Juvenile Criminal Cases: An Examination of Legal and Social Perspectives', *Jurnal Smart Hukum (JSH)*, 3.1 (2024), pp. 92–98, <https://dx.doi.org/10.55299/jsh.v3i1.1083>

²⁰ Kurniawan, 'Restorative Justice and Protection of Children's Rights in the Criminal Legal Process'.

create holistic and sustainable rehabilitation programs. By ensuring the optimal implementation of Article 57 of the SPPA, children who have undergone legal processes can recover effectively and have the opportunity to build a better future.

Sixth, Lack of Oversight in Regulation Implementation: Article 95 of Law Number 11 of 2012 on the Juvenile Criminal Justice System (SPPA) mandates the government to ensure that the juvenile criminal justice system operates in accordance with the principles outlined in the law, including oversight of its implementation. This oversight aims to ensure that children's rights are protected, legal processes are conducted fairly, and the principle of the best interests of the child remains a priority. However, in practice, government oversight is often ineffective, leaving violations of children's rights unaddressed or inadequately followed up.²¹ The lack of adequate oversight creates opportunities for abuse of power by law enforcement officers, such as discriminatory treatment, torture, or procedural violations that harm children. Law enforcement officials, who should act based on principles of justice, are often not subjected to strict supervision, leading to actions that do not always align with the applicable regulations. Weaknesses in the oversight system also result in a lack of accountability for violations, as incidents of children's rights violations are neither properly investigated nor resolved with adequate sanctions. Additionally, existing oversight mechanisms often lack transparent and efficient reporting systems. Children and their families frequently do not know how to report rights violations or are unsure if their reports will be taken seriously. This situation fosters distrust in the legal system and the government, leaving many cases of children's rights violations undisclosed or unresolved.²²

Another factor exacerbating this situation is the lack of resource allocation to support effective oversight. Monitoring the implementation of the Juvenile Criminal Justice System requires trained teams, clear procedures, and strong inter-agency coordination. However, in many regions, budget constraints and a shortage of experts make it challenging to carry out oversight effectively. Failure to conduct proper oversight has serious consequences for children in conflict with the law. Without adequate monitoring, key child protection principles, such as restorative justice and rehabilitation, are often neglected. As a result, children become more vulnerable to inhumane treatment, discrimination, and social stigma, further worsening their condition within the justice system.²³

The issues within the juvenile criminal justice system can be clearly observed through cases such as the murder of Vina Dewi Arsita in Cirebon and the murder and rape case in Palembang. Both cases highlight serious violations of children's rights and exemplify how power interventions can influence the course of legal proceedings.²⁴ In these cases, the National Commission on Human Rights (*Komnas HAM*) reported multiple violations of children's rights committed by law enforcement officers. The child defendants were subjected to physical torture during the investigation process to extract confessions. This practice not only violates Article 3 of Law Number 11 of 2012 on the Juvenile Criminal Justice System (SPPA), which prohibits all forms of torture, but also contradicts the principle of the best interests of the child.

Moreover, the defendants did not receive legal assistance during the investigation, as mandated by Article 23 paragraph (2) of the SPPA. The arrest procedures also failed to comply with legal provisions, as no official warrants were issued by the authorities. Power interventions in these cases worsened the situation, with certain parties exerting pressure on law enforcement officers to resolve the cases quickly, disregarding the principles of justice and proper legal procedures. This pressure often came from victims' families demanding immediate resolution or from law enforcement seeking to demonstrate the effectiveness of their work. As a result, the

²¹ Susila and Yonar, 'Protecting Children Rights through the Juvenile Criminal Justice System in Indonesia: Issues and Challenges'.

²² Sreeram Sivasadan and others, 'Abuse Reporting System', in *2024 IEEE Recent Advances in Intelligent Computational Systems (RAICS)* (IEEE, 2024), pp. 1–6, <https://dx.doi.org/10.1109/RAICS61201.2024.10689783>

²³ Alycia Sandra Dina Andhini and Ridwan Arifin, 'Analisis Perlindungan Hukum Terhadap Tindak Kekerasan Pada Anak Di Indonesia', *Ajudikasi : Jurnal Ilmu Hukum*, 3.1 (2019), p. 41, <https://dx.doi.org/10.30656/ajudikasi.v3i1.992>

²⁴ Steinly Suwanto Putra and Nynda Fatmawati Octarina, 'Merging Cases For Children In Conflict With The Law', *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, 23.2 (2024), p. 1690, <https://dx.doi.org/10.31941/pj.v23i2.3869>

child defendants not only lost their rights but also suffered severe physical and mental trauma. These cases underscore the weaknesses in oversight of law enforcement officers, which creates opportunities for systemic violations of children's rights.²⁵ The case in Palembang, which involved a child offender, demonstrates how social stigma can hinder the implementation of child protection principles. In this case, society exerted significant pressure on law enforcement to impose the maximum punishment on the child offender. This pressure, exacerbated by sensational media coverage, led to a legal process that lacked objectivity and disregarded the principles of restorative justice mandated by the SPPA.²⁶ The approach taken by law enforcement in this case tended to focus on punishment rather than rehabilitation. The child offender was treated as an adult, including being placed in detention facilities that were not child-friendly. This contradicts Article 57 of the SPPA, which emphasizes the importance of social rehabilitation to restore the mental, physical, and social condition of the child. Additionally, the victim's family often demanded resolution focused on punishment, disregarding the potential for rehabilitating the child offender and the opportunity to repair damaged social relationships.

In both cases, power interventions significantly affected justice for children in conflict with the law. External pressures, whether from the victim's family, society, or the media, caused law enforcement officers to overlook lawful procedures and the principles of justice enshrined in the SPPA. Child defendants not only lost their right to humane treatment but also missed the opportunity for rehabilitation and reintegration into society as better individuals. These power interventions also highlight the weaknesses in oversight of legal implementation. Without effective oversight, law enforcement officials tend to neglect child protection principles, such as restorative justice and rehabilitation.

Therefore, it is crucial to enhance the capacity of law enforcement officers to understand children's rights and the importance of a humane approach in the juvenile criminal justice system. To address the negative impacts of power interventions, the government needs to strengthen oversight mechanisms for SPPA implementation and increase education for law enforcement on the principles of child protection. Furthermore, public awareness campaigns are necessary to reduce social stigma against children in conflict with the law. Through these measures, Indonesia's juvenile criminal justice system can become more just, transparent, and aligned with the principle of the best interests of the child.²⁷

Principles of Child Rights Protection

The principles of protecting children's rights are a vital foundation aimed at ensuring that every child receives their rights fairly and humanely, especially when they are in conflict with the law. Law Number 11 of 2012 on the Juvenile Criminal Justice System (SPPA) establishes various principles to safeguard children at every stage of the legal process. One of the main principles is the *best interests of the child*, as outlined in Article 2 of the SPPA.²⁸ This principle emphasizes that every legal decision must take into account the long-term impact on the child's physical, mental, and social development. Therefore, legal decisions must ensure that children's rights are protected while also addressing their needs as individuals in the process of growth.

In addition, the principle of non-discrimination is an integral part of protecting children's rights.²⁹ All children, regardless of their social, economic, religious, or cultural background, are entitled to equal treatment within the legal process. This principle aims to prevent discrimination against vulnerable children, such as those from low-income families or those with limited access

²⁵ Suwanto Putra and Fatmawati Octarina, 'Merging Cases For Children In Conflict With The Law'.

²⁶ Syaiful Amri, 'Pedophilia and Sexual Violence Against Children: Punishment Services and Protection', *Al-Qanun: Jurnal Kajian Sosial Dan Hukum Islam*, 5.1 (2024), p. 8, <https://dx.doi.org/10.58836/al-qanun.v5i1.21484>

²⁷ Widowati, 'Justice for Children: Exploring Juvenile Criminal Law in Indonesia'.

²⁸ Amrina Rosyada and Fatchul In'am, 'Legal Protection Of Children In Contact With The Law Based On The Principle Of Best Interest For The Child', *Kartini: Journal of Gender and Social Inclusion Studies*, 1.1 (2023), <https://dx.doi.org/10.34001/kajogs.v1i1.4915>

²⁹ Ida Ayu Rosida and others, 'The Principle Of Non-Discrimination As A Form Of Protection For Underage Children Victims Of Narcotics And Psychotropic Crimes', *JHR (Jurnal Hukum Replik)*, 11.1 (2023), p. 39, <https://dx.doi.org/10.31000/jhr.v11i1.7864>

to legal aid. By ensuring non-discrimination, the SPPA establishes that every child has an equal opportunity to obtain justice.

Furthermore, Article 3 of the SPPA explicitly prohibits all forms of torture or inhumane treatment of children during legal proceedings. This protection includes a ban on the use of physical or psychological violence against children by law enforcement officers during investigation, detention, or trial. Such inhumane treatment not only violates children's fundamental rights but can also cause severe psychological harm, such as long-term trauma. Therefore, this principle is designed to ensure that children are treated with dignity and humanity. The right to be heard is another essential principle outlined in the SPPA, specifically in Article 59. Children in conflict with the law have the right to express their views on any decisions affecting them. This principle allows children to actively participate in the legal process and ensures that their needs and circumstances are taken into serious consideration. By granting children the right to be heard, the legal system not only respects their dignity but also strengthens their sense of justice.

Additionally, the SPPA emphasizes the importance of rehabilitation and social reintegration for children who have completed the legal process. Article 57 stipulates that rehabilitation aims to restore the physical, mental, and social well-being of children so that they can reintegrate into society as productive individuals. Rehabilitation encompasses various aspects, such as psychological counseling, skills training, and social support, designed to ensure that children can continue their lives without stigma or discrimination.

The principle of restorative justice is also central to the juvenile criminal justice system in Indonesia. Restorative justice aims to repair the harm experienced by the victim, restore social relationships between the child offender, the victim, and the community, and prevent the child from reoffending.³⁰ Diversion, as part of the implementation of restorative justice, is regulated in Article 5 of the SPPA and must be prioritized in resolving cases involving children. Diversion provides an alternative for children to resolve their cases outside the formal judicial process, focusing on recovery and guidance. However, despite these principles being clearly outlined in the SPPA, their implementation still faces numerous challenges. One major challenge is the social stigma attached to children in conflict with the law. This stigma often makes it difficult for children to be accepted back into society after completing the legal process.

Additionally, the lack of understanding among law enforcement officers regarding child protection principles is another barrier to implementation. Officers often prioritize punishment over rehabilitation, which contradicts the spirit of the SPPA.³¹ Weak oversight of the implementation of the SPPA further exacerbates this situation. Many cases reveal that child protection principles, such as rehabilitation and restorative justice, are not optimally applied due to the lack of strict supervision. Additionally, limited facilities and support programs, such as rehabilitation centers and counseling services, leave many children without the support they need to reintegrate into society. To ensure the more effective implementation of child protection principles, strategic measures are necessary. Education for law enforcement officers and the public about the importance of child protection must be improved. Oversight of the SPPA's implementation needs to be strengthened to ensure these principles are genuinely applied in practice. Furthermore, developing adequate and affordable rehabilitation facilities must become a priority to support the holistic social reintegration of children.³² With this approach, the juvenile criminal justice system can provide better protection for children, aligning with the spirit and objectives of the SPPA.

³⁰ Siprianus Damai Nar, Simplexius Simplexius, and Orpa G. Manuain, 'Tinjauan Yuridis Terhadap Keadilan Restoratif Dalam Pidana Penyelesaian Perkara Di Kepolisian Resort Kota (Polresta) Kupang', *Pemuliaan Keadilan*, 1.4 (2024), pp. 95-108, <https://dx.doi.org/10.62383/pk.v1i4.172>

³¹ Hafizah Zahra Halim and others, 'Application of Restorative Justice in Settlement of Child Crime According to the Law Enforcement Theory and Progressive Law', *International Journal of Social Science and Human Research*, 7.09 (2024), <https://dx.doi.org/10.47191/ijsshr/v7-i09-42>.

³² Tito Wira Eka Suryawijaya, 'Is the Implementation of the Juvenile Justice System Already Appropriate? A Perspective on Fulfilling Children's Rights', *Helios Multidisciplinary*, 1.1 (2024), <https://dx.doi.org/10.70702/bdb/ZZWN9138>.

Impact of Juvenile Crime

Crimes committed by children have broad impacts, not only on the offenders themselves but also on victims, families, communities, and the justice system. Child offenders often face psychological trauma, stigmatization, and difficulties reintegrating into society if they do not receive adequate rehabilitation. A legal process that is not child-friendly can worsen their condition, causing a loss of self-confidence and increasing the risk of recidivism. On the other hand, the victims of juvenile offenses also experience significant impacts, including physical, emotional, and material harm. Trauma and insecurity are often felt by victims, especially if restorative justice is not effectively applied to restore relationships and provide a sense of justice.³³

Additionally, the families of both offenders and victims face emotional pressure, social stigma, and economic burdens as a result of crimes involving children. For the offender's family, they often bear legal expenses and face societal stigma, while the victim's family struggles with the emotional trauma caused by the crime. Society as a whole is also affected by juvenile crime, as it can create a sense of insecurity and reduce trust in the legal system if such cases are not handled properly. Child offenders who do not receive rehabilitation may pose a threat to social stability in the future. Juvenile crime also presents significant challenges to the juvenile criminal justice system, which is required to implement restorative justice principles in accordance with Law Number 11 of 2012 on the Juvenile Criminal Justice System (SPPA). However, without adequate facilities, skilled personnel, and effective oversight, the system often fails to provide optimal protection for both child offenders and victims. To address these impacts, a more humane and rehabilitation-oriented approach is necessary. Through restorative justice, holistic rehabilitation, and strong social support, the negative effects of juvenile crime can be minimized, and the opportunities for child offenders to reintegrate as productive members of society can be significantly increased.³⁴

2. Impact of Intervention on Children in Conflict with the Law

Interventions for children in conflict with the law can have significant impacts, both positive and negative. It is essential to understand these impacts to develop effective policies and practices that protect children's rights. Regarding the positive effects of intervention, appropriate rehabilitation programs can help children change their behavior, learn new skills, and reintegrate into society more successfully. Examples include educational programs, skill training, and psychological counseling. The presence of interventions related to rehabilitation is crucial in ensuring that children's rights are protected throughout the legal process, such as the right to be heard, the right to an attorney, and the right to humane treatment. For instance, having legal advisors experienced in juvenile law and treatment that meets international standards is vital. Furthermore, positive interventions, such as risk management programs that focus solely on prevention, can reduce the likelihood of children reoffending in the future. An example is diversion programs that redirect children from the formal criminal justice system to community rehabilitation programs. However, the overall positive impact of interventions cannot be separated from psychological support, which provides psychological services to help children in conflict with the law cope with the trauma and stress caused by their involvement in the justice system.³⁵

In addition to examining the positive impacts of interventions, this research also includes the concept of power interventions as a form of negative intervention. The effects on children involved in the criminal justice system are indeed vulnerable to stigma and discrimination, impacting their self-esteem and future opportunities. The study highlights systemic failures in

³³ Adnan Mouhiddin and Jack Adams, 'Restorative Justice, Desistance and Trauma-Informed Practice in the Youth Justice System', *Amicus Curiae*, 4.2 (2023), pp. 442–60, <https://dx.doi.org/10.14296/ac.v4i2.5591>

³⁴ Kirana and Rahaditya, 'Optimalisasi Sistem Pemidanaan Anak Berkeadilan: Analisis Pendekatan Restoratif Dan Diversi Di Indonesia'.

³⁵ Hiroshi Mano and others, 'Rehabilitation Approach for Children With Joubert Syndrome and Related Disorders', *Cureus*, 15.5 (2023), pp. 1–10, <https://dx.doi.org/10.7759/cureus.38658>

meeting the needs of these children, with factors such as poverty, abuse, and trauma contributing to their involvement in the system.³⁶ Moreover, children with parents in the criminal justice system face stigma, which affects their development and increases the risk of future criminality. Additionally, children in conflict with the law often experience mental health issues during the juvenile justice process, leading to stigma, discrimination, and negative outcomes. Understanding and addressing these complex multi-systemic factors is crucial for reducing stigma, protecting children's rights, and ensuring their optimal growth and participation in society.³⁷

A study on the impact of power intervention in legal processes involving children can have extremely detrimental effects, both for the children themselves, the justice system, and society as a whole. The most significant issue is the form of injustice within the legal processes that each child in conflict with the law faces. This injustice can be viewed as a disregard for the principles of fair law and the procedures that should be followed, sacrificing justice for certain interests. As mentioned above, the legal processes faced by children in conflict with the law can become a part of long-term trauma and stigma for those children. An unfair judicial process filled with intervention can lead to psychological trauma in children, worsening their mental and emotional conditions. Furthermore, children who experience injustice in legal proceedings may endure lasting social stigma, affecting their future lives.

Given the damage to the system, there arises a deterioration of the reputation of the justice system, leading to a loss of public trust due to power intervention in the juvenile justice process. This can undermine public confidence in the legal system and damage the reputation and credibility of legal institutions. Additionally, ongoing intervention can create opportunities for corruption and abuse of power within the justice system. This poses obstacles to the rehabilitation of children in conflict with the law and their social reintegration, hindering their ability to re-enter society positively. These barriers, stemming from an unjust legal process, can prevent children from obtaining an education and fair job opportunities in the future.

Beyond the pressure on children in conflict with the law, this situation also negatively impacts the mental health of their families, who may experience significant psychological and social stress. Moreover, it can lead to deep disappointment within communities, resulting in a loss of faith in the legal system and government, ultimately disrupting social stability. Children who feel unfairly treated and marginalized by the justice system may be more likely to engage in violent or criminal behavior in the future as an expression of resistance or frustration. Injustice within the legal system can contribute to rising crime rates in society. Considering these impacts, it is crucial to ensure that the juvenile justice process is free from power intervention and conducted fairly, transparently, and in accordance with the principles of protecting children's rights.

3. Model of Legal Protection for Children in Conflict with the Law

The legal protection model for children in conflict with the law must be formulated to ensure that children's rights are protected, the rehabilitation process is effective, and the prevention of reoffending is addressed. Here are several legal protection models that can be applied:

Integrated Juvenile Justice System

The system emphasizes a holistic and coordinated approach among various institutions such as the police, prosecutors, courts, correctional facilities, and rehabilitation and educational institutions. The purpose of the holistic approach in the Integrated Juvenile Criminal Justice

³⁶ Alex Chard and Geoff Debele, '437 Punishing Abuse: Children in the West Midlands Criminal Justice System', *Archives of Disease in Childhood*, 108.2 (2023), p. A273.3-A274, <https://dx.doi.org/10.1136/archdischild-2023-rcpch.433>

³⁷ Anna Leyland, 'Multi-Systemic Risk and Protective Factors for Contact with Criminal Justice Services for Vulnerable Children', *International Journal of Population Data Science*, 8.2 (2023), <https://dx.doi.org/10.23889/ijpds.v8i2.2211>

System is to consider all aspects of a child's life when handling criminal cases involving them.³⁸ This approach does not solely focus on legal aspects; it also encompasses social, psychological, educational, health, and welfare aspects of the child. The goal is to provide comprehensive protection and rehabilitation so that the child can reintegrate into society successfully and avoid reoffending.

Discussing the juvenile justice system, as explained above, how the juvenile justice system works and its relationship with diversion, which is an effort to shift the resolution of juvenile cases from the criminal justice process to outside the criminal justice system.³⁹ This is carried out to avoid stigmatization and minimize the negative impact of legal processes. Therefore, a crucial step in protecting the rights of children in conflict with the law is to prioritize diversion. This diversion is expected to provide significant opportunities for improving behavior and enhancing the skills and education of children in conflict with the law. This has also been specifically regulated under Law Number 11 of 2012 concerning the Juvenile Criminal Justice System in Indonesia. Moreover, in legal proceedings involving children in conflict with the law, every law enforcement officer is specially trained to adopt a child-friendly approach.⁴⁰

Restorative Approach

The Restorative Justice approach for children in conflict with the law is an approach that emphasizes the recovery of losses experienced by victims, the responsibility of children of perpetrators, and the restoration of relationships between perpetrators, victims, and society.⁴¹ This approach focuses more on rehabilitation and reintegration of children into society rather than repressive punishment. This approach is also considered more humane and more appropriate to fulfill the rights of every child in conflict with the law. The main principle of restorative justice is that peace efforts are made to prioritize compensation for parties harmed by children in conflict with the law, this effort requires a mediation process carried out by both parties in the presence of law enforcement officials.⁴² This compensation is certainly a form of responsibility that has been carried out by children in conflict with the law towards victims and taking steps to correct mistakes that have been made.⁴³ The process involves the voluntary participation of all parties involved, including the child offender, victim, family and community. Restorative justice is considered to help juvenile offenders to reintegrate back into society in a positive and constructive way.

The mediation stage of both parties, of course, children in conflict with the law will be accompanied by family and legal counsel, so that there is a facilitation of dialogue between the child perpetrator and victim, with the help of a neutral mediator, to discuss the impact of criminal acts and find a fair solution for both parties.⁴⁴ A meeting involving the juvenile offender, victim, family, and community members to discuss the impact of the crime and design a remedial agreement. In addition, this process will determine concrete steps that must be taken by the child offender to repair the losses experienced by the victim, such as compensation or social work.

³⁸ Prof (Dr) Anup Kumar Das and Md (Hom), 'Holistic Approach on Health and Wellness', *Interantional Journal of Scientific Research in Engineering and Management*, 07.09 (2023), pp. 7-11, <https://dx.doi.org/10.55041/ijrsrem25767>

³⁹ Abdurrahman Alhakim and others, 'Implementasi Diversi Terhadap Anak Yang Berkonflik', *Legal Spirit*, 8.1 (2024), pp. 77-86, <https://dx.doi.org/10.31328/lis.v7i2.5057>

⁴⁰ Achmad Haris Sanjaya, Adrianus Eliasta Meliala, and Ni Made Martini Puteri, 'The Paradox of Child's Diversion Policy in Conflict with the Law in the Indonesian Child Criminal Justice System', *Journal of Social and Political Sciences*, 6.4 (2023), pp. 17-34, <https://dx.doi.org/10.31014/aior.1991.06.04.442>

⁴¹ Yichen Pan, 'Critical Analyse of the Exceptions in Resorting to Restorative Justice When Children Come into Conflict with the Law', *Malaysian Journal of Social Sciences and Humanities (MJSSH)*, 8.8 (2023), p. e002428, <https://dx.doi.org/10.47405/mjssh.v8i8.2428>.

⁴² Erny Herlin Setyorini, Sumiato, and Pinto Utomo, 'Konsep Keadilan Restoratif Bagi Anak Yang Berkonflik Dengan Hukum Dalam Sistem Peradilan Pidana Anak', *DiH: Jurnal Ilmu Hukum*, 16.2 (2020), pp. 149-59.

⁴³ Mahrus Ali and Ari Wibowo, 'Kompensasi Dan Restitusi Yang Berorientasi Pada Korban Tindak Pidana', *Yuridika*, 33.2 (2018), pp. 260-89, <https://dx.doi.org/10.20473/ydk.v33i2.7414>.

⁴⁴ Marzuki, 'STUDY OF ANALYSIS OF CHILD VICTIMS OF CRIME PROTECTIONIN A VICTIMOLOGICAL PERSPECTIVE', *JURNAL RECTUM: Tinjauan Yuridis Penanganan Tindak Pidana*, 5.1 (2023), pp. 872-89, <http://dx.doi.org/10.46930/jurnalrectum.v5i1.2831>

However, apart from the restorative justice process, rehabilitation carried out by children in conflict with the law will still undergo a rehabilitation process by participating in programs designed to help children overcome the problems underlying criminal behavior, such as counseling, education, or skills training. It is important for families and law enforcement officials to monitor the progress of child offenders after the restorative justice process and provide the necessary support to ensure successful social reintegration.

Diversion and Alternative Sentencing Program

Diversion and Alternative Sentencing programs are approaches in the juvenile criminal justice system that aim to reduce the negative impact of the formal justice process and detention, and support the rehabilitation and social reintegration of children. The following is an explanation of these two approaches:

First, Children's Special Development Institution. The Child Special Guidance Institution (TCSGI) is a facility specifically designed to handle children in conflict with the law. TCSGI focuses on the rehabilitation, education, and guidance of these children, with the main objective of helping them overcome the issues underlying their behavior and preparing them for reintegration into society. This institution plays a crucial role in implementing programs tailored for each child in conflict with the law. The goal of TCSGI is to assist children in addressing psychological, emotional, and social problems that may contribute to their criminal behavior. TCSGI also provides access to both formal and non-formal education to ensure that children do not fall behind in their academic development, as well as life skills and vocational training to help them acquire useful skills for their future. This preparation aims to support children's return to society through programs that promote social reintegration and reduce the risk of reoffending. With comprehensive programs and services, the Child Special Guidance Institution plays an important role in supporting the rehabilitation, education, and reintegration of children in conflict with the law, helping them become productive and responsible members of society.

Second, Engaging Families and Communities. This model emphasizes the important role of family and community in the process of rehabilitation and reintegration of children. The family is at the forefront of the entire process in the stage of completing the legal process for children in conflict with the law. This is why the family is obliged to provide full support and even participate in the legal process that the child goes through until the child in conflict with the law can return to society without worry or mental disorders.⁴⁵ So a program that provides education and counseling to families and communities about their role in supporting children can be the main solution in answering the whole so that there is no intervention that has an adverse impact on the legal process carried out by children, so that the stages of the legal process that have been conveyed in this study are not implemented properly by parents who have the power with the alibi of saving the child's future but making losses and creating injustice values for victims.⁴⁶

The legal protection model for children in conflict with the law should include various aspects ranging from rehabilitation, education, protection of rights, to support from family and community. A holistic and coordinated approach between various parties will ensure that children get the protection they need and have the opportunity to develop into better individuals in the future.

V. Conclusion

Based on the findings of the study, legal protection for children in conflict with the law still faces significant challenges, particularly in the implementation of Law Number 11 of 2012 on the

⁴⁵ Kavita V Jangam and others, 'Family Support and Well-being Programme (FSWP): A Specialized Family Strengthening Psychosocial Services for Parents of Children in Conflict with Law', *Wolters Kluwer - Medknow*, 11.11 (2022), pp. 7196-7203, https://dx.doi.org/10.4103/jfmpc.jfmpc_957_22.

⁴⁶ Etlon Peppo, 'A Comprehensive Review of the Diversion of Children in Conflict with Law from Judicial Proceedings in Albania: Assessing Alternatives to Traditional Justice', *European Journal of Economics, Law and Social Sciences*, 7.3 (2023), pp. 1-12, <https://doi.org/10.2478/ejels-2023-0011>

Juvenile Justice System (SPPA). The gap between regulations and practice includes inadequate legal assistance, limited application of restorative justice principles, weak oversight of law enforcement, and insufficient rehabilitation facilities. Moreover, the interference of power within the juvenile justice system has negative impacts, such as creating injustice, worsening children's psychological conditions, increasing social stigma, and hindering their reintegration into society.

The study highlights the need for strategic measures to enhance SPPA implementation. The government must strengthen monitoring mechanisms, provide intensive training for law enforcement officers, and ensure the availability of adequate rehabilitation facilities. Additionally, community involvement is essential to reduce social stigma and support the reintegration of children. By adopting a more comprehensive approach, the juvenile justice system can operate more fairly, transparently, and in alignment with the principle of the best interests of the child.

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