

LEGAL ANALYSIS OF THE TWO-TRACK SENTENCING SYSTEM FOR CHILDREN COMMITTED AGGRAVATED THEFT IN THE JUVENILE CRIMINAL JUSTICE PROCESS (STUDY OF DECISION NUMBER 1/PID.SUS-ANAK/2025/PN SGL)

Agusto Imanuel¹Muhamad Adystia Sunggara² Enny Agustina³
Universitas Pertiba

Received : 01 August 2025
Revised : 15 August 2025
Accepted : 11 September 2025

Published : 20 September 2025
DOI : <https://doi.org/10.54443/morfai.v5i3.4082>
Link Publish : <https://radjapublika.com/index.php/MORFAI/article/view/4082>

Abstract

Children are a national asset whose existence is crucial to ensuring the survival of a nation. Therefore, to support this goal, the future of children and their livelihood security must be considered from all aspects, from economics to education to health, and most importantly, legal protection. Legal protection is paramount because today many children are involved in criminal acts, resulting in their status changing to children in conflict with the law, and many are sentenced to prison in Child Development Institutions. This has the potential to threaten the continuity of children's access to educational rights. It must be understood that fostering in a foster institution does not necessarily break the chain of recurrence of criminal acts by children, and placement of children in foster institutions also has the potential to increase the state's financial burden and may lead to overcapacity in society. Therefore, Indonesia is slowly trying to implement a double-track criminal justice system to accommodate the interests of children in conflict with the law so that their rights are still fulfilled. As an analysis of this system, the author attempted to conduct research on the Sungailiat District Court Decision Number 1/Pid.Sus-Anak/2025/PN Pgp. Using a normative legal research method, the author attempts to examine the application of two criminal justice systems in handling juvenile cases. Through a literature review of the collected legal materials, the author found that implementing two criminal justice systems in handling juvenile cases is not easy. Many factors must be ensured for the success of these two criminal justice systems. The child's age as a tool to identify children who may be subject to imprisonment or other criminal penalties, analysis of the community guidance research report, criminal threats against children, a description of the public prosecutor's demands outlining sanctions for the action, the availability of supporting facilities and the budget for implementing the action against the child. Each component supports each other, and if one component is not met, the two-track criminalization formulation cannot be implemented. And this occurs in case handling. Sungailiat District Court Decision Number 1/Pid.Sus-Anak/2025/PN Pgp which ultimately cannot apply the decision to take action against the child even though the conditions for the child to be subject to action have been fulfilled in terms of the actions and the threat of punishment imposed on the child.

Keywords: *Child Criminalization, Imprisonment, Action*

1. Introduction

Children are a national asset whose existence is crucial to ensuring the survival of a nation. Therefore, to support this goal, children's future and livelihood security must be considered in all aspects, from economics to education to health, and most importantly, legal protection. Legal protection is paramount because today many children are involved in criminal acts, resulting in their status changing to that of children in conflict with the law, and many are sentenced to prison in Child Development Institutions. This has the potential to threaten children's continued access to their right to education. It must be understood that fostering in a foster institution does not necessarily break the chain of recurrence of criminal acts by children, and placing children in foster institutions also has the potential to increase the state's financial burden and may even lead to overcapacity in society. Therefore,

¹ Mahasiswa Program Magister Ilmu Hukum Universitas Pertiba

² Dosen Ilmu Hukum Universitas Pertiba

³ Dosen Ilmu Hukum Universitas Pertiba

**LEGAL ANALYSIS OF THE TWO-TRACK SENTENCING SYSTEM FOR CHILDREN COMMITTED AGGRAVATED THEFT IN THE JUVENILE CRIMINAL JUSTICE PROCESS
(STUDY OF DECISION NUMBER 1/PID.SUS-ANAK/2025/PN SGL)**

Agusto Imanuel et al

Indonesia is slowly trying to implement a double-track criminal justice system to accommodate the interests of children in conflict with the law so that their rights are still fulfilled. The underlying rationale for the emergence of the double-track sentencing system is the desire to equalize criminal sanctions and disciplinary sanctions. This concept can be seen in the developments in the Indonesian criminal justice system, ranging from classical, modern, and neo-classical schools. This sentencing system was formulated to ensure that punishment for children is beneficial and, in the hope of discouraging them from committing further crimes.⁴ In its application, the double track system requires that criminal sanctions be given to children according to the actions they have committed, and should be of a developmental nature and provide education for children so they do not repeat the same crime. In practice, this system can theoretically be applied to children who commit repeat crimes (recidivism) by taking into account all aspects that cause children to commit crimes, including the child's psychological aspects, environmental conditions, and parental supervision. It is emphasized again that the study of the causes of children committing crimes is related to the type of punishment that will be given to children. In this case, the double track system emphasizes that development (treatment) must be given to children in addition to criminal sanctions.⁵ One important thing that must be understood from the double track system is that this criminal system can be imposed on both or only one can be chosen to be applied to children. This is what the author explained after reading the provisions of Article 5 paragraph (2) letter c of Law Number 11 of 2012 concerning the Juvenile Justice System (Law No. 11 of 2012) which states that guidance, mentoring, supervision, and/or assistance during the process of implementing the criminal or action and after serving the criminal or action. This provision is further clarified in Article 69 paragraph (1) of Law No. 11 of 2012 which states that children can only be sentenced to criminal penalties or subjected to action based on the provisions in this law.

Based on the discussion above, the author believes that the implementation of the double track system must be reviewed on a case-by-case basis because each case involving children has different characteristics so that analysis of the case is very important to avoid mistakes in applying punishment, especially the application of the double track system. One example of a case that deserves to be analyzed in the implementation of the two-track punishment system is in the case of aggravated theft committed by a child (Decision Number 1 / Pid.Sus-Anak / 2025 / PN Pgp). In this case, the author believes that the child is still possible to be given sanctions in the form of guidance or social work which is the core of the implementation of the double track system. However, the application of the decision, the child is still placed in a Guidance Institution even though for a short period of only 1 month and 2 days, but there are still children's rights that must be guaranteed and there is also an obligation to improve the child's skills so that they no longer commit the crime of aggravated theft. The application of the law applied in Decision Number 1/Pid.Sus-Anak/2025/PN Sgl creates a gap in the implementation of the provisions in Law Number 11 of 2012. The judge should be able to directly choose an action sanction only if the analysis leads to the consideration that the crime committed by the child is not a serious crime. This is a crucial point the author wishes to examine, ensuring that all parties have a shared understanding of the application of the double-track system in criminal cases involving children. Based on the background outlined by the author, two problem formulations must be addressed in this paper:

1. How is the Two-Track Sentencing System Formulated for Children Who Commit Aggravated Theft in the Juvenile Justice System?
2. How is the Two-Track Sentencing System Implemented for Children Who Commit Aggravated Theft in Decision Number 1/Pid.Sus-Anak/2025/PN Sgl?

2. Research methods

The research method used in writing this journal is the normative juridical research method. Normative juridical research is a research process carried out to examine law as norms, rules, legal principles, legal doctrines, legal theories and other literature to answer the problems studied. Thus, normative research is a research method that is more directed at document studies that use legal material sources in the form of laws and regulations, court decisions/rules, contracts/agreements, agreements, principles, legal principles, legal theories, and doctrines (opinions of legal experts).⁶ Normative legal research focuses more on the scope of legal concepts, legal principles, and legal

⁴A. Syakrin, "Formulation/Model of the Child Criminalization System in Indonesia", *Mimbar Yustitia*, 2(2), pp. 121-141

⁵Andi Vickariaz Tabriah, Said Sampara, Ahyuni Yunus, "The Effectiveness of Law Enforcement Against Children as Repeat Offenders", *Journal of Lex Generalis*, 2(1), 2021, p. 20

⁶Muhaimin, *Legal Research Methods*, (Mataram: Mataram University Press, 2020), p. 48

**LEGAL ANALYSIS OF THE TWO-TRACK SENTENCING SYSTEM FOR CHILDREN COMMITTED AGGRAVATED THEFT IN THE JUVENILE CRIMINAL JUSTICE PROCESS
(STUDY OF DECISION NUMBER 1/PID.SUS-ANAK/2025/PN SGL)**

Agusto Imanuel et al

rules (regulations), rather than on human behavior that applies regulations or the application of law in its implementation within legal institutions or society. Normative legal research places the normative system as its object of study. The normative system referred to as the object of study is all elements of legal norms that contain values about how humans should behave.⁷

Several elements of legal norms that can be the object of normative legal research are as follows:

- a. Basic norms,
- b. Principles of law,
- c. Legislation,
- d. Regulations of state institutions,
- e. Regulations of legal institutions,
- f. Legal doctrine or teaching,
- g. Agreement document (contract),
- h. Court ruling,
- i. Official decision,
- j. All forms of legal documents that are made formally and have binding legal force

Normative legal research will systematically examine the object based on adherence to the hierarchical legal structure to provide an opinion or legal argument in the form of a prescription or stating what should be based on the applicable legal rules as a judgment on a particular legal event. Based on this explanation, the research conducted by the author focuses on the study of the rules of legislation that regulate the punishment of children in conflict with the law normatively to then analyze its actual implementation as contained in the Sungailiat District Court Decision Number 1/Pid.Sus-Anak/2025/PN Sgl.

Thus, the approach used in writing this journal is as follows:

1. Statutory regulatory approach

The statutory approach is carried out by analyzing laws and regulations that are relevant to the legal issue being discussed. This approach is used by the author because the legal issue discussed is related to the application of criminal penalties to children in conflict with the law who can be subject to criminal action and/or corporal punishment. The Juvenile Criminal Justice System Law provides space for children in conflict with the law who commit crimes with the threat of relatively light penalties to be sentenced to action. However, when applied, judges prefer to impose punishment in the form of placement in a Special Child Development Institution. Through the statutory approach, the author will be able to examine whether the judge's decision is in accordance with the norms contained in the Juvenile Criminal Justice System Law and provide efforts that can be taken to overcome such situations and minimize them.

2. Case Approach

This approach is carried out by analyzing cases related to the issue at hand and which have become legally binding court decisions. Therefore, the author will analyze Sungailiat District Court Decision No. 1/Pid.Sus-Anak/2025/PN Sgl as a decision that imposes a prison sentence on a child, even though the legal threat to the child could potentially result in a decision in the form of action. This is what the author aims to examine.

The legal materials used in this study consist of primary and secondary legal materials. Primary legal materials consist of laws and regulations, official treatises, court decisions, and official state documents. Secondary legal materials consist of law books, legal journals containing basic principles (legal principles), the views of legal experts (doctrines), legal research results, legal dictionaries, legal encyclopedias, and legal documents.⁸ The primary legal materials used in writing this research are laws and regulations, namely the 1945 Constitution of the Republic of Indonesia, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Government Regulation of the Republic of Indonesia Number 58 of 2022 concerning Forms and Procedures for the Implementation of Criminal Procedure and Actions Against Children, Sungailiat District Court Decision Number 1/Pid.Sus-Anak/2025/PN Pgp, While the secondary legal materials used in this research are law books related to the issues discussed, as well as reputable law journals, or other legal literature that supports the analysis and problem solving of the legal issues

⁷Ibid, p. 52

⁸Peter Mahmud MZ, Legal Research, (Prenada Media: Jakarta), 2005, pp. 141-169

**LEGAL ANALYSIS OF THE TWO-TRACK SENTENCING SYSTEM FOR CHILDREN COMMITTED AGGRAVATED THEFT IN THE JUVENILE CRIMINAL JUSTICE PROCESS
(STUDY OF DECISION NUMBER 1/PID.SUS-ANAK/2025/PN SGL)**

Agusto Imanuel et al

discussed. In normative legal research there are 3 (three) types of secondary legal data collection methods in the form of primary legal materials and secondary legal materials, namely:

- a. Bibliography study
- b. Document study
- c. Archive study (file or record study)⁹

Literature review is the study of written information related to law originating from various sources and widely published, and is needed in normative legal research. This written information includes:

1. The state lawmakers, their legal products are called statutory regulations;
2. Courts, the legal product is in the form of a judge's decision or can also be in the form of jurisprudence;
3. The parties who are interested in legal products in the form of contracts, conventions;
4. Legal writer, whose legal products are in the form of books;
5. Legal researchers produce legal products in the form of legal research reports published in legal journals;
6. Legal observers whose legal products are called legal reviews which are in print media¹⁰

Thus, the data collection method chosen by the author in this research is to conduct a literature study with the following steps;

1. Identifying sources of legal materials obtained from offline and online libraries and reputable journals;
2. Inventory the legal materials obtained;
3. Record and quote the necessary legal materials on the required note sheets;
4. Analyze the legal materials obtained according to the research problems and objectives.

3. Discussion

3.1 Formulation of a Two-Track Criminalization System for Children Who Commit Aggravated Theft in the Juvenile Justice System

The dual-track sentencing system is enshrined in Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System. The threat of two types of criminal sanctions is a dual-track system that regulates both criminal sanctions and actions. Implementing this system is expected to provide fairer sanctions for perpetrators, victims, and the community.¹¹ The provisions for imposing criminal action also contain several provisions related to whether or not a decision can be made to impose a criminal action on a child based on the categories as referred to in Article 69 paragraph (2) of the Child Criminal Justice System Law (SPPA Law), which states that children who are under 14 (fourteen) years of age can only be subject to criminal action.

Age is a crucial factor in determining a person's age of criminal responsibility. For children, the age of criminal responsibility only applies to people aged between 12 (twelve) and 18 (eighteen) who commit a crime. This regulation is the same as that stipulated in the SPPA Law. Article 1 number 3 of the SPPA Law provides a minimum age limit for responsibility for children who have reached the age of 12 but are not yet 18 years old. The determination of the age of 12 is based on Constitutional Court Decision No. 1/PUUVIII/2010, which in its considerations stated that it is necessary to set an age limit for children to protect their constitutional rights, especially the right to protection and the right to grow and develop.¹²

The UN Committee on the Rights of the Child's Conclusions on the Combined Third and Fourth Periodic Reports of Indonesia, or the so-called Committee Conclusions, stated that the Committee welcomed the implementation of the SPPA Law, increasing the minimum age of criminal responsibility and prioritizing the use of restorative justice. However, the Committee underlined the low minimum age of criminal responsibility, which is 12 years old. When viewed from the committee's recommendation journey, based on General Comment No. 10 (2007) on children's rights in juvenile justice, the Committee has recommended increasing the minimum age of responsibility to 14 years, which is the background to the emergence of Article 69 paragraph (2) of the SPPA Law.

⁹ Abdulkadir Muhammad, *Law and Legal Research*, (Citra Aditya Bakti: Bandung), 2004, pp. 81-84

¹⁰ Muhaimin, *Op cit*, p. 65

¹¹ Stanley Oldy Pratasik, "Punishment and Legal Protection for Children Who Become Narcotics Couriers Based on the Republic of Indonesia Law Number 11 of 2012 Concerning the Juvenile Criminal Justice System," *Lex et Societatis* (3),3, 2015, pp. 70-78.

¹² Institute for Criminal Justice (ICJR), *Child Punishment in the Draft Criminal Code*, (South Jakarta: ICJR), 2015, p. 12

**LEGAL ANALYSIS OF THE TWO-TRACK SENTENCING SYSTEM FOR CHILDREN COMMITTED AGGRAVATED THEFT IN THE JUVENILE CRIMINAL JUSTICE PROCESS
(STUDY OF DECISION NUMBER 1/PID.SUS-ANAK/2025/PN SGL)**

Agusto Imanuel et al

Then, in Article 70 of the Child Criminal Justice System Law, it is stated that the lightness of the act, the child's personal circumstances, or the circumstances at the time the act was committed or what happened later can be used as a basis for the judge's consideration not to impose a criminal penalty or to impose measures by considering aspects of justice and humanity. The provisions of Article 70 of the SPPA Law are then followed up by the existence of community counselors who report research reports on children. Community Research Reports (Litmas) play a very strategic role in the juvenile criminal justice process, especially in providing information on the child's personal condition, relationship with family, environment and other matters from the Community Counselor who then plays a role in determining the decision by the judge in criminal cases of children. The SPPA Law requires the presence of litmas in every trial or case of children who are legally void.¹³

Social Affairs, some of these regulations, for example, when investigators, public prosecutors and judges carry out the diversion process, are required to consider the results of social research from the Bapas. Or other provisions such as for the investigation stage, investigators are required to ask for consideration or advice from the Community Supervisor after a crime is reported or complained about, where the results of the Social Research must be submitted by Bapas to the investigator within a maximum of 3 x 24 (three times twenty-four) hours after the investigator's request is received.¹⁴ In addition to the regulations that require the existence of the Community Research, there are also regulations related to Community Research which, if not implemented, can result in the ongoing or ongoing process being "null and void," even this applies to the Judge's decision. It is stated in Article 60 of the SPPA Law, where the Judge is obliged to consider the community research report from the Community Supervisor before issuing a case decision, and if the community research report is not considered in the Judge's decision, the decision is null and void.

From the data obtained, 87% of children are equipped with Litmas, unfortunately there are around 13% of decisions that do not mention Litmas at all or make considerations based on Litmas. Of that number, only 25% where the Judge expressly stated that considering Litmas / Interestingly, although it is very strongly stated in the SPPA Law, as regarding assistance for children, the absence of community research is also not questioned in court proceedings so that it can influence the final court decision. This is also seen when juxtaposed with data showing the absence of Community Guidance in accompanying children who commit crimes in court.¹⁵

The two-track formulation of punishment includes several sanctions for criminal acts committed by children, namely criminal sanctions and criminal sanctions in the form of actions. Both stem from different ideas. Criminal sanctions stem from the basic idea of "why punishment is imposed." Meanwhile, sanctions in the form of actions are based on the basic idea of "what punishment is imposed for." In other words, criminal sanctions are essentially reactive to an act, while sanctions in the form of actions are more anticipatory towards the perpetrator of the act. The focus of criminal sanctions is directed at the wrongful act committed by a person through the imposition of suffering to deter the perpetrator. The focus of sanctions in the form of actions is more directed at providing assistance to the perpetrator so that he or she changes. Thus, it is clear that criminal sanctions emphasize the element of retribution. They constitute suffering intentionally imposed on a violator. Meanwhile, sanctions in the form of actions stem from the basic idea of protecting society and fostering or caring for the perpetrator. As J.E. Jonkers stated, criminal sanctions focus on the punishment applied to the crime committed, while sanctions in the form of actions have a social purpose.¹⁶

"All activities carried out within the framework of this juvenile justice system, whether carried out by the police, prosecutors or other officials, must be based on a principle for the welfare of the child, for the benefit of the child," said Sudarto in an effort to provide protection for children in the judicial process so that the interests and welfare of children are still considered and can be realized. So, judges in imposing penalties or in efforts to formulate considerations in decisions as much as possible based on what is best for the child concerned, of course without ignoring the interests of society.¹⁷ The spirit of the dual-track sentencing formulation is solely in the best interests of the child. Child welfare and the interests of society should not be sacrificed for national or community interests. This is because it can result in additional victims or crimes. According to Arief Gosita, "Obstacles to the provision of child

¹³? Institute for Criminal Justice (ICJR), Study on the Implementation of Handling of Children in Courts Based on the SPPA Law, (South Jakarta: ICJR), 2016, p. 38

¹⁴Ibid, p. 39

¹⁵Ibid

¹⁶JE Jonkers, Dutch East Indies Criminal Manual, (Jakarta: Bina Aksara), 1987, p. 350

¹⁷Sudarto, Law and Criminal Law, (Bandung: Alumni), 2002, p. 140

**LEGAL ANALYSIS OF THE TWO-TRACK SENTENCING SYSTEM FOR CHILDREN COMMITTED AGGRAVATED THEFT IN THE JUVENILE CRIMINAL JUSTICE PROCESS
(STUDY OF DECISION NUMBER 1/PID.SUS-ANAK/2025/PN SGL)**

Agusto Imanuel et al

welfare, taking into account the interests of children's welfare and national interests, a just and prosperous society, both spiritually and materially, is a deviation containing criminological and victimological factors."¹⁸ In Article 82 paragraph (1) of the Child Criminal Justice System Law, several sanctions for actions against children have been formulated, namely:

- a. return to parents/guardians;
- b. surrender to someone;
- c. treatment in a mental hospital;
- d. treatment at LPKS;
- e. obligation to attend formal education and/or training held by the government or private bodies;
- f. revocation of driving license; and/or
- g. corrections due to criminal acts

Then in Article 82 paragraph (2) it is stated that the action as in paragraph (1) is imposed for a maximum of 1 (one) year, then in Article 82 paragraph (3) it is stated that the action can be submitted by the public prosecutor in his/her demands unless the crime is threatened with a minimum prison sentence of 7 (seven) years. In the sense that the limit of the criminal threat committed by the child must be under 7 (seven) years to be able to be charged with action, and that is the condition that allows the child to be sentenced to action. In more detail regarding the imposition of criminal action against children can be analyzed in Government Regulation of the Republic of Indonesia Number 58 of 2022 concerning Forms and Procedures for Implementing Criminal and Actions against Children.

3.2 Implementation of the Two-Track Sentencing System for Children Who Commit Aggravated Theft in Decision Number 1/Pid.Sus-Anak/2025/PN Sgl

Court decisions provide important insights into how Indonesian law handles the criminalization of children. Judges' decisions reflect the judge's ethics, mentality, and morality, as well as the principles of justice, truth, human rights, and ability to master the law and facts in a well-established, competent, and evidence-based manner.¹⁹ To impose a sentence, the judge must consider both legal and non-legal factors. Non-legal factors are those in which the judge considers the background of the defendant's actions and circumstances in a broader sense, while still considering and analyzing the evidence presented at trial.²⁰ In line with prosecution, sentencing remains closely tied to the juvenile justice system. Imprisonment remains the primary option for judges, with 56% of children placed in prison. The length of juvenile sentences varies widely. The most common length of imprisonment is 40–140 days, representing 38% or 23 cases. This is followed by 141–240 days, representing 23% or 14 cases. Some juvenile sentences also extend beyond 941 days, representing 2 years and 6 months, representing 7 cases or 11% of the total number of juvenile cases.²¹

The two-track sentencing formulation can be interpreted as a form of punishment without having to place children in prison or special juvenile development institutions. In general, the existence of alternatives to imprisonment for children is welcomed by law enforcement. Prosecutors and judges have recognized that criminal sanctions against children should truly be a last resort. They recognize that most children who commit crimes are influenced by their environment, which fails to provide a proper education. However, prosecutors and judges actually prefer implementing diversion in resolving juvenile cases when possible. Placing alternatives to imprisonment as a last resort still requires children to go through a challenging criminal justice process.²² Based on various court decisions in cases involving child defendants, the trend of imposing prison sentences remains more popular than other forms of punishment. Prison sentences are the most common sentence imposed, followed by job training, probation, and institutionalized correctional facilities.²³ One of the speakers, representing the Attorney General's Office, acknowledged that non-prison sentences or the imposition of measures against children are still not many. So far, prosecutors, judges, police, and Community Guidance Officers consider the SPPA Law as a "troublesome" law.

¹⁸Rida Kherin Oktavianty, "Policy on Formulating the Threat of Two Types of Criminal Sanctions against Children Who Abuse Narcotics", *Lex Lata Scientific and Legal Journal*, e-ISSN 2657-0343, 2022, p. 244

¹⁹Lilik Mulyadi, *Judge's Decision in Criminal Procedure Law*, (Bandung: Citra Aditya Bakti), 2007, p. 119

²⁰Rusli Muhammad, *Portrait of the Judicial Institution in Indonesia*, (Jakarta: Raja Grafindo Persada), 2006 pp. 124-144

²¹Institute for Criminal Justice (ICJR), *Study on the Implementation of Handling Children in Court*, Op cit, p. 46

²²Institute for Criminal Justice (ICJR), *Non-Imprisonment: Regulations for the Implementation and Projections of Non-Imprisonment in Indonesia*, p. 66

²³Ibid

**LEGAL ANALYSIS OF THE TWO-TRACK SENTENCING SYSTEM FOR CHILDREN COMMITTED AGGRAVATED THEFT IN THE JUVENILE CRIMINAL JUSTICE PROCESS
(STUDY OF DECISION NUMBER 1/PID.SUS-ANAK/2025/PN SGL)**

Agusto Imanuel et al

The state does not provide a sufficient budget to implement it, even though the implementation of this SPPA Law requires large costs, considering the additional needs that must be met, for example the need to carry out diversion, implement Litmas, provide Community Guidance Officers, and finance children who are entrusted to non-government LPKS due to the unavailability of LPAS which should be used as a place to detain children according to the SPPA Law. The minimal budget is not the only problem, the lack of facilities for the implementation of SPPA is also still problematic.²⁴ From a regulatory perspective, the author's observations indicate that the government has indeed fully supported the necessary implementing regulations. The SPPA Law requires the government to create six pieces of material in the form of Government Regulations and two pieces of material in Presidential Regulations. The government has just finalized the substance of these implementing regulations, namely:

- a. PP No. 65 of 2015 concerning Guidelines for the Implementation of Diversion and Handling of Children Under 12 (Twelve) Years of Age, which regulates 2 substances of the Law: Implementation of Diversion and Handling of Children Under 12 (Twelve) Years of Age and Guidance for Children Under 12 Years of Age;
- b. PP No. 8 of 2017 concerning Procedures for Implementing Coordination, Monitoring, Evaluation, and Reporting of SPPA;
- c. PP No. 9 of 2017 concerning Guidelines for Registering Child Cases and Child Victims;
- d. PP No. 58 of 2022 concerning Procedures for the Implementation of Criminal Prosecution and Actions against Children;
- e. Presidential Decree No. 175 of 2014 concerning Integrated Education and Training for Law Enforcement Officers and Related Parties Concerning the Juvenile Criminal Justice System;
- f. Presidential Decree No. 75 of 2020 concerning the Implementation of the Rights of Child Victims and Child Witnesses

Despite the comprehensive regulations, the implementation of criminal sanctions remains suboptimal. A crucial aspect in implementing alternative punishments for children is the Community Assessment (Litmas). Litmas, prepared by the Community Guidance Officer, can indicate whether the child should be sentenced to prison or whether it is possible to avoid it. To date, Community Guidance Officers from the Correctional Institution (Bapas) have complained that judges only view Litmas as a formality and an add-on. This often leads judges in juvenile cases to respond more to prosecutors' demands than to recommendations from Litmas, which have been based on observations.²⁵ The above conditions, based on the author's observations, are in accordance with the handling of the case of Decision Number 1/Pid.Sus-Anak/2025/PN Sgl, in which the public prosecutor did not formulate a demand that the child be subject to action as a form of criminal responsibility for the child. Because the threat of punishment for the child is still under 7 years, and in the judge's decision, the judge only sentenced the child to 1 (one) month and 2 (two) days in prison at LPKA Pangkalpinang. The child should be subject to action only so that he can be guided without having to be imprisoned. In this case, the author also suspects that the results of the community research were not taken seriously by the prosecutor and the judge. This is a dilemma because if the child is placed outside the institution, the judge must also consider the availability of the budget to provide guidance to the child without having to be imprisoned. This situation has provided a sufficient picture for the author to provide the necessary suggestions and recommendations in the application of these two criminal paths in handling child cases so that conditions such as the handling of the case of Decision Number 1/Pid.Sus-Anak/2025/PN Sgl do not recur.

4. Conclusion

Based on the analysis of the discussion that has been carried out on the two problem formulations, the author outlines the following conclusions:

That in the formulation of two lines of criminal justice for handling child cases, several crucial things must be taken into account in its implementation so that it can be implemented, namely the age of the child as a tool to identify children who can be subject to imprisonment or action, analysis of the research report of the community guidance, criminal threats against children, description of the demands of the public prosecutor which outlines sanctions for action, availability of supporting facilities and budget in implementing action against children. Each component supports each other, and if one of the components is not fulfilled then the formulation of two lines of criminal justice cannot be implemented. That the two-track sentencing system was not applied in Decision Number

²⁴Ibid, p. 67

²⁵Ibid

**LEGAL ANALYSIS OF THE TWO-TRACK SENTENCING SYSTEM FOR CHILDREN COMMITTED AGGRAVATED THEFT IN THE JUVENILE CRIMINAL JUSTICE PROCESS
(STUDY OF DECISION NUMBER 1/PID.SUS-ANAK/2025/PN SGL)**

Agusto Imanuel et al

1/Pid,Sus-Anak/2025/PN Sgl because the prosecutor did not explain in the charges related to actions against the child, plus it is suspected that the judge did not pay enough attention to the research report of the community counselor, which resulted in the child being sentenced to prison at the Special Child Development Institution.

5. Recommendation

The government needs to prioritize children in vulnerable age groups. Maximizing efforts are needed to minimize their involvement in criminal activity. All law enforcement officials need to encourage improvements in resources, infrastructure, and capacity building for community-based research, specifically community counselors who develop community-based research. Investigators, prosecutors, and judges also need to be equipped with an understanding of community research. Most importantly, all stakeholders must monitor judicial practices to optimize the role of community-based research.

REFERENCES

- Institute Criminal For Justice (ICJR), 2015, *Pemidanaan Anak dalam Rancangan KUHP*, Jakarta Selatan
- Institute Criminal For Justice (ICJR), 2016, *Studi Implementasi Penanganan Anak di Pengadilan berdasarkan UU SPPA*, Jakarta Selatan,
- Institute Criminal For Justice (ICJR), *Hukuman Tanpa Penjara Pengaturan Pelaksanaan dan Proyeksi Pemidanaan Non Pemenjaraan di Indonesia*
- Jonkers, J.E, 1987, *Buku Pedoman Pidana Hindia Belanda*, Jakarta, Bina Aksara
- Muhaimin, 2020, *Metode Penelitian Hukum*, Mataram, Mataram University Press
- Muhammad, Abdulkadir, 2004, *Hukum dan Penelitian Hukum*, Citra Aditya Bakti, Bandung)
- Mulyadi,Lilik, 2007, *Putusan Hakim Dalam Hukum Acara Pidana*, Bandung, Citra Aditya Bakti
- MZ, Peter Mahmud, 2005, *Penelitian Hukum*, Prenada Media, Jakarta
- Oktavianty, Rida Kherin, 2022 , “ Kebijakan Formulasi Pengancaman Dua Jenis Sanksi Pidana terhadap Anak Pelaku Penyalahgunaan Narkotika”, *Jurnal Ilmiah dan Hukum Lex Lata*, e-ISSN 2657-0343
- P, Stanley Oldy 2015 , “Pemidanaan dan Perlindungan Hukum Terhadap Anak yang Menjadi Kurir Narkotika Berdasarkan Undang-Undang Republik Indonesia Nomor 11 tahun 2012 Tentang Sistem Peradilan Pidana Anak,” *Lex et Societatis* (3),3
- Rusli Muhammad, 2006, *Potret Lembaga Pengadilan di Indonesia*, Jakarta, Raja Grafindo Persada
- Sudarto, 2002, *Hukum dan Hukum Pidana*, Bandung, Alumni
- Syakrin , A., 2022, “ Formulasi/Model Sistem Pemidanaan Anak di Indonesia”, *Mimbar Yustitia*, 2(2)
- Tabriah, Andi Vickariaz Said Sampara, Ahyuni Yunus, 2021 “ Efektivitas Penegakan Hukum terhadap Anak sebagai Pelaku Tindak Pidana yang Berulang”, *Journal of Lex Generalis*, 2(1)
- Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak
- Peraturan Pemerintah Republik Indonesia Nomor 65 Tahun 2015 tentang Pedoman Pelaksanaan Diversi Dan Penanganan Anak Yang Belum Berumur 12 (Dua Belas) Tahun), yang mengatur 2 substansi UU: Pelaksanaan Diversi Dan Penanganan Anak Yang Belum Berumur 12 (Dua Belas) Tahun) dan Pembimbingan anak belum berumur 12 tahun
- Peraturan Pemerintah Republik Indonesia Nomor 8 Tahun 2017 tentang Tata Cara Pelaksanaan Koordinasi, Pemantauan, Evaluasi, dan Pelaporan SPPA
- Peraturan Pemerintah Republik Indonesia Nomor 9 Tahun 2017 tentang Pedoman Register Perkara Anak dan Anak Korban
- Peraturan Pemerintah Republik Indonesia Nomor 58 Tahun 2022 Tentang Tata Cara Pelaksanaan Pidana dan Tindakan terhadap Anak
- Peraturan Presiden Nomor 175 tahun 2014 tentang Pendidikan Dan Pelatihan Terpadu Bagi Penegak Hukum dan Pihak Terkait Mengenai Sistem Peradilan Pidana Anak
- Peraturan Presiden Nomor 75 Tahun 2020 tentang Pelaksanaan Hak Anak Korban dan Anak Saksi
- Putusan Pengadilan Negeri Sungailiat Nomor 1/Pid.Sus-Anak/2025/PN Pgp