International Journal of Educational Review, Law, and Social Sciences (IJERLAS)
ISSN: 2808-487X
Edition: Vol. 6 No.6 (2026)
https://radjapublika.com/index.php/IJERLAS/index

Legal Protection For Children In Conflict With The Law (Abh) From The Perspective Of Child Criminology

Fransiska Novita Eleanora[1] Adhalia Septia Saputri[2]
Indah Pangestu Amritasari[3] Jantarda Mauli Hutagalung[4]
[1,2,3,4]Faculty of Law Bhayangkara Jakarta Raya University Indonesia
email : fransiska.novita@dsn.ubharajaya.ac.id[1*] adhalia.septia.saputri@dsn.ubharajaya.ac.id[2]
indah.pangestu@dsn.ubharajaya.ac.id[3] jm.hutagalung@dsn.ubharajaya.ac.id[4]
*Corresponding Author : fransiska.novita@dsn.ubharajaya.ac.id

Keywords:
children, conflict, law, criminology, protection

Article Info:
Received:
06/05/2026
Revised:
11/05/2026
Accepted:
20/06/2026
Published:
29/07/2026

ABSTRACT

Legal protection is the authority of the government or law enforcement agencies in striving and providing a sense of security in guaranteeing legal certainty and protecting the rights of citizens from being violated, which aims to ensure that individuals can also enjoy rights in accordance with the dignity and dignity of humanity itself. While Children as Perpetrators of Criminal Acts (Juvenile Delinquency), criminology views that juvenile delinquency is often the result of the failure of the support system (family, environment, and school) or trauma. However, no matter how far the crime committed by children in conflict with the law (ABH) should not be put in prison considering that children are the next generation of the nation whose handling and placement are different and not the same as adults. Therefore, the law should not treat them like criminals or adults in order to get their rights and treat children by getting special legal protection by placing children to get restorative justice and diversion without restrictions and educational sanctions that are obtained and the implementation is supervised by law enforcement or social institutions appointed by the judge. The method implemented in this research is a normative juridical research method that refers to literature or books even from laws and regulations or analyzes from theories and principles even opinions from experts related to the research to be studied. The result is that children in conflict with the law have the right to receive legal protection in child criminology because children are still minors still need to pay attention to age limits, placement and handling of children as well as the conditions and circumstances of children without any restrictions for children who are recidivists or children who repeat criminal acts because it is based on the principle of child protection, namely the best interests of children, especially children in conflict with the law who are always considered for their rights for their future.

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International (CC BY-SA 4.0)

How to cite:
DOI: https://doi.org/10.54443/ijerlas.v6i4.6047

Introduction

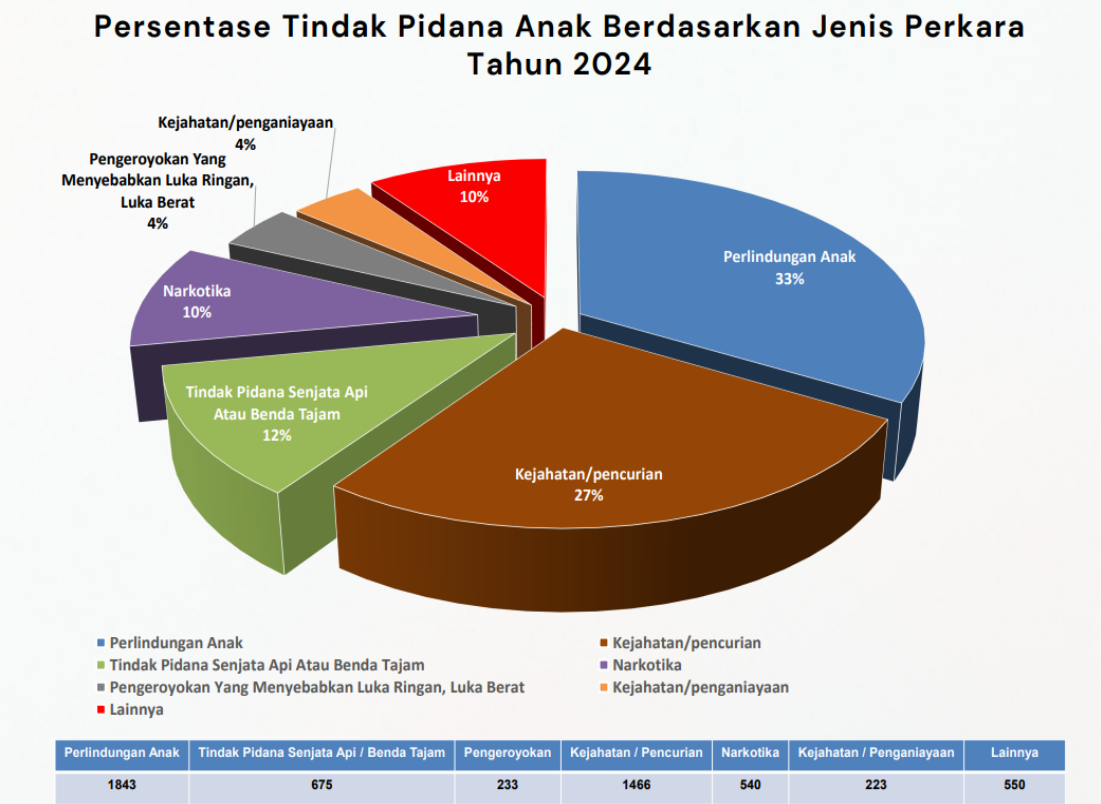
The guarantee of the rights of every human being is written in the rules where the existing rules indicate that the state protects the rights of its citizens so that they can feel comfort and security and safety, both individually and in groups or even in their residence and also living in society so that everyone can feel a prosperous life both essentially and comprehensively. For every person who has committed a crime, there needs to be further proof as mandated by law as stated in the principle of presumption of innocence where a person who has been proven to have committed a crime is considered innocent until there is a decision from a court that has permanent legal force, where the implementation requires an investigation and inquiry. carried out by the police by collecting evidence and tools of evidence, so that it can be determined that someone has been proven to have committed a crime (Cahyani, 2025) so that what is meant by material

truth can be fulfilled The obligation to provide legal aid to citizens is not only intended for adult perpetrators but is also specifically for children who are proven to have committed a crime or are referred to as children in conflict with the law (ABH) where children, even though they have been proven to be perpetrators with evidence and complaints or reports from victims or the community and the fulfillment of the elements of the crime itself, children should not be punished or subject to criminal sanctions so that whatever the child does or does, the maximum penalty imposed or handed down for children is a maximum of 10 (ten) years in prison, and children cannot be sentenced to life imprisonment, let alone the death penalty

The perception of children aged between 8 to 18 years old so that with this age limit, the child's mindset cannot be the same as adults regarding the impact or effect that occurs in other words looking for solutions or middle ground from the problems they face without any assistance or guidance from their parents or closest family. (Hayatuddin et al, 2024). And this is what often results in children often becoming perpetrators of criminal acts due to the lack of supervision, guidance and education so that they often do actions that only satisfy their desires and emotions, even the satisfaction they experience if they can do everything without considering the effects that will occur in the future without control from their parents or teachers at school

But on the other hand, the child is actually a victim who has gone astray due to the lack of attention and affection from the closest people or family, so it is very likely to do things that are against the law because the child is not prohibited, and is not supervised so that when caught red-handed or shouted at by the crowd, the child is considered a perpetrator and must be given the heaviest punishment because it is considered disturbing the community if the child is allowed to roam around, even in reality, punishment for children is considered normal and is the same as adults considering the crimes and actions of children that are considered to violate the limits of humanity and beyond the limits so that for some people it is natural if the child is placed in a prison cell to provide appropriate sanctions and a very deep deterrent effect in the hope that he will not repeat his actions (Hidayat, 2010)

Such understanding is certainly very lacking because if all children who commit crimes or are in conflict with the law have to be imprisoned, it will certainly result in children not being able to get their rights to life as usual and the title of child prisoner will certainly always be held in detention for a certain period of time, and it also cannot be guaranteed that during the serving of their sentence there will be changes or repentance experienced by the child or on the contrary the child will become a recidivist and repeat the crimes they committed because in prison there are meetings between child perpetrators or between seniors and juniors, and instead of having a deterrent effect but instead strengthening the group in committing crimes Based on data from the Supreme Court of the Republic of Indonesia, children as perpetrators of criminal acts or Children in Conflict with the Law (ABH), the percentage of child criminal acts is as described below: (https://badilum.mahkamahagung.go.id/attachments/article/4857/Infografis%20Anak%20Berhadapan%20Dengan%20Hukum.pdf accessed May 31, 2026 at 14.00 WIB)



Perlindungan Anak	Tindak Pidana Senjata Api / Benda Tajam	Pengeroyokan	Kejahatan / Pencurian	Narkotika	Kejahatan / Penganiayaan	Lainnya
1843	675	233	1466	540	223	550

Sumber : Mahkamah Agung Republik Indonesia (Direktorat Jenderal Badan Peradilan Umum)

The implementation of children's trials is also different from adults where children who are proven guilty then the children's trial is closed and not open to the public and those who are allowed to see or witness are the child's closest family and do not wear the judge's gown but for men wear batik and women wear blazers, this is done so that children do not feel afraid and traumatized because it will affect their mental and psychological state and most importantly do not dare to tell or reveal the case or event (Rahmayanti. 2023) that they experienced so that there needs to be an approach that is carried out persuasively and gently so as not to cause excessive anxiety for children in responding to the problems they face If based on the results of the judge's decision and considerations, the child must be placed in prison or in a Special Child Development Institution (LPKA) because he/she does not receive diversion in accordance with Article 7 of Law Number 11 of 2012 concerning the Child Justice System Law (SPPA), then the placement still prioritizes the main and first for the child, at least his/her rights must always be protected based on the provisions of Child Protection Law Number 35 of 2014 and also the Convention on the Rights of the Child (CRC)

The aspect of criminology explains that children as perpetrators of criminal acts and are considered to have violated legal norms and are contrary to the rules, then those who violate will be subject to criminal sanctions without exception, but because children are the perpetrators who commit criminal acts, the legal protection provided is by getting light punishment and freeing children from stigma or bad labels that can plunge children into situations that do not provide comfort and security for children. The juvenile criminal justice system in Indonesia is considered not to have a bias towards children in conflict with the law where the current criminal law products can be assessed as being rooted in the existence of a society that has a social structure where in this case the product of the criminal law regarding children can only regulate victims of existing criminal crimes.

Meanwhile, child criminals have barely received fair legal treatment, and the average child caught in a criminal case is thrown into prison. Worse still, many prisons mix adult inmates with child inmates. Children's rights are often not protected at every level of examination, starting from the investigation process to the trial process because there is no common ground and perception from law enforcement itself. Legal protection for children who commit crimes or are in conflict with the law at this time cannot

be implemented optimally, due to the lack of professionalism of both law enforcement officers in handling children in conflict with the law and from their own policies (Atmasasmita, 2007) At least in the SPPA Law, there are changes for children in conflict with the law, including in the implementation of diversion, if indeed the child is a perpetrator of a crime or in conflict with the law, including in the handling provided by law enforcement and whether if the child does not receive diversion, he must undergo it in a special child development institution because it is considered as recidivism and if this has happened then this is included in the violation of the principles of child protection regardless of whether the child is a child who has committed a repeat crime or not because by placing the child in prison, it will result in the child becoming inferior and embarrassed and not ready for the situation he is facing.

Based on the introduction above, the research questions to be examined are as follows:

1. How does legal protection for children in conflict with the law apply from a child criminology perspective?
2. What are the obstacles faced in providing legal protection for children in conflict with the law from a child criminology perspective?

Results and Discussion

a. Children in Conflict with the Law (ABH)

From a legal aspect, the definition or understanding of positive law means that a child is defined as someone who is not yet an adult or a minor, who is still under the supervision of parents or guardians and is also not competent to carry out any legal acts. Regulations regarding the definition of a child are very important, where this is closely related to when and someone is said to have become an adult, and if it has been declared an adult, it means that the person is legally competent to be able to carry out an act in a legal action. In reality, until now in Indonesia there has been no uniformity regarding the definition of a child or the limits of the understanding of a child itself in various statutory regulations, this can especially be seen from the existence of age limits that can be categorized as a child or someone who in this case is still a minor (Marhayani et al, 2024)

There are various kinds of laws and regulations in Indonesia that control children, such as one of them is the definition of a child according to the provisions of Article 1 point 1 of Law Number 35 of 2014 concerning child protection which regulates that "A child is a person who is not yet 18 (eighteen) years old, including a child who is still in the womb." Likewise, in the Civil Code Article 330 paragraph (1) "A person cannot be said to be an adult if the person is not yet 21 years old, unless the person has married before reaching the age of 21 years." Meanwhile, according to the provisions of Article 1 paragraph (3) of Law Number 11 of 2012 concerning the juvenile criminal justice system, it also states that children who are in conflict with the law are "children who are in conflict with the law, hereinafter referred to as children, are children who are 12 (twelve) years old, but not yet 18 (eighteen) years old who are suspected of committing a crime."

Children are not to be punished but must be guided and nurtured, so that they can grow like normal, healthy and fully intelligent children. Deviant behavior in a child has an impact on the social welfare of the child himself, which is at least due to several reasons, such as:

(1) lack of parental attention, as if they are indifferent and neglect their children and there are no prohibitions imposed if what the child does is right or wrong, and there is no supervision at all whether in doing schoolwork at home, watching television, reading newspapers or even when using social media. There really needs to be guidance from parents, attention and love that must be given to children and not always busy with work or other unimportant things but always prioritizing the happiness of the child because if the parents are attentive, the child will feel comfortable when the child tells his story or problems or even pours out his heart to his parents at home which provides coolness with his loved ones.

(2) lack of attention from the surrounding environment, where neighbors and even the community itself often do not care about the condition and circumstances of the child itself, and this can trigger children to commit deviant acts to criminal acts that indicate that the actions carried out are violations. (Latumahina & Sakalessy, 2024). Children make naughty acts a form of outlet or a way to seek attention, even recognition from those around them. Without supervision, they are very vulnerable to imitating negatively motivated behavior or also falling into the wrong social circle.

(3) lack of attention from the government, in this case if the child is often in a dilemma that if the child has not become a criminal and often gets less attention from parents and society or wanders on the streets at least there are government efforts through social institutions such as the Indonesian Child Protection Commission (KPAI), the National Commission on Children (KOMNAS ANAK) even coordinate with the Social Service to provide temporary housing for children which aims to accommodate children before they are reunited with their families, sometimes if the child is left hanging then they can be friends with other people or be influenced but not a good influence in other words the existence of a second home but does not lead the child in a positive direction but instead makes the child worse in carrying out his actions such as trying marijuana or narcotics or others which bring bad tendencies for children. However, for children who are clearly perpetrators and must be placed in a Special Child Development Institution (LPKA) or a juvenile prison, the child judge must consider whether they must remain in prison or be given mandatory reporting or other alternatives with lighter sanctions, regardless of whether the child is a repeat offender or not.

(4) The effect of audio-visual influences that stimulate children to experiment, where the influence of audio-visual media such as films and television, social media and internet videos as well as digital games, and streaming platforms can be one of the factors that can encourage children in conflict with the law to imitate or try the behavior they see. (Wardani & Apriyani, 2025) However, this influence usually cannot work alone, but also interacts with factors that can cause such as family, social environment, and education, and also children with psychological conditions, there are several influences of audio-visuals for children in conflict with the law, for example imitating negative behavior (imitation), also decreasing sensitivity to violent acts, the existence of curiosity in increasing curiosity in trying, the existence of norms and behavior that experience changes, aggressive and impulsive behavior is increasing as well as normalization and behavior in breaking the law

(5) The consequences of a lack of supervision, due to the ease of being influenced by a negative environment, free access to negative content and if there is no supervision, children can easily access negative content, even pornographic content, which tends to damage behavioral patterns and harm children, a lack of understanding of boundaries and consequences, as well as increased risky behavior and high emotional and behavioral problems in controlling and managing unstable emotions due to aggressive actions due to insufficient or even non-existent supervision.

The Legal Status of Children in Conflict with the Law (ABH) in the Indonesian legal system, where in handling ABH is carried out based on the principles of children's rights and their protection, the best interests of the child, avoidance of stigmatization of children, a restorative justice approach and prioritizing diversion, which is the resolution of cases outside the formal judicial process if they have fulfilled the requirements stipulated in the law and fulfill the elements of a child whose status is not yet 18 (eighteen) years old and has reached 12 (twelve) years old, because children under that age cannot be processed as perpetrators of criminal acts as regulated in the juvenile criminal justice system and are suspected of committing criminal acts, both crimes and violations that have been regulated in Indonesian criminal legislation.

b. Legal Protection for Children in Conflict with the Law (ABH) from the Perspective of Child Criminology

The state in providing protection for everyone without exception is a way of providing happiness without exception including in the theoretical aspect of utilitarian or relative goals as conveyed by Jeremy Bentham that true happiness is entitled to be owned by everyone including children so that if someone has been proven to have committed a violation or crime in a criminal act then it is necessary to have assistance as stated in the Criminal Procedure Code (KUHAP) and also in the Human Rights Law Number 39 of 1999, and also from the Child Criminal Justice System Law (SPPA) Number 11 of 20212 which provides assistance in the investigation stage until the court decision stage or while in the Detention Center to the Correctional Institution and for children up to the LPKA is legal protection which is a guarantee of human rights and protection provided in the struggle for children's rights considering that children are the next generation of the nation who must always be given protection, and the protection provided is child protection in the context of child protection in the legal context. Legal protection for children in conflict with the law (ABH), from a child criminology perspective, is also based on the understanding that children are indeed different from adults, both developmentally and psychologically, socially, and morally. Therefore,

the management of children who may commit crimes should not only focus on punishment but also on guidance, social reintegration, and rehabilitation (Patrycia et al., 2024)

The opinion of an expert named Philipus M. Hadjon explains that legal protection is a protection of human dignity and the recognition of human rights as legal subjects based on legal provisions from arbitrary treatment or actions, so he also distinguishes legal protection into preventive and repressive ones, called both through preventive mechanisms before an incident occurs where the community understands their rights and their protection and fosters legal awareness from an early age to avoid problems or not fall into the trap of being a perpetrator or victim. On the other hand, repressive dispute resolution, if it has occurred, ensures that the victim's rights must be realized in the sense that compensation given to the victim must be based on the principle of justice and punishment for the perpetrator must also be commensurate with his actions where law enforcement officers do not discriminate or are biased in deciding on punishment for the perpetrator in order to realize justice, as well as legal certainty and also the benefits of the law itself (Wahyudi & Kushartono, 2020).

Legal protection for children in conflict with the law or committing a crime is all efforts made to guarantee and protect the rights of children who are facing the legal process, whether as perpetrators, victims, or witnesses of a crime, so that they can receive treatment that is in accordance with human dignity, as well as the best interests of the child, and can avoid actions that are considered detrimental to the physical, mental, social and psychological development of the child. The form of legal protection provided is the right to receive legal assistance where the child has the right to receive legal assistance from an advocate, diversion, parents or guardians have the right to provide assistance, officers from the correctional center (Bapas) and professional social workers also participate in providing assistance to children, prohibition of stigmatization and this right is also given from the investigation stage to the trial stage. (Hutasoit et al, 2026)

Meanwhile, for children who have been proven to have committed a crime, the main focus of law enforcement is that they are not allowed to do anything that can demean the child's dignity, such as physical or psychological violence, which must also be avoided, and not to give any form or statement or treatment that leads to the stigma of being a "criminal" which will certainly have an impact on the child's mental and psychological well-being, and most importantly, the confidentiality of the child's identity must be maintained, not exposed or not made public that the child has also been a perpetrator of a crime because of his crime and indeed must also be held in a children's prison for a certain period of time.

The state provides legal protection to children who are in conflict with the law for reasons which can also be formulated in legal language, namely:

1. Protection of children's human rights is guaranteed. The state is also obligated to provide protection for children and their rights, which are part of the human rights guaranteed by the constitution and laws and regulations. A child's status as a criminal offender does not deprive them of their basic rights to legal protection, education, health care, and development.
2. The best interests of the child is a principle that must be realized. Every legal action, which may involve a child, must be based on the principle of the child's best interests. Therefore, the judicial process is not solely aimed at imposing a penalty, but must also consider the child's physical, mental, and social development.
3. Ensuring optimal child growth and development Legal protection is also provided to prevent the negative impacts of the criminal justice process on children and their development. The state also has an interest in ensuring that children continue to have the opportunity to improve themselves and continue their lives as productive members of society.
4. Stigmatization and discrimination can be prevented. Children in conflict with the law are highly vulnerable due to social labeling, which can also hinder the process of social reintegration (Dewi & Syukur, 2011). Therefore, the law can regulate the protection of children's identities and restrictions on publicity that could harm their future.
5. A rehabilitative and restorative approach is prioritized. The criminal justice system for children is oriented toward recovery, fostering, and social reintegration, rather than simply seeking retribution. Therefore, it can be understood that law and protection are intended to foster responsibility in children, while simultaneously restoring the relationship between the perpetrator, the victim, and the community.

Therefore, from a child criminology perspective, legal protection aims to:

1. Prevent children from experiencing trauma as a result of the judicial process

2. Reduce the likelihood of recidivism (repetition of criminal acts)
3. Improve children and their behavior through guidance
4. Maintain the child's development and future
5. Restore the child's social function within family and community relationships

c. Implementation of children in conflict with the law in obtaining legal protection from a child criminology perspective

Various regulations regulate the protection of children, of course children who are in conflict with the law in their capacity, where children certainly do not have to be considered as perpetrators who must be sentenced for their crimes and also at least the judge gives consideration to not criminalize children as perpetrators or there is discretion to continue or not to continue the child's case to trial which of course focuses more on the results if the child is resolved through trial or not, which all returns to the authority of the judge. The Child Criminal Justice System Law provides regulations that children who have committed crimes are given a solution through diversion.

The judge's consideration if the child (Sihombing et al. 2026) is released will give rise to the assumption that the law is depressed and does not have clear authority in providing protection for children and why should they obey and comply with the law? so that by bringing up and giving sanctions to the perpetrators will provide clarity that the law is present in the midst of society providing a sense of comfort as well as justice and legal certainty for everyone where the law requires everyone to obey it without coercion and must have a high awareness in obeying it without exception for everyone without coercion from others.

The articles contained in the Child Protection Act (UU SPPA) emphasize that child detention may only be carried out if absolutely necessary and for the shortest possible time. The goal is to prevent negative impacts on a child's psychological development. From a legal perspective, the state also provides legal protection for children who may come into conflict with the law because children are legal subjects with human rights that must be guaranteed, protected, and fulfilled by the state, even if the child may be suspected or accused of committing a crime.

This protection is based on the principle that children do not yet have the same level of physical, mental, and social maturity as adults and therefore require special treatment in the criminal justice system. Legally, the basis for legal protection for children in conflict with the law in Indonesia is contained, among other things, in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which emphasizes that the resolution of juvenile cases must prioritize the best interests of the child, respect the child's dignity, and employ a restorative justice approach.

Implementation in child protection can be reviewed from the criminology aspect through the role of legal protection in implementing legal protection for its handling which can prevent acts of discrimination (Soetedjo & Melani, 2017). which is worried that it can endanger the safety of children and focus on the growth and development of children which should be a serious concern for the development of children to get genuine and comprehensive protection without paying attention to and paying attention to the rights of children in particular, so it is necessary to pay attention to the performance of law enforcement officers which include:

1. **Police**
   a. Diversion is attempted during the investigation phase, where diversion refers to the transition from formal to informal processes, which is considered beneficial for the child and is crucial for their well-being.
   b. A child-friendly approach is employed in every approach, with the goal of creating a friendly and collaborative environment for the child's well-being in the future.
2. **Prosecutor's Office**
   a. If unsuccessful at the police level, the process will be continued at the prosecutor's office, with efforts to ensure successful diversion to improve the protection of children in conflict with the law, preventing them from going to court, in the best interests of the child (Zebua & Niru, 2024).
   b. The child's psychological condition must also be considered, meaning their readiness to be placed in court must be monitored and their mental health must be avoided, as this can lead to new problems for the child, making them difficult to change and correct, potentially impacting their future.

3. **Courts**
   a. Juvenile trials are closed to the public. Due to the sensitive nature of the matter, the child's identity must be kept confidential, regardless of whether the child is the perpetrator, victim, or witness. The child's identity must be kept confidential and must not be made public or made public.
   b. The judge must consider the social report before issuing a decision. This report, taking into account the child's circumstances, background, family background, and other factors, can serve as a basis for determining whether the child should be punished or not, and is based on their readiness to be admitted to a special child care institution.

This authority is based on the judge at the top of the leadership of the court in determining the appropriate punishment or sanction given to the perpetrator, meaning whether in reality the child should be punished if he does not get diversion, the judge should also be able to continue whether the child is appropriate to be punished or not even though it is his first time committing a crime with a penalty of more than 7 (seven) years and is not a repeat, the child should not be punished at all for the type and form of crime committed due to his position as a child. (Hermawan et al. 2021). This is closely related to deviations or crimes from children which are triggered or studied by several theories such as:

a. Differential Association Theory proposed by Edwin H. Sutherland in stating that deviant behavior is learned by children from their closest social environment and social interaction process (from family, media and friends), where children can learn over a long period of time and duration so that it can result in children experiencing bad changes where in its implementation there needs to be in-depth supervision which is the task of parents and friends and the media in relationships with children and the media that disseminates good information.
b. The Social Control Theory, proposed by Travis Hirschi, explains that delinquency occurs due to weak social bonds and institutional control (lack of supervision, broken homes, and failing schools), where individuals focus on obeying the law rather than breaking it. This theory states that deviance occurs when a person's bonds are weakened or severed.

Based on the aforementioned theory, judges should be able to consider whether a child has committed a crime or is in conflict with the law, so they can determine whether or not to punish the child and whether or not to place him in prison.

d. Obstacles faced regarding legal protection for children in conflict with the law from the perspective of child criminology

From the perspective of child criminology, legal protection for Children in Conflict with the Law (ABH) often experiences a gap between the aspects of das Sollen (the law as envisioned) and das Sein (the empirical facts in the field). Child criminology only views actions as violations of the law, which children consider a manifestation of social failure and control, deviant subcultures, and stigmatization in their environment where children live, play, and even gain knowledge or study. (Farhana et al, 2025) From a legal, criminological perspective, there are several major obstacles to implementing legal protection for children with disabilities (ABH) in Indonesia, namely:

1. Structural Obstacles (Law Enforcement Officials) Law enforcement officials (APH) are also required to possess specialized competencies, but in reality, many still face substantial obstacles, such as:
   a. limitations in the quantity and quality of child-friendly APH, not all investigators, prosecutors, and judges have special certification through the juvenile justice system, sometimes conventional-retributive (revenge) is the approach used and also ignores the principle of the best interests of the child, often treating children as adults and in their placement combining children with adults in the same prison cell, of course this is the same as a violation committed by APH (Mansyur et al, 2025). due to ignorance, as well as lack of understanding or other reasons that are already included in violations. Therefore, it is very necessary to have a legal basis for certification of child law enforcers based on the rules, namely in the UUU SPPA itself and Presidential Regulation Number 175 of 2014 concerning Integrated Education and Training for Law Enforcers which specifically regulates the obligation of training and certification for law enforcement officers who handle child cases. Law enforcers are required to have a special certification because it is a legal basis in law enforcement which is based on the competence of child judges and child investigators and also includes child

prosecutors and the specific purpose of the approach to justice which is restorative in nature and in particular its clear understanding and the existence of special assistance, so that children are often treated as adults without paying attention to the existing rules and it is still found that there are courts and placement of children in adult cells.

b. Weak Interinstitutional Coordination: The diversion process requires close synergy between investigators, public prosecutors, judges, community counselors (BAPAS), and social workers. This lack of synchronization often hinders the fulfillment of children's procedural rights, which include:
   a. Differences in Standards of Understanding (disharmony of perspective), where law enforcement officers (police and prosecutors) often prioritize conventional criminal procedures, while Community Guidance Officers (BAPAS) and social workers focus purely on the principles of restorative justice and rehabilitation.
   b. Inconsistency in case handling time (procedural time limit), the process called diversion will be limited by a very tight time according to the law, but the slow transfer of files or coordination of scheduling of inter-agency deliberations often causes the time limit to be exceeded (Mahfud & Borman, 2025)
   c. limited human and geographical resources, the number of community counselors (PK BAPAS) and social workers is not commensurate with the high number of cases, the large work area often causes assistance to be delayed
   d. Weak integrated file system, there are still cases where data on Children in Conflict with the Law (ABH) is not well integrated between investigators, prosecutors, and the courts, resulting in miscommunication in the implementation of the diversion stage, where in practice various things are often found such as: no synchronization of case data, the status of the diversion is recorded differently and is still manual, coordination from institutions and access to real-time information is still lacking, thus having a negative impact on the diversion stage, due to the late implementation of the diversion itself, data and documents are repeated, the child's case is unclear, exceeding the time limit will result in the failure of the potential for diversion, the best interests of the child are reduced in obtaining dispute resolution

2. Social Cultural Barriers (Society and Victims)
   Criminological theory emphasizes that societal stigma drives high rates of recidivism (repeated criminal acts) among children, leading to a rejection of restorative justice. Victims' families and the majority of society remain trapped in a retributive paradigm, which prioritizes retribution rather than guidance. This has the worst consequences for children's development, where justice is measured by the severity of the perpetrator's sentence, imprisonment, or placement in a correctional facility (LPKA). This triggers the rejection of diversion agreements, forcing children into formal justice. The theory of labeling (stigmatization) tends to assign a permanent negative label to children with disabilities (ABH). Based on a criminological approach, this labeling damages children's self-concept and also pushes them into a secondary criminal subculture due to rejection from a social environment that is considered adequate and appropriate. This, of course, becomes a concern for children, leading them to frequently commit unlawful acts (Atika et al. 2017).
3. Legal Substance Obstacles There are normative loopholes or rigid limitations in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA). The rigid threshold for diversion, based on Article 7 paragraph (2) of the Law, requires diversion only if the crime committed is punishable by imprisonment of less than 7 years and is not a repeat offense. This legalistic obstacle closes the opportunity for restorative resolution for children who commit serious crimes due to pressure, circumstances, or even manipulation by adults, resulting in violations of child protection. The rigid nature of this law will result in children being denied their rights in relation to child protection, which guarantees their rights to live a decent life and be able to grow and develop, which certainly prevents will ignore the principles of children and their protection as stated in the regulations, namely non-discrimination and respect for children's opinions, all of which must be known by adults, including their parents, most importantly, followed by teachers and the community.
4. Infrastructure Constraints (Infrastructural/Substantive Facilities)
   Child criminology emphasizes the importance of environmental rehabilitation. However, institutional facilities in Indonesia are still very limited due to the lack of Special Support Institutions and the availability of institutions mandated by the Child Protection Law, such as Special Child Development

Institutions (LPKA), Temporary Child Placement Institutions (LPAS), and Social Welfare Institutions (LPKS), is not evenly distributed across all districts/cities. As a result, during the transition period (Ristama & Nugroho 2026), where juvenile justice is often still found, child prisoners are placed in adult detention centers (rutan), which risks the transmission of criminality (crimetogenic effect) from adult prisoners to children, which is a serious problem in the juvenile criminal justice system due to the following obstacles or barriers:

a. Limitations of special child care institutions: In many areas, the number of Special Child Care Institutions (LPKA) is still limited. As a result, children in conflict with the law are often placed in prisons or detention centers designated for adults due to the lack of or availability of special facilities for children in those areas.
b. The lack of separate rooms, despite regulations requiring the separation of juvenile and adult inmates, has resulted in many prisons experiencing overcrowding, resulting in unavailability or inadequate space for juveniles (Lubis et al., 2025). This situation can increase the risk of inappropriate interactions between juveniles and adult inmates.
c. Recreational and development facilities are severely limited, as children need the resources to grow and develop, such as sports fields, play areas, counseling rooms, and creative activities. Adult prisons are generally designed to serve as punishments for adults, so there are inadequate facilities.
d. Health and psychological services also have limitations, as children may require physical and mental health services that are developmentally appropriate. However, adult prisons often lack child psychologists, specialized counselors, or specially designed rehabilitation programs tailored to the needs of children.
e. Overcrowding and poor living conditions have resulted in many adult prisons experiencing problems and overcrowding. Such conditions can lead to cramped living spaces, poor sanitation, and limited access to basic necessities, all of which have a significant impact on child development and health (Nurillah et al., 2023).
f. In fact, there is a shortage of juvenile officers, while adult correctional officers are generally trained to handle adult inmates. Therefore, the limited number of officers with the competence to protect children and their approach to child development will hinder the provision of treatment that aligns with the principle of the best interests of the child.
g. Violence and negative influences are often at risk, where the security infrastructure is not specifically designed for children and can increase the risk of physical, verbal and sexual violence, where children can potentially be exposed to criminal perpetrators and also the culture of adult prisons and can also hinder the rehabilitation process.

Conclusion

1. The implementation of legal protection for children in conflict with the law from a child criminology perspective is based on the principle of the child's best interests, including diversion, special assistance, special treatment in the judicial process, rehabilitation guidance, and a prohibition on stigmatization.
2. Obstacles faced in legal protection for children in conflict with the law from a child criminology perspective include structural constraints within law enforcement agencies, social culture, legal substance, and infrastructure.

References

Atika, C. A., & Abduh, R. (2026). Legal Protection For Children In Conflict With The Law: A Comparative Study Of Law Number 11 Of 2012 And The Juvenile And Family Court ACT B.E. 2553. *JHSS (Journal of Humanities and Social Studies)*, *10*(1). https://doi.org/10.33751/jhss.v10i1.65

Atmasasmita, R. (2007). *Teori dan Kapita Selekta Kriminologi*. PT. Refika Aditama. Bandung

Cahyani, C.A. (2025). Analisis Pertanggungjawaban Pidana terhadap Anak di bawah Umur sebagai Pelaku Pembunuhan Berencana. *Jurisprudensi: Jurnal Ilmu Hukum.* 2 (2), 167–182. https://doi.org/10.70193/jurisprudensi.v2i02.04

Dewi.S., D., & Syukur, F. A. (2011). Mediasi Penal: Penerapan Restorative Justice di Pengadilan Anak Indonesia. Indie Publishing, Depok

Farhana., Mintarsih, M., & Miskiah, S. (2025). Child Rights Perspective Against Children In Conflict With The Law. *AMCA JOURNAL of COMMUNITY DEVELOPMENT*, 5 (1). 5-9. https://doi.org/10.51773/ajcd.v5i1.212

Hayatuddin, K., Zahri, S., Kurnianda, S.I., & Is, M.S. (2024). Anak Yang Berkonflik Dengan Hukum Berdasarkan Prinsip Kepentingan Terbaik Bagi Anak. *Jurnal Yudisial.* 17 (3). 403-424. http://dx.doi.org/10.29123/jy.v17i3.687

Hermawan, D., Sahari, A., & Fauzi, A. (2021). Pertanggungjawaban Pidana Anak Sebagai Pelaku Tindak Pidana Kekerasan Seksual. *Legalitas: Jurnal Hukum.* 13(2), 98–107. http://dx.doi.org/10.33087/legalitas.v13i2.265

Hidayat, B. (2010). *Pemidanaan Anak Di Bawah Umur.* Alumni. Bandung

Hutasoit, F. F., Sulistyawati, S., & Pakpahan, K. (2026). Criminological Aspects Of The Crime Of Murder Committed By A Child Against Biological Parents : (Study of Decision Number 3/Pid.Sus-Anak/2022/PN Bnt). *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, *8*(1), 75–88. https://doi.org/10.37680/almanhaj.v8i1.8922

Latumahina, E. J., & Sakalessy, A. (2024). Synergy Between Legal and Child Protection Agencies in Juvenile Justice: Sinergitas Lembaga Hukum dan Perlindungan Anak dalam Peradilan Anak. *Indonesian Journal of Innovation Studies*, 26(1), 1-7. https://doi.org/10.21070/ijins.v26i1.1313

Lubis, S.A., Rahmat, S.N., & M. Raihan, R. (2025). Kajian Kriminologi Terhadap Tindak Pidana Penelantaran Anak. *Iuris Studia Jurnal Kajian Hukum,* 6 (3), 995-999. https://doi.org/10.55357/is.v6i3.1146

Mahfud, T.A. & Borman, M.S. (2025). Justice and Justice: A Study of the Role of Judges in Answering Society's Need for a Fair Law. *Journal of Law, Politic and Humanities*, *5*(6), 5147–5154. https://doi.org/10.38035/jlph.v5i6.2360

Mansyur, M., Wahyuningsih, S., Hanim, L., & Isnawati, I. (2025). The Reconstruction of Legal Protection Regulations for Children in Conflict with the Law in the Indonesian Criminal Justice System Based on the Values of Justice. *International Journal of Social Science Research and Review*, *8*(7), 1-13. https://doi.org/10.47814/ijssrr.v8i7.2731

Marhayani, C., Rindiani, A., Sukrisno, W.H., Thamrin, H., & Imanuddin, M. (2024). Analisa Yuridis Tentang Definisi Anak Dalam Hukum Positif Di Indonesia. *Jurnal Legalitas.* 2 (2), 60-72. https://doi.org/10.58819/jle.v2i2.122

Nurillah, I., Windi, A., Santi, I., & Novita, V. (2023). Perlindungan Hukum Terhadap Anak Yang Berkonflik dengan Hukum. *LEX LIBRUM Jurnal Ilmu Hukum*, 10 (1), https://doi.org/10.46839/lljih.v10i1.822

Patrycia, S., Gialdah, T. B,. & Faris, F. Jodi,. (2024). Implementasi Pendampingan Anak Berkonflik Hukum Dalam Pelaksanaan Proses Penegakan Hukum Berdasarkan Sistem Peradilan Pidana Indonesia. *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan Masyarakat*, *2*(01). 1-25. https://journal.forikami.com/index.php/dassollen/article/view/604

Ristama, Y., & Nugroho, H. (2026). Diversion Process as a Transformative Reform of the Criminal Justice System for Children in Conflict with the Law. *Jurnal IUS Kajian Hukum Dan Keadilan*, *14*(1), 57–73. https://doi.org/10.29303/ius.v14i1.1941

Rahmayanti. 2023. Kajian Kriminologi Terhadap Anak (Pelaku) Tindak Pidana Pencurian Sepeda Motor Dengan Kekerasan. *JURNAL HUKUM, POLITIK DAN ILMU SOSIAL*, *2*(3), 290–299. https://doi.org/10.55606/jhpis.v2i4.2629

Sihombing, R.C., Marlina., & Yati, S.D. (2026). Penjatuhan Pidana Penjara Terhadap Anak Pelaku Tindak Pidana Persetubuhan Yang Berusia di Bawah 14 Tahun Studi (Putusan Pengadilan Negeri Padangsidimpuan Nomor 6/Pid.Sus-Anak/2023/PN Psp). *Unes Law Review.* 8 (4). 1232-1246. https://doi.org/10.31933/5c140191

Soetedjo, W., & Melani, M. (2017). *Hukum Pidana Anak.* PT Refika Aditama, Bandung

Wahyudi, T.S., & Kushartono, T. (2020). Perlindungan Hukum Terhadap Hak Anak Yang Menjadi Korban Perlakuan Tindak Kekerasan Dalam Rumah Tangga Dihubungkan Dengan Undang-Undang Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak. *Jurnal Dialektika Hukum.* 2 (1). 57-82. https://doi.org/10.36859/jdh.v2i1.510

Wardani, S. S. E., & Apriyani, M. N. (2025). Tinjauan Yuridis Pelaku Penyertaan Tindak Pidana Kekerasan Terhadap Anak Yang Menyebabkan Kematian (Putusan Nomor 331/Pid. sus/2023/PN MJK). *Gorontalo Law Review.* 8 (1), 48-59. https://doi.org/10.32662/golrev.v8i1

Zebua, S.S., Niru, A.S. (2024). Perspektif Kriminologi Terhadap Anak Pelaku Tindak Pidana Perundungan Di Indonesia. *Jurnal Ilmiah Hukum Dirgantara*. 14 (2). 1-25. https://doi.org/10.35968/jihd.v14i2
https://badilum.mahkamahagung.go.id/attachments/article/4857/Infografis%20Anak%20Berhadapan%20Dengan%20Hukum.pdf diakses 31 Mei 2026 Jam 14.00 WIB
Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia
Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak
Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak